

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 2/14/12  
Prepared by: ALH

**ITEM:** 6C

**SUBJECT:** **Permitted Land Use Table Amendment Discussion-** The Planning & Zoning Commission previously reviewed changes to the Permitted Use Tables at the October 25, 2011 regular hearing. At that time, the Commission directed staff to modify the table and also expand the discussion for a future date to include potential amendments to the residential zoning districts.

**SITE:** City-Wide

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission review the following:

- The draft table reflecting the changes as discussed at the October 25, 2011 Planning & Zoning Commission hearing to make sure that all changes are accurately captured
- Review the tables for amendments to uses in the residential zones.

Upon completion of this review, this item will be rescheduled for a future Planning & Zoning Commission meeting where a resolution containing a formal recommendation for zoning changes will be noticed and prepared.

**BACKGROUND**

At the regular Planning & Zoning Commission meeting held on October 25, 2011, the Planning & Zoning Commission began the process of reviewing the existing permitted use tables and making recommendations for changes. Staff had reviewed land use regulations of neighboring jurisdictions for comparison purposes. Both Berkeley and Alameda have regulations within their permitted use tables to regulate street level business activity. Both jurisdictions have limited this regulation to specific main street corridors. In Berkeley, these regulations are applicable on Telegraph Ave. In Alameda, these regulations apply to portions of the Park St. District.

There are several ways to modify the permitted land use tables including:

- Require a Conditional Use Permit for personal service/office uses that would like to locate in a street level storefront. Permit personal service/office uses by right in upper level
- Restrict a percentage of floor area and/or depth that can be used for incidental services.

## ANALYSIS

At the October 25, 2011 hearing, the Commission recommended changes include establishing a carshare use category, mobile food vending, and modifying language in footnotes 2 and 14.

- Use Permit is required if located on the ground floor facing Solano Ave or San Pablo Ave; on the 2<sup>nd</sup> floor or above or ½ the depth of the rear space of a ground floor space, the use is permitted. ~~Off street parking in support of residential use is not permitted to occupy ground floor building frontage along Solano Avenue.~~
- A Use Permit will be required if the proposed use has a potentially significant impact upon surrounding development in terms of light, glare, noise, odor, parking, traffic, hours of operation or hazardous materials, as determined by the Community Development Director.

During the initial discussion, questions arose about potential use changes within the residential zoning districts. The Commission asked that the item be re-noticed for a future date so that the discussion could be expanded.

At this stage in the review process, the Commission may review the previously recommended changes and expand the discussion to include residential zoning and uses.

## Attachments

1. Table 1 20.12.040 of the Albany Municipal Code

**ATTACHMENT 1**

Draft Revisions to Table 1 20.12.040 of the Albany Municipal Code

**20.12.040 Permitted Land Uses by District.**

Key to Table:

P = Permitted

UP = Use Permit Required

UP-M = Minor Use Permit Required<sup>16, 17</sup>

- = Not Permitted

Limits on authority for UP-M are indicated by \* and \*\*<sup>16</sup>

TABLE 1. 20.12.040 PERMITTED LAND USES BY DISTRICT										
Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RHD	SC	SPC	CMX	PF	WF <sub>11</sub>
<b>Residential</b>										
Single Family Dwelling	P	P	P	-	P	P <sup>2</sup>	P <sup>3</sup>	-	-	-
Two-Family Dwellings	-	P	P	-	UP	P <sup>2</sup>	P <sup>3</sup>	-	-	-
Multi-Family Dwellings	-	P	P	UP	UP	P <sup>2</sup>	P <sup>3</sup>	-	-	-
Live/Work Space	-	-	-	-	-	P <sup>2</sup>	UP	UP-M**	-	-
Rooming or Boarding House	-	-	P	-	-	-	-	-	-	-
Bed and Breakfast	UP	UP	UP	-	UP	-	-	-	-	-
Care Facility, Residential										
a) Small	P	P	P	P	P	P	P	-	-	-
b) Large	UP	UP	UP	UP	UP	UP <sup>4</sup>	UP <sup>4</sup>	-	-	-
Day Care Home, Residential										
a) Small family	P	P	P	P	P	-	-	-	-	-
b) Large family <sup>19</sup>	UP-M	UP-M	UP-M	UP-M	UP-M	-	-	-	-	-
Residential Secondary Unit	P	-	-	-	P	-	-	-	-	-

