

CITY OF ALAMEDA ORDINANCE NO. 3077
New Series

AMENDING SECTION 30-2 OF THE ALAMEDA MUNICIPAL CODE
TO ALLOW COTTAGE FOOD OPERATIONS AS REQUIRED BY AB
1616, ALLOW ALL HOME OCCUPATIONS TO INCLUDE UP TO
ONE EMPLOYEE AND DELETE REFERENCE TO EXCESSIVE
PEDESTRIAN TRAFFIC

WHEREAS, the State Legislature has adopted a new law, AB 1616, that requires all cities and counties in California to allow cottage food operations to produce and sell certain foods from residences, including homes and apartments, as a permitted use in residential areas, subject only to reasonable regulations; and

WHEREAS, the Alameda Municipal Code (AMC) Section 30-2 regulates Cottage Food Operations and other home-based business in the Home Occupation section of the AMC; and

WHEREAS, AB 1616 requires that cities allow Cottage Food Operations to include up to one employee; and

WHEREAS, the AMC Section 30-2 prohibits non-household member employees in home occupations; and

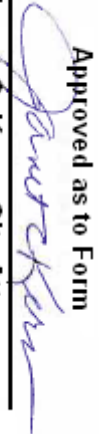
WHEREAS, the City of Alameda wishes to support cottage food operations and other small home-based businesses to support the local economy, increase employment opportunities, and allow Alameda residents to build and grow new businesses; and

WHEREAS, the project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15305, Minor Alterations in Land Use Limitations, as the change in the home occupation regulations is a minor alteration of a land use limitation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that by four affirmative votes that:

Section 1. SECTION 30-2 of the Alameda Municipal Code is hereby amended to read as follows:


Home occupation shall mean any use customarily carried on within a dwelling, rear or side yard areas, or accessory buildings, by the inhabitants thereof, and which use is incidental to the residential use of the dwelling and complies with the following standards:

Approved as to Form

Janet C. Kern, City Attorney

1. Is confined within the dwelling, and occupies not more than fifty (50%) percent of the floor space on one (1) floor; or, upon obtaining a Use Permit, as provided in subsection 30-21.3 hereof, in the rear or side yard, or accessory buildings thereof.
2. Involves no sales or storage of merchandise other than that produced on the premises, and/or directly related to and incidental to the services offered.
3. Is carried on by the members of the household occupying the dwelling with no more than one other person employed.
4. Produces no evidence of its existence beyond the premises, such as noise, smoke, odors, vibrations, etc., except for one (1) nonilluminated sign pertaining directly to the particular home occupation.
5. That the conduct of the home occupation shall not create excessive ~~pedestrian~~ automobile or truck traffic in the vicinity, and that the parking of commercial vehicles incidental to the home occupation shall be permitted upon the premises only in enclosed structures.

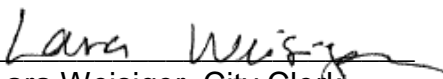
Section 2. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 3. Severability Clause: It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.



Presiding Officer of the City Council

Attest:



Lara Weisiger, City Clerk
City of Alameda

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 23rd day of July, 2013, by the following vote to wit:

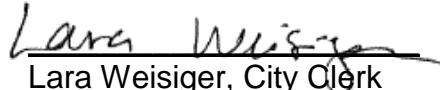
AYES: Councilmembers Chen, Daysog, Ezzy Ashcraft, Tam and Mayor Gilmore – 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 24th day of July, 2013.


Lara Weisiger, City Clerk
City of Alameda