

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: October 5, 2009

Reviewed by: BP

SUBJECT: Second Reading of Ordinance No. 09-011 an Ordinance of the Albany City Council Amending Chapter 20, Planning and Zoning of the Albany Municipal Code

REPORT BY: Jeff Bond, Planning and Building Manager  
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**STAFF RECOMMENDATION**

That the City Council approve for Second Reading Ordinance #09-011 amending Chapter 20, Planning and Zoning of the Albany Municipal Code.

**BACKGROUND**

The City's current Planning and Zoning Code was updated in a comprehensive manner in 2004. The proposed ordinance incorporates a series of corrections and refinements to the ordinance, based on the initial five years implementing the ordinance. On September 21, 2009, the City Council continued the public hearing first opened on July 6, 2009, received public testimony, and approved, with amendments, the first reading of the proposed ordinance.

**DISCUSSION**

The attached ordinance reflects staff's understanding of the Council action. In summary, the key elements include:

- Section 6 and 9: the Council provides for a height limit of three stories and 35 feet or 38 feet (as applicable);
- Section 10: codifies that basement height is measured from the lower of natural grade or finished grade, to the bottom of floor joists, and that a height of more than five feet counts towards FAR;
- Section 9 and 11: Maintains Alternative 1B as a daylight plane and adds language requiring a six foot fence if the rear area is used as open space; and

- Section 16: Allows flexibility for side yard fence requirements through administrative design review.

### ***California Environmental Quality Act***

Changes to land use policies and regulations are subject to California Environmental Quality Act (CEQA) review. As part of the process of adoption of the Planning and Zoning Code amendment in 2004, the City Council approved a Mitigated Negative Declaration of Environmental Impacts. Staff has reviewed the 2004 Mitigated Negative Declaration, and recommends that the Council make a finding that the proposed clarifications and corrections are consistent with the 2004 environmental review. With this finding, no additional environmental review is required pursuant to CEQA Guidelines Section 15183 and Public Resources Code 21083.3. A copy of the 2004 Mitigated Negative Declaration is available for review at the Community Development Department office.

### **SUSTAINABILITY IMPACT**

The proposed changes may result in slightly smaller projects compared with the size of projects that could be approved under the existing code.

### **FINANCIAL IMPACT**

Overall, the proposed changes will not have a substantive effect on the amount of revenues received or the staff time required to process planning applications.

### **Attachments**

1. Revised Proposed Ordinance