TABLE 1—Continued

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF <sup>11</sup>
Public and Quasi-Public										
Community Assembly	-	UP	UP	-	-	UP	UP	-	UP	-
Clubs and Lodges	-	UP	UP	-	-	UP	UP	UP	UP	-
Cultural Activities/ Institutions	-	UP	UP	-	-	UP	UP	UP	UP	-
Day Care Center (Non-Family)	UP	UP	UP	UP	UP	UP	UP	UP- M*	UP	-
Homeless Shelter	-	-	-	-	-	-	UP	-	-	-
Hospitals and Clinics	-	UP	UP	-	-	UP	UP	UP	UP	-
Medical Marijuana Dispensary						P	P	P		
Park and Recreation Facilities	UP	UP	UP	UP	UP	UP	UP	UP	P	UP
Public Admin. Offices/ Facilities	-	-	-	-	-	P	P	UP	P	-
Public Maintenance Facilities	-	-	-	-	-	-	-	UP	UP	-
Religious Institutions	UP	UP	UP	-	-	UP	UP	-	-	-
Schools, public or private	UP <sup>5</sup>	UP <sup>5</sup>	UP <sup>5</sup>	-	-	UP <sup>5</sup>	UP <sup>5</sup>	UP <sup>5</sup>	UP <sup>5</sup>	-
Social Service Facilities	-	-	-	-	-	UP	UP	UP	-	-
U.S. Post Office	-	-	-	-	-	P	P	UP	-	-
Utilities Major Minor Underground	- UP <sup>5</sup> P	UP <sup>5</sup> UP <sup>5</sup> P	UP <sup>5</sup> UP <sup>5</sup> P	UP <sup>5</sup> UP <sup>5</sup> P	UP <sup>5</sup> UP <sup>5</sup> P	UP <sup>5</sup> P P	UP <sup>5</sup> P P	UP <sup>5</sup> P P	UP <sup>5</sup> P P	UP <sup>5</sup> UP <sup>5</sup> UP <sup>5</sup>

TABLE 1—Continued

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF <sup>1</sup> <sub>1</sub>
<b>Commercial</b>										
Adult entertainment establishment	-	-	-	-	-	-	UP	UP	-	-
Animal Sales and Services										
a) Animal Boarding	-	-	-	-	-	UP	UP-M	UP-M	-	-
b) Animal Grooming	-	-	-	-	-	P	P	UP-M	-	-
c) Animal Hospitals	-	-	-	-	-	P	P	UP-M	-	-
d) Animal Sales	-	-	-	-	-	P	P	UP-M	-	-
Automobile/ Vehicle Sales and Services										
a) Automobile/ vehicle/ equipment sales and/or rental	-	-	-	-	-	-	UP	UP	-	-
b) Automobile service station (including fueling station)	-	-	-	-	-	-	UP	UP	-	-
c) Automobile/ vehicle/ equipment repair	-	-	-	-	-	-	UP	UP	-	-
d) Automobile washing	-	-	-	-	-	-	UP	UP	-	-
e) Carshare							UP-M	UP-M		
f) Equipment Rental								UP		
Bars	-	-	-	-	-	UP <sup>13</sup>	UP <sup>13</sup>	UP <sup>13</sup>	-	UP

Building materials sales and service										
a) Within an enclosed building	-	-	-	-	-	UP-M <sup>6</sup>	UP-M <sup>6</sup>	UP-M*	-	-
b) Open storage area	-	-	-	-	-	-	UP <sup>6</sup>	UP <sup>6</sup>	-	-

