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**ORDINANCE NO. 2017-05**

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTERS  
20.24 “DEVELOPMENT STANDARDS” AND CHAPTER 20.100  
“PROCEDURES” OF THE ALBANY MUNICIPAL CODE**

**WHEREAS**, Chapter 20 “Planning & Zoning” was comprehensively updated and adopted in 2004; and

**WHEREAS**, Chapter 20.24 “Development Standards” includes provisions which regulate Floor Area Ratio for residential development in the City of Albany; and

**WHEREAS**, recent review of residential development applications has required legal clarification and historical review of Code intent for Sections 20.24.050 (B) (1) (c) and 20.24.050 (B) (1) (e) respectively; and

**WHEREAS**, the Planning & Zoning Commission requested that these provisions be refined to reflect intent and provide clear language; and

**WHEREAS**, Chapter 20.100 “Procedures” establishes review procedures and thresholds for project review in the City of Albany; and

**WHEREAS**, Chapter 20.100 “Procedures” contains references which are out of compliance with State law and common land use law practices and require amendments for consistency; and

1           **WHEREAS**, the Planning & Zoning Commission adopted Resolution of Intention 2017-  
2 03 to amend Sections 20.24 “Development Standards” and 20.100 “Procedures” on June 14,  
3 2017; and  
4

5           **WHEREAS**, a public hearing notice was published in the West County Times and posted  
6 in three public places pursuant to California Government Code Section 65090 on June 30, 2017  
7 for the Planning & Zoning Commission public hearing held on July 12, 2017; and  
8  
9

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11           **WHEREAS**, the Planning & Zoning Commission held a public hearing to discuss the  
12 proposed amendments on July 12, 2017; and  
13

14           **WHEREAS**, the Planning & Zoning Commission held a public hearing and considered  
15 all public comments received, the presentation by City staff, the staff report, and all other  
16 pertinent documents regarding the proposed request; and  
17

18  
19           **WHEREAS**, the Planning & Zoning Commission adopted Resolution 2017-04  
20 forwarding a recommendation to Albany City Council to amend Sections 20.24 “Development  
21 Standards” and 20.100 “Procedures” of the Albany Municipal Code; and  
22

23           **WHEREAS**, a public hearing notice was published in the West County Times and posted  
24 in three public places pursuant to California Government Code Section 65090 on July 21, 2017  
25 for the Albany City Council public hearing held on July 31, 2017; and  
26

27           **WHEREAS**, the Albany City Council held a public hearing to discuss the proposed  
28 amendments on July 31, 2017; and

1  
2           **WHEREAS**, the Albany City Council held a public hearing and considered all public  
3 comments received, the presentation by City staff, the staff report, and all other pertinent  
4 documents regarding the proposed request;  
5

6  
7           **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**  
8 **FOLLOWS:**  
9

10           **SECTION 1: CHAPTER 20.24 “DEVELOPMENT STANDARDS” OF THE**  
11 **ALBANY MUNICIPAL CODE, SECTION 20.24.050 TITLED “FLOOR AREA**  
12 **RATIOS” IS HEREBY AMENDED AS FOLLOWS:**  
13

14 **20.24.050 Floor-Area Ratios.**

15           A.     **General.** For buildings other than single-family residences, Floor Area  
16 Ratio (FAR) shall be calculated according to the definition provided in the Definitions section  
17 (20.08.020) of this Chapter. Permitted ratios in the various zoning districts shall be as shown in  
18 the Table of Site Regulations by District, Section 20.24.020.

19  
20           B.     **Single-Family Residences.** The following standards shall apply both to  
21 new construction on single-family lots, and to additions to existing single-family units. It is the  
22 intent of the City that all such construction be compatible with neighboring residential  
23 development. A ratio of the gross square footage of structures on a site to the land area of the site  
24 shall be employed by the Planning and Zoning Commission as a means of evaluating the bulk of  
25 any proposed residential building.  
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1                   1.       For purposes of this section, Floor Area Ratio (FAR) shall be  
2                   calculated as the total gross square footage of the building divided by the total land area  
3                   of the site. The calculation of gross square footage shall include consideration of the  
4                   following factors where applicable:  
5

