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ORDINANCE NO. 2022-03

**AN ORDINANCE OF THE ALBANY CITY COUNCIL REVISING
VARIOUS SECTIONS OF CHAPTER XX OF THE ALBANY MUNICIPAL CODE
RELATED TO IMPLEMENTATION OF THE SAN PABLO AVENUE SPECIFIC PLAN**

WHEREAS, on December 6, 2004, the City Council of the City of Albany adopted Ordinance #04-09 establishing Chapter XX “Planning and Zoning” of the Albany Municipal Code; and

WHEREAS, Chapter XX established allowed uses, district regulations, development standards, review procedures, and parking requirements; and

WHEREAS, Government Code Section 65450 et seq. permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

WHEREAS, on July 18, 2022, the City Council approved Resolution No. 2022-87, adopting amendments to the General Plan and an Addendum to the General Plan Environmental Impact Report for the San Pablo Avenue Specific Plan; and

WHEREAS, recitals and findings from Albany City Council Resolution No. 2022-87 are incorporated by reference; and

WHEREAS, on July 18, 2022, the City Council approved Resolution No. 2022-88, adopting Specific Plan, Design Guidelines and Objective Standards; and

WHEREAS, recitals and findings from Albany City Council Resolution No. 2022-88 are incorporated by reference; and

WHEREAS, the City desires to make certain related amendments to Chapter XX of the Albany Municipal Code (the “Zoning Ordinance”) to ensure consistency with the General Plan

1 and San Pablo Avenue Specific Plan, and related to the development of use regulations and
2 development standards applicable to the Specific Plan Area; and
3

4 **WHEREAS**, the City has completed State-mandated environmental review procedures
5 for the project and has adopted a separate resolution for an Addendum to the General Plan
6 Environmental Impact Report, including Findings; and
7

8 **WHEREAS**, the Albany Planning and Zoning Commission conducted a public hearing
9 to consider the Zoning Ordinance Amendments on June 22, 2022; and
10

11 **WHEREAS**, the Albany Planning and Zoning Commission adopted Resolution No.
12 2022-05 recommending that the City Council adopt Zoning Ordinance Amendments and Zoning
13 Map amendment; and

14 **WHEREAS**, the City published a public hearing notice in three public places and mailed
15 notices on July 8, 2022 as required for a public hearing before the City Council; and

16 **WHEREAS**, the City Council held a public hearing on July 18, 2022 to consider the
17 Specific Plan and related implementing documents.
18

19
20 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
21 **FOLLOWS:**

22 **SECTION 1: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, TITLED**
23 **“PLANNING AND ZONING” IS HEREBY AMENDED AS FOLLOWS:**
24
25
26
27
28

§ 20.08. DEFINITIONS.

§ 20.08.010. Purpose. [Ord. No. 04-09]

This section provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. Where any of the definitions in this section may conflict with definitions in the other chapters of the Albany Municipal Code, these definitions will prevail for purposes of this chapter.

§ 20.08.020. Definitions (A-Z). [Ord. No. 04-09; Ord. No. 05-06; Ord. No. 07-01 § 1; Ord. No. 09-03 § 2; Ord. No. 09-011 § 1; Ord. No. 2015-03 § 2; Ord. No. 2017-07 § 1]

[...]

OPEN SPACE, COMMON USABLE — Means usable open space available for use by the occupants of more than one (1) dwelling unit. Controlled and maintained by a property owner or an incorporated nonprofit homeowner's association; or dedicated in fee to, and maintained by, a public agency or recreation district and devoted to all use by residents who will occupy the district.

OPEN SPACE, PRIVATE USABLE — Means roof, balcony, deck, porch, terrace or other outdoor areas designed for use by the occupants of a single dwelling unit.

OPEN SPACE, PUBLICLY-ACCESSIBLE — Means paseos, plazas, outdoor dining areas, recreation areas, and other similar areas available for use by the public for at least daylight hours. Spaces be either offered as dedication to the City or privately owned and maintained with dedication of a public access easement at no public expense.

OPEN SPACE, USABLE — Means outdoor areas, open to the sky, on the ground, or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping by all residents for whom the space is intended. Does not include street rights-of-way, public or private surface easements, accessory buildings, open parking areas, driveways, and access ways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, or required front or corner side yards. Suitable recreational structures designed to be consistent with the intent of this definition may be considered usable open space.

[...]

§ 20.12. ZONING DISTRICTS AND PERMITTED USES.

§ 20.12.010. Purpose. [Ord. No. 04-09]

The purpose of this section is to establish zoning districts, adopt an official Zoning Map, and determine permitted land uses and conditionally permitted land uses which will be consistent with the General Plan and adopted specific plans.

§ 20.12.020. Designation of Zoning Districts. [Ord. No. 04-09]

The several classes of zoning districts into which the City may be divided are as follows:

Designation of Zoning Districts			
Section	Zoning District	Designation	
20.12.050.B.1	Residential Single Family	R-1	
20.12.050.B.2	Residential Medium Density	R-2	
20.12.050.B.3	Residential High Density	R-3	
20.12.050.B.4	Residential Towers	R-4	
20.12.050.B.5	Residential Hillside Development	RHD	
20.12.060.B.1	Solano Commercial	SC	
20.12.060.B.2	San Pablo Commercial	SPC	
20.12.060.B.3	Commercial Mixed Use	CMX	
20.12.070.B.1	Public Facilities	PF	
20.12.070.B.2	Waterfront	WF	
20.12.080.B.1	Hillside Overlay District	:H	
20.12.080.B.2	Commercial Node Overlay District	:CN	
20.12.080.B.3	Planned Residential/Commercial Overlay District	:PRC	
20.12.080.B.43	Professional Overlay District	:P	
20.12.080.B.5	Residential-Commercial Transition District	:RCT	
20.12.080.B.64	Watercourse Overlay District	:WC	
<u>20.12.080.B.5</u>	<u>Planned Residential Overlay District</u>	<u>:PR</u>	

A summary of the permitted and conditionally permitted uses in each Zoning District is presented in subsection 20.12.040, Table 1, Permitted Land Uses by District.