TABLE 1—Continued

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF <sup>11</sup>
Commercial Recreation/ Entertainment	-	-	-	-	-	UP <sup>7</sup>	UP	UP	-	-
Commercial Recreation/ Entertainment in Waterfront District	-	-	-	-	-	-	-	-	-	UP
Communication Facilities	-	-	-	-	-	UP	UP	UP	-	-
Construction services (contractors)	-	-	-	-	-	UP <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>	-	-
Dry Cleaner (retail)	-	-	-	-	-	P	P	UP-M	-	-
Financial institutions	-	-	-	-	-	P	P	UP-M	-	-
Funeral and interment services	-	-	-	-	-	-	UP	UP	-	-
Gyms and Health Clubs	-	-	-	-	-	UP	UP	UP-M*	-	-
Hotels and motels	-	-	-	-	-	UP <sup>8</sup>	UP	UP	-	-
Laboratory, limited	-	-	-	-	-	UP <sup>2</sup>	UP <sup>2</sup>	UP-M	-	-
Laundry, large scale	-	-	-	-	-	-	UP	UP	-	-

Laundry, self-service	-	-	-	-	-	P <sup>2</sup>	P <sup>2</sup>	UP-M	-	-
Liquor Store	-	-	-	-	-	UP	UP	UP	-	-
Offices, general and professional	-	-	-	-	-	P	P	UP-M*	-	-
Marinas and boat launching ramps	-	-	-	-	-	-	-	-	-	UP
Parking facility, Nonresidential	UP <sup>9</sup>	UP <sup>9</sup>	UP <sup>9</sup>	UP <sup>9</sup>	-	UP	UP	UP-M	-	UP
Pawn shops	-	-	-	-	-	UP	UP	UP	-	-
Printing (retail)	-	-	-	-	-	P	P	UP-M	-	-
Printing (industrial)	-	-	-	-	-	-	-	UP	-	-

TABLE 1—Continued

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF <sup>11</sup>
Repair Services (non-auto)	-	-	-	-	-	P <sup>2</sup>	P <sup>2</sup>	UP-M	-	-
Research and Development (Commercial)	-	-	-	-	-	UP	UP	UP-M*	-	-
Research and Development (Educational)	-	-	-	-	-	-	-	UP-M*	UP <sup>10</sup>	-
Restaurant	-	-	-	-	-	P <sup>12, 13</sup>	P <sup>12, 13</sup>	UP-M <sup>12, 13</sup>	-	UP <sup>12, 13</sup>
a) with live entertainment	-	-	-	-	-	UP <sup>12, 13</sup>	UP <sup>12, 13</sup>	UP <sup>12, 13</sup>	-	-
b.1.) with take-out (walk-up)	-	-	-	-	-	P <sup>12, 13</sup>	P <sup>12, 13</sup>	UP-M <sup>12, 13</sup>	-	-
b.2.) with take-out (drive-through)	-	-	-	-	-	-	UP <sup>12, 13</sup>	UP <sup>12, 13</sup>	-	-

b.3) Mobile Food vendor							UP	UP		
Retail, food and beverage sales	-	-	-	-	-	P	P	UP-M*	-	-
Retail nurseries and garden supplies	-	-	-	-	-	P	P	UP	-	-
Retail sales										
a) Neighborhood Retail	-	-	-	UP <sup>18</sup>	-	P	P	UP-M*	-	-
b) Community Retail	-	-	-	-	-	<del>UP-M*</del> P	P	UP-M*	-	-
c) Regional Retail	-	-	-	-	-	-	-	UP-M*	-	-
Services, ambulance	-	-	-	-	-	-	<del>P</del> UP-M	UP-M	-	-
Services, business	-	-	-	-	-	P	P	UP-M	-	-
Services, catering	-	-	-	-	-	P <sup>2</sup>	P <sup>2</sup>	UP-M	-	-
Services, instructional	-	-	-	-	-	P <sup>2,14</sup>	P <sup>2,14</sup>	UP	-	-
Services, massage	-	-	-	-	-	UP	UP	UP-M	-	-