6  
7  
8                   a.       Gross square footage shall include all covered space located  
9                   on the site.  
10

11  
12                  b.       Any covered parking area which is enclosed by two (2) or  
13                  more walls, whether attached to or detached from the main dwelling structure,  
14                  shall be included in the calculation of gross square footage, with the exception  
15                  that one (1) such enclosed parking space, with a maximum interior area equal to  
16                  the minimum requirement for a single enclosed parking space, as stated in  
17                  subsection 20.28.50.A.1.a., may be excluded from said calculation.  
18

19  
20                  c.       Any covered area on or below the first or main floor, shall be  
21                  considered a story and shall be calculated in the floor-area ratio if the average  
22                  height of the perimeter is greater than five (5) feet, except a single parking area  
23                  may be excluded as provided in paragraph B.1.b. above. Measurement of height  
24                  shall be taken from ~~the lower of natural or finished~~ existing grade conditions at  
25                  the time the application is filed from the exterior to the top of existing finished  
26                  floor of the first, main or story above. For the purposes of calculating Floor Area  
27  
28

1 Ratio pursuant to this Section, the average perimeter height shall not be altered to  
2 achieve a height less than 5 ft.

3  
4  
5 d. Decks, patios or other usable open areas shall be excluded  
6 from calculation of gross square footage, except where such element is enclosed  
7 on three (3) or more sides. (Two (2) walls and a solid roof shall be counted as  
8 three (3) sides.)  
9

10  
11  
12 ~~e. Any interior space with a ceiling height equaling two (2)~~  
13 ~~stories shall be doubled for purposes of calculating gross square footage.~~  
14 ~~Exceptions may be made for stairwells with no habitable space above or below~~  
15 ~~the stairs, and for a maximum of sixty (60) square feet of additional space, such as~~  
16 ~~in an entry foyer, an internal atrium, or a study loft.~~  
17

18 e. The total exterior gross square footage of the footprint above and  
19 below the stairs shall be calculated for the purposes of FAR. Deductions shall be  
20 made for the actual stairwell footprint, up to a 60 sq. ft. maximum deduction from  
21 the overall FAR.  
22

23  
24 f. Any attic space having a floor area of at least one hundred  
25 fifty (150) square feet with a ceiling height of seven (7) feet six (6) inches or more  
26 shall be calculated as gross square footage.  
27  
28

1 **SECTION 2: CHAPTER 20.100 OF THE ALBANY MUNICIPAL CODE, SECTION**  
2 **20.100.010 TITLED "COMMON PERMIT PROCEDURES" IS HEREBY AMENDED AS**

3  
4 **FOLLOWS:**

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6 **20.100.010 Common Permit Procedures.**

7  
8 E. Notice of Public Hearings. The Community Development Department shall  
9 provide notice of any public hearings required as part of the application process.  
10

11  
12 4. Notice Requirements for Residential Design Review.

13  
14 a. Posting. The applicant shall post notice in a conspicuous location on  
15 the project site regarding a scheduled design review meeting at least ten (10)  
16 calendar days prior to the meeting. Posting shall be consistent with procedures  
17 established by the Community Development Department.  
18

19  
20 b. Mailing. The Community Development Department shall mail such  
21 notice to all owners and occupants of any property, any portion of which lies  
22 within ~~one~~ three hundred (100) (300) feet of the external boundaries of the project  
23 site, at least (10) calendar days prior to the meeting.  
24

25  
26 c. Story Poles, R-1 Zoning District. For new residential construction  
27 and exterior alterations that increase the height of a single-family building and are  
28 subject to design review, an applicant is required to erect at least two "story

1 poles”, a temporary construction for the purpose of visually displaying the outer  
2 limits, including the height, of the proposed structural alterations. These poles  
3 shall be erected at least ten (10) days prior to the design review meeting, and shall  
4 be maintained in place through the date of the meeting.  
5

6  
7 **SECTION 3: CHAPTER 20.100 OF THE ALBANY MUNICIPAL CODE, SECTION**

8 **20.100.050 TITLED “AUTHORITY FOR DESIGN REVIEW” IS HEREBY AMENDED**

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10 **AS FOLLOWS:**  
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**Table 11. 20.100.050 Authority for Design Review**