[...]

§ 20.12.040. Permitted Land Uses by District. [Ord. No. 04-09; Ord. No. 07-01 § 2; Ord. No. 09-03 § 3; Ord. No. 09-011 §§ 2, 3; Ord. No. 2011-08 § 3; Ord. No. 2014-02 § 1; Ord. No. 2014-05 § 2; Ord. No. 2014-11 § 1; Ord. No. 2019-01 § 1; 6-1-2020 by Ord. No. 2020-04]

City of Albany

TABLE 1

PERMITTED LAND USES BY DISTRICT (20.12.040)

[Amended by Ord. No. 2011-08; Ord. No. 2014-02; Ord. No. 2014-05; Ord. No. 2014-11; 6-1-2020 by Ord. No. 2020-04]

Key to Table: P = Permitted UP = Use Permit Required UP-M = Minor Use Permit Required ^{16, 17} - = Not Permitted Limits on authority for UP-M are indicated by * and ** ¹⁶										
Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
Residential										
Single-family dwelling	P	P	P	-	P	P ²	p³	-	-	-
Two-family dwellings	-	P	P	-	UP	P ²	p³	-	-	-
Multifamily dwellings	-	P	P	UP	UP	P ²	P ³	-	-	-
Live/work space	-	-	-	-	-	P ²	UP	UP-M ^{**}	-	-
Rooming or boarding house	-	-	P	-	-	-	-	-	-	-
<u>Shared housing</u>			<u>p²⁵</u>				<u>p³</u>			
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 ⁴	UP ⁴	-	-	-
Day-care home, residential										
a) Small family	P	P	P	P	P	-	-	-	-	-
b) Large family ¹⁹	UP-M	UP-M	UP-M	UP-M	UP-M	-	-	-	-	-
Accessory dwelling unit	P	P	P	P	P	P ²	P ³	-	-	-
Transitional housing	P	P	P	UP	p ²¹	P ²	P ³			
Supportive housing	P	P	P	UP	p ²¹	P ²	P ³			
Public and Quasi-Public										
Community assembly	-	UP	UP	-	-	UP	UP	-	UP	-
Clubs and lodges	-	UP	UP	-	-	UP	UP	UP	UP	-

Key to Table:

P = Permitted

UP = Use Permit Required

UP-M = Minor Use Permit Required^{16, 17}

- = Not Permitted

Limits on authority for UP-M are indicated by * and **¹⁶

Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
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	-	-	-	-	-	-	-	-	-	-
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 ⁵	UP ⁵	UP ⁵	-	-	UP ⁵	UP ⁵	UP ⁵	UP ⁵	-
Single room occupancy residential hotel	-	-	-	-	-	-	UP	-	-	-
Social service facilities	-	-	-	-	-	UP	UP	UP	-	-
U.S. Post Office	-	-	-	-	-	P	P	UP	-	-
Utilities										
Major	-	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵
Minor	UP ⁵	UP ⁵	UP ⁵	UP ⁵	UP ⁵	P	P	P	P	UP ⁵
Underground	P	P	P	P	P	P	P	P	P	UP ⁵
Commercial										
Adult entertainment establishment	-	-	-	-	-	-	UP ¹⁵	UP	-	-
Animal sales and services										

Key to Table:
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Limits on authority for UP-M are indicated by * and **¹⁶

Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
a) Animal boarding	-	-	-	-	-	UP	UP-M ¹⁵	UP-M	-	-
b) Animal grooming	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
c) Animal hospitals	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
d) Animal sales	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Automobile/vehicle sales and services										
a) Automobile/vehicle/equipment sales and/or rental	-	-	-	-	-	-	UP ¹⁵	UP-M*	-	-
b) Automobile service station (including fueling station)	-	-	-	-	-	-	UP ¹⁵	UP-M	-	-
c) Automobile/vehicle/equipment repair	-	-	-	-	-	-	UP ¹⁵	UP-M	-	-
d) Automobile washing	-	-	-	-	-	-	UP ¹⁵	UP-M	-	-
Bars	-	-	-	-	-	UP	UP ¹⁵	UP	-	UP
Building materials sales and service										
a) Within an enclosed building	-	-	-	-	-	-	UP-M* ¹⁵	UP-M*	-	-
b) Open storage area	-	-	-	-	-	-	-	UP ⁶	-	-
Commercial recreation/entertainment	-	-	-	-	-	UP ⁷	UP ¹⁵	UP-M*	-	-
Commercial recreation/entertainment in Waterfront District	-	-	-	-	-	-	-	-	-	UP
Communication facilities	-	-	-	-	-	UP	UP ¹⁵	UP	-	-
Construction services (contractors)	-	-	-	-	-	-	UP ^{6, 15}	UP ⁶	-	-
Custom manufacturing						UP-M	P ^{15, 22}	UP-M*		

