

Attachment G.1. Zoning Text Amendments (MX Zoning).

(a) Zoning Map Amendment

The City's Zoning Map is hereby amended to show that Alameda Point is within an MX, Mixed-Use Planned Development District (MX). Specifically, Section 11-116 of Ordinance 1277, N.S., is amended from Intermediate Industrial (Manufacturing) District and Special Government Combining District (M-1-G) to MX, Mixed-Use Planned Development District (MX) for that certain real property situated within the City of Alameda, County of Alameda, State of California, described in the Alameda Point Community Plan, and further described as follows:

| <i>Gross Acreage</i> | <i>Assessor's Parcel(s)</i> | <i>Existing Zoning</i> | <i>Rezoned To</i> |
|---|----------------------------------|------------------------|-------------------|
| Approximately 918 acres of uplands and 166 acres of submerged lands | To be determined by the assessor | M-1-G | MX |

(b) Zoning Text Amendments

1. *Amendment to Zoning Code Section 30-4.20*

Zoning Code Section 30-4.20 MX, Mixed Use Planned Development District, is hereby amended to read as follows:

30-4.20 MX, Mixed-Use Planned Development District.

a. *Purpose.* The purpose of the Mixed-Use District is to encourage the development of a compatible mixture of land uses which may include residential, retail, offices, recreational, entertainment, research oriented light industrial, water oriented or other related uses. The compatibility and interaction between mixed uses is to be insured through adoption of Master Plan (defined in subsection 30-4.20f) and development plan site plan (defined in subsection 30-4.20h), which indicate proper orientation, desirable design character and compatible land uses to provide for:

1. A more pedestrian-oriented nonautomotive environment and flexibility in the design of land uses and structures than are provided by single purpose zoning districts, including but not limited to shared parking;
2. The enhancement and preservation of property and structures with historical or architectural merit, unique topographic, landscape or water areas, or other features requiring special treatment or protection;
3. Recreation areas that are most accessible to both the MX district's inhabitants and other City residents;

4. Environments that are more conducive to mutual interdependence in terms of living, working, shopping, entertainment and recreation; and

5. Flexibility in the design, lay-out and timing of build-out of large-scale mixed use projects in order to respond to market demands while ensuring that development is in conformance with adopted standards, procedures and guidelines. In order to accomplish this purpose, the City may establish Development Standards, Procedures and Guidelines (which govern, among other items, processing procedures, project-wide design guidelines addressing architecture, site planning, parking, circulation, streetscape, open space, landscaping, lighting, project identification and signage, and specific use design guidelines) as part of the Master Plan to which the Development Plans must then conform.

b. *Established.* The Mixed-Use (MX) District is hereby established as a separate zoning district classification.

c. *Qualifying Requirements.* Qualifying requirements are the same as other Planned Developments (subsection 30-4.13) except that the acreage limitation shall not apply.

d. *Regulations of Uses Permitted in Mixed-Use Planned Developments.*

1. Uses permitted are those approved by the City Council after review hereunder by the Planning Board.

2. (a) The City Council may approve, by ordinance, a Master Plan of mixed uses where each phase thereof provides for Open Space District uses (subsection 30-4.19b. and c.) together with at least two (2) other uses which are permitted in either: (i) R-1 or R-2 districts, (ii) R-6 districts, (iii) A-P districts, (iv) C-1 or C-2 districts, or (v) C-M districts (of this article) and which otherwise meets the requirements set out herein.

(b) Alternatively, the City Council may approve, by ordinance, a Master Plan of mixed uses where each phase thereof provides for open space uses together with other uses approved by the City Council after review hereunder by the Planning Board.

3. The provisions of subsection 30-4.13h. and i. through n. shall apply to MX Districts.

4. The City Council and Planning Board may rely on standards established in other sections of this article as guidance.

5. The City Council and Planning Board shall establish all other requirements by conditions of approval. The Planning Board shall recommend whatever conditions it deems appropriate for the Master Plan and shall establish conditions for approval of development plans.

e. *Density.*

1. The City Council shall determine the number of dwelling units that are appropriate for the MX and the appropriate area of noncommercial development therein.

2. Residential development within the entire MX shall not exceed one dwelling unit per two thousand (2,000) square feet of lot area for land designated on the Master Plan for residential use. The provisions of the foregoing sentence shall not apply to Alameda Point, as described in the Alameda Point Community Plan.

f. *Master Plan.* An application for an MX District development shall be initiated by filing a Master Plan for the entire district for review with public hearing for an approval in principle by the Planning Board and City Council. A Master Plan submitted shall include:

1. *Market Analysis.* Except in redevelopment project areas where a project is approved or amended in conjunction with an agreement with the redevelopment agency, an application seeking approval of a mixed- use development shall submit a market analysis, which shall be prepared and signed by an economist or market analyst as demonstrated by appropriate training and experience, and reviewed by the Planning Board. The market analysis shall demonstrate that the amount of land proposed can be realistically supported in commercial, residential, professional office or research uses. For these purposes such market analysis shall contain the following determinations:

- (a) Determination of the trade area of the proposed facilities;
- (b) Determination of the trade area population, present and prospective;
- (c) Determination of the effective buying power in such trade areas;
- (d) Determination of net potential customer buying power for stores in the proposed commercial and professional facilities and, on such basis, the recommended use types and floor areas;
- (e) Determination of the combined market attraction as a result of the combination of proposed uses for the purpose of assessing the benefits projected for a mixed use project.

2. An application form prepared by the Planning Department that identifies the location of the proposed development, the applicant, the owner of the property, and the size of the property;

3. A schematic map showing:

- (a) Proposed land use designations;
- (b) Streets and parking lots;

- (c) Water areas and places of public access to water;
- (d) Public open space and other public facilities;
- (e) Structures or natural features to be preserved.