TABLE 1—Continued

Land Use <sup>1</sup>	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF <sup>11</sup>
Services, personal	-	-	-	-	-	P <sup>2,14</sup>	P <sup>2,14</sup>	UP	-	-
Significant <sup>20</sup> Tobacco Retailer	-	-	-	-	-	UP	UP	UP	-	-



Waterfront and Waterfront-Sports-related Commercial sales and service	-	-	-	-	-	-	-	-	-	UP
Industrial										
Industry, limited		-		-	-	-	-	UP	-	-
Industry, general	-	-	-	-	-	-	-	UP	-	-
Truck terminal	-	-	-	-	-	-	-	UP	-	-
Warehousing and storage										
a) indoor	-	-	-	-	-	-	-	UP	-	-
b) outdoor	-	-	-	-	-	-	-	UP	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	UP	-	-
NOTES, TABLE 1.A:										
1. All construction may be subject to design review and development standards.										
2. Use Permit is required if located on the ground floor facing Solano Ave or San Pablo Ave; on the 2 <sup>nd</sup> floor or above or ½ the depth of the rear space of a ground floor space, the use is permitted. <del>Off-street parking in support of residential use is not permitted to occupy ground floor building frontage along Solano Avenue.</del>										
3. Ground floor building frontage along San Pablo Avenue is reserved for commercial activity, except for any necessary access to residential facilities; residential use is permitted elsewhere on the ground floor, and above the ground floor. Off-street parking in support of residential use is not permitted to occupy building frontage along San Pablo Avenue.										
4. Not permitted on ground floor.										
5. Except where preempted by State or Federal law.										
6. Projects may be subject to screening requirements.										
7. Limited to uses within a building, not to exceed five thousand (5,000) square feet.										
8. If 10 or fewer hotel/motel rooms, otherwise not allowed.										
9. Requires Use Permit in residential zoning districts on sites that abut commercial zoning districts, otherwise not allowed in residential zoning districts. Parking facilities shall be designed to meet all applicable screening and landscape standards stated in subsection 20.24.110. See subsection 20.28.050.B for additional design standards for parking facilities.										
NOTES, TABLE 1.A, CONTINUED:										
10.If governmental or educational related. Otherwise, not allowed in public facilities zoning district.										
11.Waterfront - List of uses is intended to remain unchanged from those uses authorized by the Zoning Ordinance for the Waterfront District as of the effective date of Measure "C".*										
12.A supplemental business license may be required where alcohol is consumed.										

13. Alcohol beverage service requires a major or minor use permit. See 20.20.070.B.1.
14. A Use Permit will be required if the proposed use has a potentially significant impact upon surrounding development in terms of light, glare, noise, odor, parking, traffic, <b>hours of operation</b> or hazardous materials, as determined by the Community Development Director.
15. [not used]
16. See subsection 20.100.030 for description of distinctions between Major and Minor Use Permits. Authority to grant Minor Use Permits is Limited to maximum 2500 square feet (nonresidential), or 6 dwelling units (residential), unless marked with asterisk(s): * = maximum 5,000 square feet; ** = maximum 10 dwelling units. A Major Use Permit is required for any project that exceeds these thresholds.
17. References to "use permit" shall be presumed to mean "major" use permit unless otherwise noted.
18. Limited to serving the convenience of the residential development in the R-4 District.
19. Refer to Section 20.20.020.B.2.d. for special process of notice and hearing.
20. Refer to Section 20.20.120 for Location and Operation Standards.

(Ord. No. 04-09; Ord. No. 07-01 §2; Ord. No. 09-03 §3; Ord. No. 09-011 §§2, 3)