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- = Not Permitted

Limits on authority for UP-M are indicated by * and **¹⁶

Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
Dry cleaner (retail)	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Financial institutions	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Funeral and interment services	-	-	-	-	-	-	UP ¹⁵	UP	-	-
Food and beverage preparation						P	P ^{15,22}	UP-M*		
Gyms and health clubs	-	-	-	-	-	UP-M	P ¹⁵	UP-M*	-	-
Hotels and motels	-	-	-	-	-	UP ⁸	UP ¹⁵	UP	-	-
Laboratory, limited	-	-	-	-	-	-	UP ¹⁵	UP-M	-	-
Laundry, large-scale	-	-	-	-	-	-	UP ¹⁵	UP-M*	-	-
Laundry, self-service	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Liquor store	-	-	-	-	-	UP	UP ¹⁵	UP	-	-
Offices, general	-	-	-	-	-	P ²³	P ¹⁵	UP-M*	-	-
Offices, professional						P ²⁴	P ¹⁵	UP-M*		
Marinas and boat launching ramps	-	-	-	-	-	-	-	-	-	UP
Parking facility, nonresidential	UP ⁹	UP ⁹	UP ⁹	UP ⁹	-	UP	UP-M ¹⁵	UP-M	-	UP
Pawn shops	-	-	-	-	-	-	UP ¹⁵	UP	-	-
Printing (retail)	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Printing (industrial)	-	-	-	-	-	-	-	UP	-	-
Repair services (non-auto)	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Research and development (commercial)	-	-	-	-	-	UP	UP ¹⁵	UP-M*	-	-
Research and development (educational)	-	-	-	-	-	-	-	UP-M*	UP ¹⁰	-
Restaurant	-	-	-	-	-	P ^{12, 13}	P ^{12, 13, 15}	UP-M ^{12, 13}	-	UP ^{12, 13}

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Limits on authority for UP-M are indicated by * and **¹⁶

Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
a) With live entertainment	-	-	-	-	-	UP ^{12, 13}	UP ^{12, 13, 15}	UP ^{12, 13}	-	-
b.1.) With take-out (walk-up)	-	-	-	-	-	P ^{12, 13}	P ^{12, 13, 15}	UP-M ^{12, 13}	-	-
b.2.) With take-out (drive-through)	-	-	-	-	-	-	UP ^{12, 13, 15}	UP ^{12, 13}	-	-
Retail, food and beverage sales	-	-	-	-	-	P	P ¹⁵	UP-M*	-	-
Retail nurseries and garden supplies	-	-	-	-	-	P	P ¹⁵	UP-M*	-	-
Retail sales										
a) Neighborhood retail	-	-	-	UP ¹⁸	-	P	P ¹⁵	UP-M*	-	-
b) Community retail	-	-	-	-	-	UP-M*	P ¹⁵	UP-M*	-	-
c) Regional retail	-	-	-	-	-	-	-	UP-M*	-	-
Services, ambulance	-	-	-	-	-	-	P ¹⁵	UP-M	-	-
Services, business	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Services, catering	-	-	-	-	-	UP	P ¹⁵	UP-M	-	-
Services, instructional	-	-	-	-	-	P ¹⁴	P ^{14, 15}	UP-M	-	-
Services, massage	-	-	-	-	-	UP	UP ¹⁵	UP-M	-	-
Services, tattoo parlors						UP	UP ¹⁵	UP		
Services, personal	-	-	-	-	-	P	P ¹⁵	UP-M	-	-
Significant ²⁰ tobacco retailer	-	-	-	-	-	UP	UP ¹⁵	UP	-	-
Tutoring/lessons						P	P ¹⁵	UP		
Waterfront and waterfront-sports-related commercial sales and service	-	-	-	-	-	-	-	-	-	UP
Industrial										
Industry, limited		-		-	-	-	-	UP	-	-
Industry, general	-	-	-	-	-	-	-	UP	-	-

Key to Table:

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UP-M = Minor Use Permit Required^{16, 17}

- = Not Permitted

Limits on authority for UP-M are indicated by * and **¹⁶

Land Use ¹	R-1	R-2	R-3	R-4	<u>RHD</u>	SC	<u>SPC</u>	CMX	PF	WF ¹¹
Truck terminal	-	-	-	-	-	-	-	UP	-	-
Warehousing and storage										
a) Indoor	-	-	-	-	-	-	-	UP	-	-
b) Outdoor	-	-	-	-	-	-	-	UP	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	UP	-	-

NOTES, TABLE 1:

1. All construction may be subject to design review and development standards.
2. Use permit is required if located on the ground floor; on the 2nd floor or above, the use is permitted. Off-street parking in support of residential use is not permitted to occupy ground floor building frontage along Solano Avenue.
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. Commercial activities are not permitted along the Kains Avenue or Adams Street frontages. Residential projects with 100% below-market rate units, excluding the manager's unit, are exempt from this provision. However, individual dwelling units may not be located along the ground-floor building frontage along San Pablo or Solano Avenue; shared lobby entrances are permitted. Off-street parking in support of residential use is not permitted to occupy building frontage along San Pablo Avenue, except for interior lots where access is only available on 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 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.
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". ¹
12. A supplemental business license may be required where alcohol is consumed.
13. See Section 20.20.070.B.1 for permit requirements for alcoholic beverages.
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, or hazardous materials, as determined by the Community Development Director.
15. <u>Except for Home Occupations pursuant to Section 20.20.040, on sites identified as opportunity sites in the Housing Element, these uses are permitted on the ground-floor only. Additionally, new projects on lots that total 20,000 sq. ft. or greater shall provide ground-floor commercial uses of at least 8,000 sq. ft. and at least 50-foot depths. Reductions in this floor area requirement and depth may be permitted subject to approval of a Conditional Use Permit by the Planning & Zoning Commission. {not used}</u>
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.
21. Permitted if in a single-family dwelling but requires a conditional use permit if located in a two-family or multifamily dwelling.
22. Retail area shall comprise at least the first 15 feet of the public street-facing depth (only the primary commercial corridor on corner lots).
23. Minor use permit required on the ground floor; windows shall be located to front the primary commercial corridor.
24. Major use permit required on the ground floor; windows shall be located to front the primary commercial corridor.
<u>25. Use permitted within San Pablo Avenue Specific Plan planning area.</u>

§ 20.12.060. Commercial Districts. [Ord. No. 04-09; Ord. No. 2019-01 § 1]

- A. General Purposes of Commercial Districts. The City's commercial districts are intended to:
1. Provide appropriately located areas for a full range of retail, office, service, residential, and industrial uses needed by the City's residents, businesses and workers;
 2. Strengthen the City's economic base, and provide employment opportunities for residents of the City; and
 3. Ensure that the character of commercial buildings and uses is harmonious with the area in which they are located.