<b>Use</b>	<b>Review by Community Development Director</b>	<b>Review by Planning and Zoning Commission</b>
<b><u>Residential</u></b>	<p>Alterations or additions less than 400 square feet, except second story additions.</p> <p>Accessory structures greater than 120 square feet and less than 200 400 square feet.</p> <p>All secondary residential units.</p> <p>Decks which measure 36 inches or more above grade.</p>	<p>New construction or additions of 400 square feet or more.</p> <p>Accessory structures of 200 400 square feet or more.</p> <p>All second story additions.</p> <p>Any new construction or addition that significantly changes roof lines of an existing structure.</p> <p>All exceptions to district height limits.</p> <p>Applications referred by Community Development Director.</p>
<b>Nonresidential</b>	<p>Signs and awnings as follows, provided they do not involve substantial architectural alterations:</p> <ul style="list-style-type: none"> <li>-Projecting signs</li> <li>-Awnings (with signage)</li> <li>-Awnings (without signage)</li> </ul> <p>New construction or additions of less than 400 square feet.</p> <p>Minor exterior alterations, not subject to P&amp;Z review, including materials or color changes.</p>	<p>New construction or additions of 400 square feet or more.</p> <p>Any project that changes roof lines.</p> <p>All exceptions to district height limits.</p> <p>Any project, including signs or awnings, that replaces or conceals existing exterior architectural details.</p> <p>Master sign program.</p> <p>Applications referred by Community Development Director.</p>

**Note:** All building square feet refer to gross floor area.



1 **SECTION 4: CHAPTER 20.100 OF THE ALBANY MUNICIPAL CODE, SECTION**  
2 **20.100.070 TITLED "AMENDMENTS" IS HEREBY AMENDED AS FOLLOWS:**

3  
4 **20.100.070 Amendments.**

5  
6 A. Purpose. These provisions are intended to prescribe procedures by which  
7 amendments may be made to this Chapter, including changes to the text and changes to the  
8 boundaries of any zoning district.  
9

10 B. Initiation. An amendment may be initiated by:

11 ~~1. Petition.~~

12 ~~a. General. The verified petition of one (1) or more owners of~~  
13 ~~property affected by the proposed amendment, which petition shall be filed with~~  
14 ~~the Planning and Zoning Commission and shall be accompanied by accurate scale~~  
15 ~~drawings.~~

16 ~~b. R-1 District. Zoning changes are permitted in areas in the R-1~~  
17 ~~Zoning District only if at least fifty (50%) percent of the resident voters within~~  
18 ~~three hundred (300) feet of the proposed change indicate their approval by signing~~  
19 ~~a verified petition to that effect.~~

20  
21 1. 2. City Council. Resolution of intention of the City Council,  
22 or by

23  
24 2. 3. Planning and Zoning Commission. Resolution of intention  
25 of the Planning and Zoning Commission.  
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1           **SECTION 5: PUBLICATION AND EFFECTIVE DATE.**

2           This ordinance shall be posted at three public places within the City of Albany and shall  
3 become effective thirty days after the date of its posting.  
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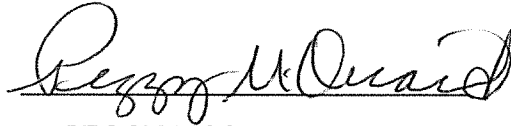
5           **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on  
6 the 5th day of September, 2017 by the following vote:  
7

8 AYES: *Council members: Barnes, Maase, Nason, Pilch*  
*and Mayor McQuaid*

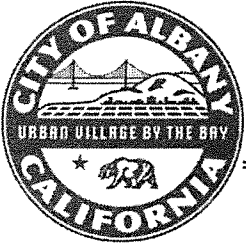
9 NOES:

10 ABSENT:

11 ABSTAIN:

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14 PEGGY MCQUAID, MAYOR  
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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • www.albanyca.org

**ORDINANCE NO. 2017-05**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 5th day of September, 2017 by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch, Mayor McQuaid

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

6th day of September, 2017.

*Eileen Harrington*

Eileen Harrington  
DEPUTY CITY CLERK