4. Maps indicating the following transportation circulation systems within the project and connecting to larger circulation networks in the City:

- (a) Vehicular, including public transit,
- (b) Bicycles,
- (c) Pedestrians, and
- (d) Waterways.

5. Preliminary elevations of each structure or elevations of each model or typical structure.

6. A narrative text including:

- (a) Identification and description of the uses proposed;
- (b) Statement of the scale of each use, expressed in numbers (i.e., number of residential units, number of boat berths, square footage of retail-commercial, square footage of office uses, etc.) and in acreage allotted;
- (c) Description of the vehicular transportation circulation system within the project and connecting to larger circulation networks in the City;
- (d) Description of alternatives to private vehicles, including facilities for public transportation use, pedestrians, and bicycles;
- (e) Preliminary plans for parking, describing scale and location;
- (f) Tabulations of approximate acreage allotted to public open space, common private open space, and noncommon private open space;
- (g) Description of public access to water and public utilization of water related facilities; and
- (h) Statement of probable uses of public open space and other public facilities, including a rationale for scale and location.

7. A preliminary development schedule and phasing diagram showing each phase of the development schedule of the Master Plan, for purposes of planning public amenities and infrastructure.

8. In lieu of (f)(5) and (7) above, at its discretion, the City Council may approve as part of the Master Plan, a document containing detailed Development Standards, Procedures and Guidelines to which Development Plans must conform and which shall generally cover the topics described in (f)(5) and (7) but permit flexibility in design, lay-out and timing of buildout. The City Council may approve in the Development Standards, Procedures and Guidelines, as provided for in subsection 30-4.20 a5, the delegation of some, or all, of the decisions on the development plans to the Planning Director.

g. Procedures and Standards.

1. At least one (1) public hearing shall be held by the Planning Board, noticed pursuant to subsection 30-21.7 on each Master Plan after the Board shall make its recommendations to the City Council.
2. The City Council shall also hold at least one (1) public hearing on the Master Plan before making its decision therein.
3. The Planning Board may approve a development plan only if it determines, in the context of the Master Plan, that the mixed use development:
 - (a) Qualifies;
 - (b) Satisfies the purpose of these regulations;
 - (c) Is designed in a manner compatible with existing and potential contiguous uses;
 - (d) Provides a sufficient vehicular and nonvehicular circulation system within the project with the least amount of duplication; and the best interface with other systems;
 - (e) Provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping;
 - (f) The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete;
 - (g) Provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface;
 - (h) Provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development; and
 - (i) Demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.

4. Planning Director Decisions.

(a) Where authority for decisions on development plans is delegated to the Planning Director, pursuant to subsection 30-4.20 f8a, the Planning Director shall be responsible for making the determinations required in subsection 30-4.20 g3 and providing the same public notice required for Planning Board action on a development plan, but may take action administratively without holding a public hearing. In those instances where the Planning Director believes an application will generate significant public interest or involve policy issues, the Planning Director may refer the application to the Planning Board for review and action. Each decision made by the Planning Director pursuant to delegated authority in accordance with this section shall be placed as an information item on the Planning Board agenda and provide a summary of the project and conditions.

(b) If the Planning Director receives a written request for a Planning Board public hearing and action by the Planning Board any time during the review process but no later than ten days after the action of the Planning Director or three (3) working days following the Planning Board meeting for which the information item is on the agenda, whichever time period is longer, then the development plan shall be set for Planning Board public hearing and action.

h. *Development Plans.* Applicants shall file development plans which include the following information:

1. Proposed land uses, population densities and building intensities, school sites and usable open space as part of the Site Plan.

2. All other requirements of subsection 30-4.13j.

i. *Development of the Phases of the Master Plan.*

1. Each phase of the Master Plan shall be substantially under construction before development plan for another phase may be approved, unless otherwise provided in an applicable agreement with the City or Community Improvement Commission.

2. A phase may be processed by more than one (1) development plan upon approval of the Planning Board for each development plan. (Ord. No. 1988 N.S.; Ord. No. 2807 N.S. § 1)

2. Amendment to Zoning Code Section 30-53

Zoning Code Section 30-53, Multiple Swelling Units Prohibited, is hereby amended as follows:

30-53 Multiple Dwelling Units Prohibited.

30-53.1 Charter Amendment Operative.

From and after the effective date of Article XXVI of the City Charter there shall be no multiple dwelling units built in the City of Alameda, except as provided in Section 26-2 of said article. (Ord. No. 1693 N.S.)

30-53.2 Building Permits.

There shall be no building permits or other entitlements issued by the City for the construction of any multiple dwelling unit within the City, and no application or plan for any project which contains, or proposes to contain, such unit shall be approved by the City or any of its officials, employees or departments. (Ord. No. 1693 N.S.)

30-53.3 Exceptions, Destroyed Building.

A building permit may, notwithstanding the immediately preceding subsection, be issued to rebuild all dwelling units, or any parts thereof, of record at the time the building within which they are located becomes a destroyed structure, as defined in subsection 30-51.1 provided that all codes and regulations other than the zoning regulation density requirements are met by the reconstruction. All zoning regulation requirements which do not require a smaller number of units smaller in area shall be met. (Ord. No. 1693 N.S; Ord. No. 2278 N.S.)

30-53.4 Applicability.

The prohibitions in this section contained shall be subject to each and every provision of section contained shall be subject to each and every provision of Sections 30-50 to 30-52 of this article, and the declarations, findings, definitions, exclusions and other provisions of this article shall govern the applicability of this section. (Ord. No. 1693 N.S.)

30-53.5 Alameda Point.

The provisions of Section 30-53 shall not apply to Alameda Point, as described in the Alameda Point Community Plan.

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