2. Editor's Note: See Appendix C, Measure K, which is included as an attachment to this chapter

[...]

§ 20.12.080. Overlay Districts. [Ord. No. 04-09; Ord. No. 06-014 § 5; Ord. No. 2011-06]

- A. General Purposes of Overlay Districts. Overlay districts are zoning districts established by the City to carry out specific purposes. Purposes may include objectives such as protection of watercourses or hillside sites, or permitting particular land uses under controlled circumstances. In fulfilling the purposes of any overlay district the City may apply a set of regulations that will be applicable in addition to the regulations for the base zoning district. Overlay districts may be established by the City without being actually delineated on the Zoning Map.
- B. Specific Purposes of Individual Overlay Districts.
1. Hillside Overlay District (:H): The Hillside Overlay District is intended to be applied in those portions of Albany Hill which are substantially developed with residential uses. The purpose of this District is to apply specific height regulations appropriate to the topographic characteristics of Albany Hill and to permit variations in required yards where appropriate.
 2. Commercial Node Overlay District (:CN): The Commercial Node Overlay District is intended to be applied to limited areas for the purposes of:
 - a. Intensifying retail, commercial and residential mixed use activities around major intersections;
 - b. Reinforcing existing and developing concentrations of pedestrian-oriented uses; ~~and~~
 - c. Defining the major commercial areas in Albany through distinctive design standards for specific locations; and

e-d. Within the San Pablo Avenue Specific Plan planning area, encouraging placemaking through compliance with the San Pablo Avenue Design Guidelines and Objective Design Standards.

~~3. Planned Residential/Commercial Overlay District (:PRC): The Planned Residential/Commercial Overlay District is intended to encourage mixed-use developments on large sites on San Pablo Avenue. Exclusively commercial development is also permitted. In either case, the ground floor frontage on San Pablo Avenue shall be commercial.~~

4.3. Professional Overlay District (:P): The Professional Overlay District is intended to permit the establishment of professional offices in residential areas where the establishment of such offices would be compatible with the surrounding residential neighborhood.

~~5. Residential Commercial Transition Overlay District (:RCT): The Residential Commercial Transition Overlay District is intended to be applied to portions of the San Pablo Commercial District where properties have frontage on Kains Avenue, for the purposes of:~~

~~a. Allowing the limited expansion of commercial activity presently fronting on San Pablo Avenue, or facilitating the development of new uses fronting on San Pablo Avenue.~~

~~b. Encouraging the development of mixed commercial and residential uses along San Pablo Avenue and extending through the depth of those blocks subject to limitations on nonresidential use on the Kains Avenue frontage.~~

~~c. Establishing additional development standards for properties along Kains Avenue, in order to minimize the impact of any commercial or high-density residential activities within the Residential Commercial Transition Overlay District upon the residential uses both adjacent to and across the street from such activities.~~

6.4. Watercourse Overlay District (:WC): The Watercourse Overlay District is intended to promote the preservation and restoration of Albany's creekside areas. It is also the purpose of the WC District to regulate land use in flood-prone areas to protect property from damage due to flood waters and the transportation by water of wreckage and debris. The WC District includes the following:

a. Areas within seventy-five (75) feet of the centerline of Cerrito and Codornices Creeks; and

b. Areas designated on the Federal Insurance Rate Map as zones of Special Flood Hazards.

~~7. Planned Residential Overlay District ("PR"): The Planned Residential Overlay District is intended to be compatible with large-scale residential developments which are characterized by certain variations in development standards, including building height, that have been or may be approved by the City through a conditional use permit or a Planned Unit Development process, while maintaining compliance with the density standards of the General Plan and the underlying residential zoning district.~~

~~8. University Village/San Pablo Avenue Overlay District: The University Village/San Pablo Avenue Overlay District is intended to be applied to those portions of University Village with frontage along San Pablo Avenue. The purpose of this District is to require mixed-use development within the University Village parcels along San Pablo Avenue, specifically requiring residential development, including residential care uses, consistent with the Realistic Unit Capacity of the San Pablo Commercial Zone as defined by the Housing Element, which may be amended from time to time.~~

§ 20.20. REGULATION OF SPECIFIC LAND USES.

§ 20.20.070. Restaurants, Bars and Entertainment Facilities. [Ord. No. 04-09; Ord. No. 09-011 § 5; Ord. No. 2019-01 § 3]

- A. Purpose. This subsection distinguishes among various types of facilities for eating, drinking and commercial entertainment, and establishes appropriate regulations to protect surrounding properties and the public health, safety and welfare.
- B. Restaurants.
1. Alcoholic Beverages. Restaurants that serve alcoholic beverages are subject to licensing by the State of California Department of Alcoholic Beverage Control, and to performance criteria.
 - a. Beer and Wine Only. Restaurants requiring an On-Sale Beer and Wine license are permitted uses in the SC and SPC districts, and shall require a minor use permit in the CMX and WF districts.
 - b. Full Service. Restaurants requiring an On-Sale General license for full alcoholic beverage service are permitted uses in the SC and SPC districts, and shall require a minor use permit in the CMX and WF districts.
 - c. Business Hours: Business hours shall be 8:00 a.m. - 11:00 p.m. Sunday-Thursday and 8:00 a.m. — 12:00 a.m. Friday and Saturday. Extension beyond these hours shall be subject to a major use permit.
 - d. Noise Mitigation: All functions in the space must comply with Section 20.36.020.D noise standards, through the use of insulation or other means.
 2. Outdoor Seating. Outdoor seating for food and beverage service at restaurants may be permitted under procedures and regulations stated below. Required permits may be conditioned to require setback areas, screening, or planting areas necessary to prevent adverse impacts on surrounding properties and the visual character of the City's commercial areas. Design review shall be required for any construction proposed in connection with outdoor seating.
 - a. On Site: Outdoor seating on the premises of a restaurant shall be permitted in all districts where restaurants are permitted uses except that a major use permit shall be required wherever an outdoor seating area is located within fifty (50) feet of any property that is within a residential district or is used for residential purposes. The Planning and Zoning Commission may impose conditions, including but not limited to limitations on hours of operation, to avoid effects of noise, odor and light, among other effects, upon neighboring residential property.

