

30-4.1 R-1, One-Family and Two-Family Residence District.

- a. *General.* The following specific regulations, and the general rules set forth in Section 30-5, shall apply in all R-1 Districts as delineated and described in the zoning maps. It is intended that this district classification be applied in areas subdivided and used or designed to be used for one-family and two-family residential development, and that the regulations established will promote and protect a proper residential character in such districts.

b. *Uses Permitted.*

1. One-family dwellings, including private garages, accessory buildings and uses; reconstruction of destroyed two-family dwellings, provided that all zoning requirements other than density shall be met and that any requirement that would reduce the number or size of the units shall not apply; private, noncommercial swimming pools, boat landings, docks, piers and similar structures; and home occupations in compliance with the standards as set forth in Section 30-2 of this Code to the satisfaction of the Planning and Building Director. Upon the approval of the Planning and Building Director, a Registration of Home Occupation form shall be completed and filed with the Planning and Building Department. Any property owner aggrieved by the approval or non-approval of the Planning and Building Director shall have the right to appeal such action to the City Planning Board in the manner and within the time limits set forth in Section 30-25 of this Code. Nothing contained herein shall be deemed to deny the right of appeal under Section 30-25 following the determination of the City Planning Board.

2. Two-family dwellings or two one-family dwellings on the same lot, provided that:

- (a) Any new unit added to a property with an existing single family home or any new unit added to a lot created pursuant to the provision of Lot Splits subsection d.2 below shall not exceed 1,200 square feet in size.

Or an alteration

- (b) The proposed housing development shall not require or result in the demolition of an existing dwelling unit that (1) is subject to a recorded covenant, deed restriction, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes; (2) is subject to subsection 6-58.60 (Establishment of Base Rent, Annual General Adjustment) of the City Rent Control Ordinance (Article XV of Chapter VI of the AMC); or (3) has been occupied by a tenant within the last three (3) years; and (4) the proposed housing development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated as a City Historic Monument, historic property, or historic district pursuant to a City ordinance. Notwithstanding the above, any demolition that is subject to the demolition controls of AMC Section 13-21 shall require approval of a Certificate of Approval prior to issuance of a demolition permit.

on listed

- (c) The subject property is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code ("Ellis Act") to withdraw

to
implement
the
provisions
of state
law as
reflected
in Government
Code Section
65852.21
et seq. and
Section 66411.7
et seq.

CONFORM TO
SB 9 TEXT
AS CLOSELY
AS POSSIBLE.

3. ~~Community care facilities not listed under uses permitted.~~
4. ~~Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefore, which are incidental to the development during the construction and/or sales period.~~
5. ~~Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:~~
 - (a) ~~Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;~~
 - (b) ~~There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and~~
 - (c) ~~Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the nonlocal automobile traffic to the terminal through the residential areas.~~
- d. *Minimum Height, Bulk and Space Requirements.*
 1. Minimum Lot Area: Five thousand (5,000) square feet ~~per dwelling unit~~. Lot area may be reduced through a lot split subject to Subsection d.2.
 2. Lot Splits: Pursuant to Government Code Section 66411.7, the division of an existing lot into two lots is permitted in an R-1 Zoning District, provided that all of the following requirements are met:
 - (a) The area of each lot is at least one thousand two hundred (1,200) square feet and at least forty (40%) percent of the area of the original lot prior to the lot split.
 - (b) Each lot provides frontage on a public street or a pedestrian or vehicular access easement to a public street.
 - (c) The land division will not require or result in the demolition of an existing dwelling unit that: (i) is subject to a recorded covenant, deed restriction, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes; (ii) is subject to subsection 6-58.60 (Establishment of Base Rent, Annual General Adjustment) of the City Rent Control Ordinance (Article XV of Chapter VI of the AMC); or (iii) has been occupied by a tenant within the last three (3) years; and (iv) the existing lot is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated as a City Historic Monument, historic property, or historic district pursuant to a City ordinance. Notwithstanding the above, any demolition that is subject to the demolition controls of AMC Section 13-21 shall require approval of a Certificate of Approval prior to issuance of a demolition permit.
 - (d) The existing lot has not been subject to the exercising of the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code ("Ellis Act") to withdraw accommodations from rent or lease within 15 years before the date of application for the land division.

SIDE COVER LETTER

or a variation

on listed

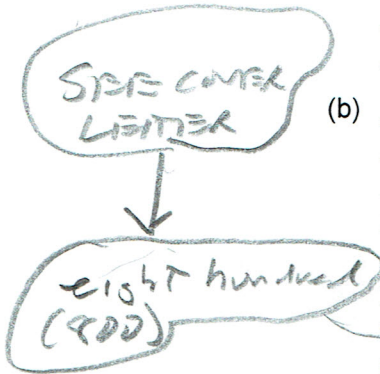
CONFIRM TO SB9 THAT AS CLOSELY AS POSSIBLE

the front-yard of the key lot, as defined in Section 30-2, "yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.

10. Off Street Parking Space: As regulated in Section 30-7 of this Code. Government Code Section 65852.21 and 66411.7 Exemptions.

(a) If a proposed housing development is being provided pursuant to Government Section 65852.21 or 66411.7 entirely within the footprint of an existing building or constructed in the same location and to the same dimensions as an existing building, no additional setback is required.

(b) No objective zoning standards, objective subdivision standards, or objective design standards, including but not limited to minimum lot width, maximum building coverage, minimum setback or other bulk and space requirement, shall apply if that standard would physically preclude a land division resulting in two lots consistent with the requirements of Subsection d.2, Lot Splits, or the development of a two-family dwelling, or two one-family dwellings on the same lot, each unit of which has at least eight hundred (800) square feet of floor area, or a one-family dwelling with at least one thousand two hundred (1,200) square feet of floor area, provided that such dwellings are set back at least four (4') feet from interior side and rear lot lines.



NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board recommends that the City Council amend Section 30-2 of the Alameda Municipal Code to include the following new definitions, amended definitions, and deleted definitions:

Efficiency Unit shall mean a dwelling unit for occupancy that has a minimum floor area of 150 square feet and a maximum floor area of 450 square feet and which may also have partial kitchen or bathroom facilities as regulated in Section 17958.1 of the California Health and Safety Code.

Residential care facility shall mean a community care facility which provides care on a twenty-four (24) hour basis (per Health and Safety Code Section 1502(a)(1)) shall mean a facility licensed by the State of California that provides living accommodations and 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes both for and not-for-profit institutions but excludes Residential Care Facility, Small.

Residential Care Facility, Small. A facility that is licensed by the State of California to provide care for six or fewer persons 18 years or older.

Residential Care Facility, Large. A facility that is licensed by the State of California to provide care for more than six persons 18 years or older.

Residential Care Facility, Senior (Assisted Living). A housing arrangement chosen voluntarily by the resident or by the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older; and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This