- b. Sidewalk: Restaurants may be permitted to have outdoor seating on the public sidewalk, provided that such seating will not interfere with pedestrian use of the public sidewalk, subject to approval of a revocable encroachment permit by the Community Development Director, and a zoning clearance or a use permit if such is required for restaurants in the district in which the establishment is located. A zoning clearance or a use permit for sidewalk seating shall be subject to annual administrative renewal. Non-compliance with all permit conditions may result in denial of renewal of the permit. In no case may the number of outdoor seats exceed twenty (20%) percent of the total seating for the establishment nor shall outdoor preparation of food or beverages be allowed.
3. Restaurants and Retail Stores with Take-Out Food Service. Establishments at which twenty (20%) percent or more of the transactions are sales for off-site consumption are subject to regulation as follows:
 - a. Walk-Up Facilities: Establishments where patrons order and pay for their food at a counter within the establishment are permitted in the SC and SPC Districts and are conditionally permitted in the CMX District. Such establishments may be permitted to have outdoor seating as specified in (b) above, except that there shall be no required ratio of outdoor seating to indoor seating.
 - b. Drive-Through Facilities: Food or beverage service from a building to persons in vehicles shall be subject to regulations for drive-through uses stated in subsection 20.20.030.
 - c. Ghost Kitchens: Food businesses that prepare food in a commercial kitchen space and deliver it to consumers through food delivery apps are permitted in the SPC District, but shall meet window transparency standards, required by the San Pablo Avenue Specific Plan Design Guidelines and Objective Design Standards to maintain visual interest.
4. Entertainment Permit. An entertainment permit shall be required for any place where entertainment is provided within a bar, cocktail lounge, tavern, cafe, restaurant, hotel, motel, or public place where food, alcoholic or other beverages, or other refreshments are served. See Municipal Code Section 5-1.

[...]

§ 20.24. DEVELOPMENT REGULATIONS.

§ 20.24.010. Purpose. [Ord. No. 04-09]

The purpose of this section is to establish regulations relating to characteristics of the physical development of property, including lot area, width and coverage; yard setbacks; and building height. These regulations are established for purposes of allowing for light, air, privacy, and safety from fire hazards, and to ensure that property development contributes to a high quality environment for living and working, consistent with General Plan policies.

§ 20.24.020. Tables of Site Regulations by Districts. [Ord. No. 04-09; Ord. No. 09-011 §§ 6—9; Ord. No. 2014-11 § 5; amended 3-18-2019 by Ord. No. 2019-03]

A. Site Regulations by District — Residential: Table 2A.

Table 2A prescribes development regulations for the various residential zoning districts.

Table 2A. Site Regulations by District: Residential (20.24.020)

Standard	Zoning District				
	R-1	R-2	R-3 ⁽²⁰⁾	R-4 ⁽¹⁾	RHD ⁽²⁾
Maximum Density (dwelling units/acre)	12 (3)(10)	35	63 ⁽²¹⁾	87	6 or 9 ⁽⁴⁾
Maximum FAR (floor area/lot arearatio)					
Single-family dwelling	0.55 ⁽⁵⁾	0.55 ⁽⁵⁾	0.55 ⁽⁵⁾	N/A	0.50 ⁽⁸⁾
Multifamily dwelling			1.50/ <u>2.0</u> (6)(7)		
Minimum Lot Size (square feet) ⁽¹⁰⁾					
Single-family	3,750	3,750	3,750		5,000 ⁽⁸⁾
2-family	N/A	3,750	3,750		
Multiple-family	N/A	3,750	3,750		
Public/quasi-public	10,000	10,000	10,000		
Minimum Lot Width (feet)					
Single-family	35	35	50		50 ⁽⁸⁾
2-family	N/A	37.5	50		
Multiple-family	N/A	37.5	50		
Public/quasi-public	75	75	75		
Maximum Lot Coverage (% of lotarea)	N/A	50%	50%		
Single-family	50%	50%	50%		40% ⁽⁸⁾
2-family	N/A	50%	50%		
Multiple-family	N/A(11)	50%(11)	70%(11)		
Public/quasi-public					
Maximum Building Height (feet)					
Single-family	28 ⁽¹²⁾	28 ⁽¹²⁾	35		(13) ⁽⁸⁾
2-family	N/A	35/28 ⁽¹⁴⁾	35/28 ⁽¹⁴⁾		
Multiple-family	N/A	35/28 ⁽¹⁴⁾	<u>50</u> /35/28 ⁽¹⁴⁾		
Public/quasi-public	35	35	35		

Table 2A. Site Regulations by District: Residential (20.24.020)

Standard	Zoning District				
	R-1	R-2	R-3	R-4 ⁽¹⁾	RHD ⁽²⁾
Minimum Yard Setbacks (feet)					
Single-, Two-, Multiple-family:					
Side, exterior	7.5	7.5(18)	7.5(18)		17) (8)
Rear	20	15	15		20(8)
Single-family second-story addition	(19)	(19)	(19)		
Public/quasi-public	(11)	(11)	(11)		
Maximum Fence Height	See Subsection 20.24.110				
Minimum Usable Open Space (multifamily dwellings)	See Subsection 20.24.090				
Accessory Buildings	See Subsection 20.24.130				

Notes, Table 2A:

1. In R-4 District, site regulations not specified will be determined by the Planning and Zoning Commission on consideration of an application for a use permit. Existing densities of developed sites are deemed to be conforming, but existing densities will not be permitted to be increased above the maximum density permitted in the R-3 District.
2. In the RHD District, all multiple-family development, and any single-family development which comprises two or more acres of land area, shall be processed as a development plan under planned unit development procedures specified in Subsection 20.100.060. See Subsection 20.24.040 for development regulations applicable to the RHD District in addition to the regulations stated in this table.
3. The higher maximum density stated in the General Plan takes into account the pre-existence of substandard nonconforming lots.
4. The Albany General Plan divides the area subject to the RHD District into two density classifications: Low density = 6 dwelling units/acre.

High density = 9 dwelling units/acre.

Through the planned unit development process (Subsection 20.100.060), allowable density may be reduced according to slope density restrictions and/or the presence of natural topographic features. The City may permit the transfer of density from one portion of a development site to another, upon making a finding that the density transfer is necessary to accomplish the purposes of this chapter.

5. The Planning and Zoning Commission may approve a floor/area ratio of up to 0.60 based on determination that any of the following conditions exist:

(a) The site is of such a size that application of the 0.55 floor/area ratio would result in a gross square footage of less than 1,500 square feet.

(b) The site is in a zone other than R-1 and buildings on any surrounding properties exceed FAR 0.60, and the higher FAR is warranted by considerations of harmonious transition among properties.

(c) The proposed design has architectural features that contribute substantially to neighborhood quality, which could not be achieved in a smaller building mass.

6. FAR may be increased to 1.75 where open space is provided at twice the minimum requirement stated in Subsection 20.24.090.B. As an incentive for lot consolidation, FAR may be increased to 2.0 within the San Pablo Avenue Specific Plan planning area on through-lots extending to San Pablo Avenue.

7. Enclosed off-street parking shall be included in the calculation of the FAR, except that such parking area that is located entirely below grade may be excluded. (See Subsection 20.24.050.C.)

8. Applies to single-family development in RHD District on land comprising less than two acres. Also shall be considered to be the minimum standards required for development of a single-family planned unit development on two acres or more, except that modified development standards may be approved if deemed appropriate by the Planning and Zoning Commission and City Council.

9. (Reserved)

10. Existing lots which do not meet minimum area standards may be developed or improved as provided in § 20.44, Nonconforming Uses, Structures and Lots.

11. For public and quasi-public uses, lot coverage and yard setbacks will be determined by the Planning and Zoning Commission on consideration of an application for a use permit or design review.

12. Planning and Zoning Commission, subject to design review criteria, may grant a use permit to allow greater height for second-story additions, up to 35 feet, measured in accordance with Subsection 20.24.080, and based on at least one of the following findings:

a. The existing house has a partial ground story that causes an increase in the overall height of the building, and there are sound design reasons for considering a roofline which exceeds 28 feet.

b. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point of the roof.

c. The existing architectural character and design of the house is maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground-story wall line, and adding

architectural details and elements such as horizontal trim or other features to create interest.

13. Height limits in RHD District are specified for single-family residences only. The maximum building height for a single-family residence on a downhill site shall be 35 feet above the original grade of a site measured from the midpoint of the building envelope. The maximum permitted height for a single-family residence on an uphill site shall be 28 feet above the original grade of a site measured from the midpoint of the building envelope.

14. Maximum building height is three stories and 35 feet, above natural or finished grade, whichever is lower, except within the San Pablo Avenue Specific Plan planning area on through-lots extending to San Pablo Avenue, maximum building height is 50 feet and five stories, as an incentive for lot consolidation. ~~that~~ The maximum height allowed at the front setback line shall be 28 feet plus a forty-five-degree daylight plane. (See Subsection 20.24.070.B.), except within the San Pablo Avenue Specific Plan planning area on through-lots extending to San Pablo Avenue, where setbacks are required pursuant to Subsection 20.24.070.C.

15. Through lots are deemed to have two front property lines, one at each street, and front yard setback requirements shall be applicable to both lines.

16. 10% of lot width, up to a maximum of five feet, with a minimum requirement of three feet, except that the minimum setback for multifamily structures in the R-3 District is five feet.

17. 10% of lot width, or five feet, whichever is greater.

18. One foot shall be added for each 12 feet of height above the lowest 15 feet of building height. Except within the San Pablo Avenue Specific Plan planning area, where no additional setback shall apply.

19. Exceptions to setback requirements may be made in the case of a second-story addition to a single-family dwelling, as follows:

(a) Vertical extension of nonconforming walls. Existing nonconforming walls which encroach into required setback areas shall be allowed to extend in a vertical plane under or over an existing wall, subject to design review by the Planning and Zoning Commission and obtaining a use permit.

(b) Horizontal extension of nonconforming walls. Existing nonconforming walls which encroach into the required front yard or side yard setback areas may be extended in a horizontal plane, subject to design review by the Planning and Zoning Commission and obtaining a use permit. Such extensions shall not further encroach on any required setback (i.e., a nonconforming wall which encroaches one foot into a required setback shall not be permitted to encroach two feet), nor shall any such extension create a new encroachment in another direction. Required conditional use permit and design review findings for the extension of a nonconforming front wall shall be made separately from findings required for extension of other nonconforming walls.

20. Projects in the San Pablo Avenue Specific Plan planning area shall also meet relevant regulations in the San Pablo Avenue Design Guidelines and Objective Design Standards, and required community benefits (Section 20.24.190), which may be updated from time to time.

21. The San Pablo Avenue Specific Plan planning area has no maximum residential density standard.

B. Site Regulations by District — Nonresidential: Table 2B.

Table 2B prescribes development regulations for the various, commercial, public and waterfront zoning districts.

Table 2B. Site Regulations by District: Nonresidential					
(20.24.020) Standard	Zoning District				
	SC	SPC⁽¹³⁾	CMX	WF⁽¹⁾	PF⁽¹⁾
Maximum Residential Density (dwelling units/ acre where residential development is proposed)	Minimum: 20 unit minimum- Maximum: 63	Minimum: 20- 30 unit minimum- Maximum: N/A 63	N/A	N/A	N/A
Maximum FAR (floor area/lot area ratio)					
Mixed-use development (more than 1 use, including residential and commercial or other permitted nonresidential uses)	1.25	2.25 <u>4.0/4.5⁽¹¹⁾</u>	0.5	0.5	N/A
Commercial portion of any development (not to be exceeded, regardless of mix with other uses, or any bonus increase in the total FAR of development)	1.25	0.95	0.5	0.5	N/A
Multifamily dwelling, where it is the sole use of a site ⁽¹²⁾	1.25	N/A <u>4.0/4.5⁽¹¹⁾</u>	N/A	N/A	N/A

(20.24.020)Standard	Table 2B. Site Regulations by District: Nonresidential				
	Zoning District				
	SC	SPC	CMX	WF ⁽¹⁾	PF ⁽¹⁾
Live/work space	N/A	4.0/4.5 ⁽¹¹⁾ A	(4)	N/A	N/A
Minimum Lot Area per Dwelling Unit (square feet)	N/A	N/A	(2)	N/A	N/A
Minimum Lot Size (square feet)	None	None	5,000		None
Minimum Lot Width (feet)	None	None	50		None
Maximum Lot Coverage (% of lot area)	100%	100%	80%		
Maximum Building Height (feet)	35	38/20/12 ^{68/85} (4.11)	45		40
Minimum Yard Setbacks (feet)					
Front, or exterior side	(6)(7)	(6)(7)	None	(5)	
Side, interior	(8)	(8)	(9)		
Rear	(8)(10)	(8)(10)	(9)		
Maximum Fence Height	See Subsection 20.24.110				
Minimum Usable Open Space (multifamily dwellings)	See Subsection 20.24.090				

Notes, Table 2B:

1. In the WF and PF Districts, and in cases of public/semipublic uses in all districts, site regulations not otherwise specified will be determined by the Planning and Zoning Commission on a use permit/design review basis.

2. Live/work space will be included in the calculation of commercial floor area and will be subject to the maximum FAR standards for each district. District standards for minimum lot area per dwelling shall not apply to live/work units. See Table 1 for land use permitting procedures for live/work in individual districts.

3. (Reserved)

~~4. Maximum building height is three stories and 38 feet, above grade, except that where the rear property line abuts a residential district, the maximum height shall be 20 feet in height at a point 10 feet back from the residential district property line, plus a forty five degree daylight plane to the maximum permitted height; or alternatively 12 feet in height at the property line, then, horizontally to a point 10 feet from the property line, plus a thirty five degree from vertical daylight plane to the maximum permitted height. (See Subsection 20.24.070.AC for upper story stepback requirements., Figures 1.a and 1.b.) If there is a difference in grade planes between~~

~~two adjacent parcels, the Community Development Director shall determine appropriate grade plane to be used for daylight plane calculation. No projections shall be allowed in the area between the daylight planes setback and rear property line. Usable open spaces located on top of the structure, within 10 feet of a residential district boundary, shall have a solid fence or wall six feet in height. The combined height of the structure and the wall shall comply with daylight plane requirements of this Code.~~

4.

5. No enclosed structure shall be located within 100 feet of the shoreline, except as specified in the Waterfront Master Plan. Continuous public access to the water's edge shall be preserved and established consistent with The Bay Trail—Planning for a Recreational Ring Around the Bay (ABAG, July 1989).

6. Through lots are deemed to have two front property lines, one at each street, and front yard setback requirements shall be applicable to both lines.

7. None required along San Pablo Avenue. If front setback is provided, it shall not exceed a depth of four feet at street level. Where fronting a street immediately parallel to San Pablo Avenue: 15 feet, plus a daylight plane. (See Subsection 20.24.070.B.) Where a property in the SC District has an exterior lot line at a street that intersects with Solano Avenue, and any property located directly across such a street is in a residential district: 15 feet, plus a daylight plane. (See Subsection 20.24.070.B.)

8. None, except where an interior side or rear yard of a nonresidential property abuts an R District: See Subsection 20.24.070.A.

9. The minimum setbacks where a lot abuts an R District shall be 10 feet at either side or rear yards.

10. May be waived by Planning and Zoning Commission, except where rear yard abuts an R District.

11. Up to 4.5 FAR and 85 feet building height permitted in the northern node, as depicted in the San Pablo Avenue Specific Plan Zoning District & Overlays map (Figure 2-2), in exchange for providing San Pablo Avenue Specific Plan community benefits (Section 20.24.190).

12. Permitted for projects in which 100% of the units are affordable up to 120% of Area Median Income, with the exception of building manager's unit.

13. Projects in the San Pablo Avenue Specific Plan planning area shall also meet relevant regulations in the San Pablo Avenue Design Guidelines and Objective Design Standards, and required community benefits, pursuant to Section 20.24.190, which may be updated from time to time.

§ 20.24.030. Overlay District Regulations. [Ord. No. 04-09; Ord. No. 06-014 § 6]

A. Purpose. The purpose of this subsection is to establish regulations for the fulfillment of the purposes of the several Overlay Districts as stated in subsection 20.12.080 B.

B. Hillside Overlay District (:H).

1. Maximum Building Height. No portion of any structure shall extend above forty (40) feet from the original grade as measured vertically from the point. In addition, for development on the downhill side of a street, the highest point of any structure shall not be greater than twenty-eight (28) feet above the elevation of the uphill street. For development located on the uphill side of a

street, no portion of the structure within ten (10) feet of the downhill face of the structure shall be greater than twenty-eight (28) feet above the elevation of the downhill street, or greater than twenty-eight (28) feet above the original grade if located on top of a bluff adjacent to the street. This requirement may be varied upon the granting of a conditional use permit pursuant to procedures in subsection 20.100.030.

2. Minimum Yards. Same as required in Principal District; may be reduced upon the granting of a conditional use permit pursuant to the procedures in subsection 20.100.030; the Planning Commission shall take into consideration the existing setbacks on the block.

C. Commercial Node Overlay District (:CN).

1. Delineation of Districts. The Commercial Node Overlay District may be applied to locations where commercial uses are permitted. Individual Commercial Node Overlay Districts shall be delineated on the Zoning Map. Where the boundary of the district includes a portion greater than fifty (50%) percent of the area of any land parcel delineated in the Assessor's Maps of Alameda County as of the date of adoption of this subsection, the entire parcel shall be included in the district.
2. Ground Floor Use Limitations. All uses permitted on the ground floor within SPC Districts shall be permitted within designated nodes except service stations, auto repair, and drive-up and drive-through facilities. Commercial parking facilities shall not be permitted to occupy ground floor street frontage except as necessary for access.
3. Design Standards. Within ~~any a~~ Commercial Node Overlay District, except within the San Pablo Avenue Specific Plan planning area, the following design standards shall apply to new development and, where appropriate, major alterations and additions.
 - a. Location. Buildings shall be built to the street line except where the design includes a maximum four (4)-foot setback for landscaping or pedestrian amenity. An exception may be allowed for a diagonal façade at a street intersection.
 - b. Massing. Buildings on parcels located on street corners in designated nodes shall be marked by tower elements to distinguish the node from the rest of the street and to mark entrances. Overall massing shall emphasize the vertical dimensions of the building, as a means of balancing the horizontal effect of the width of the street. All buildings shall have a base and cap.
 - c. Articulation. Buildings shall be articulated through such features as projecting or recessed windows and entries, and variations in rooflines.
 - d. Rhythm. Street facades at the ground floor level shall be divided by architectural details into bays.
 - e. Signs. Signs shall be either attached to the walls or printed onto awnings, and be proportional to the size of the building. Internally illuminated signs shall be composed of individual channel letters, as opposed to can signs enclosing copy on an illuminated sheet surface.

- f. Parking. On-site parking facilities shall be located to the rear or side of the building or enclosed in a structure, above or below ground.
- g. Service areas. All service areas shall be enclosed or otherwise architecturally concealed from the street.

~~D. Planned Residential/Commercial Overlay District (:PRC). The following additional standards shall apply to development of those properties that are designated by the General Plan as "Planned Residential/Commercial," located within the San Pablo Commercial (SPC) District:~~

- ~~1. Development of sites within this overlay district shall be subject to procedures and requirements of subsection 20.100.060, Planned Unit Development.~~
- ~~2. Setback and daylight plane regulations stated in paragraph 20.24.070.B.1 shall apply to structures fronting on Adams Street.~~
- ~~3. Specific standards applicable to development of property frontage on Adams Street, in the San Pablo Commercial (SPC) District:~~
 - ~~a. Orientation. No nonresidential use shall face toward, or have either a public entrance or a delivery entrance from Adams Street.~~
 - ~~b. Access. Access drives from Adams Street shall be limited to serving residential uses only. Any driveway connecting to a nonresidential use shall be controlled to prevent access between the nonresidential use and Adams Street, except for emergency purposes.~~
 - ~~c. Setback, building. The minimum setback for a building shall be fifteen (15) feet from Adams Street, with an additional setback for any portion of a structure extending above twenty-eight (28) feet in height. (See subsection 20.24.070.B.1).~~
 - ~~d. Setback, parking. Open parking lots shall be set back a minimum of ten (10) feet from a property line along Adams Street, unless the Planning and Zoning Commission, through a use permit procedure, determines that the intent of the setback can be achieved with a lesser setback mitigated by more intense landscaping than would otherwise be required.~~
 - ~~e. Landscaping, setbacks. Required setbacks from the street shall be landscaped with turf or low ground cover to establish a residential character for the frontage.~~
 - ~~f. Landscaping, parking. Open parking areas shall be landscaped as required by subsections 20.24.110.F.2 and 3.~~
 - ~~g. Screening, parking areas. Open parking areas abutting Adams Street shall be screened as required by subsection 20.24.110.F.1.b.~~
 - ~~h. Screening, structures with internal parking. Where openings in walls that face Adams Street allow a view of internal parking areas, such openings shall be screened by vegetation or other materials for purposes of obscuring views of the interior from neighboring properties, and reducing glare from interior lighting.~~
 - ~~i. Screening, storage. Open areas for storage of goods or refuse shall be~~

~~screened from view from the street as required by subsections 20.24.110.D and E.~~

~~j. Screening and landscaping, loading areas. Loading areas shall be screened and landscaped as required by subsection 20.24.110.G.~~

~~k. Signage. No signs shall be permitted to be visible from Adams Street, except for directional signs and other signs that are allowed without permits by Section 20.32.~~

~~l. Street trees. Street trees shall be required, of species, size and spacing to meet City street tree standards.~~

E.D. Professional Office Overlay District (:P).

1. Conditionally Permitted Uses. The following uses may be permitted upon the granting of a use permit pursuant to the procedures in subsection 20.100.030.
2. Professional offices, clinics, medical centers, and uses which in the opinion of the Planning Commission are of a similar nature.
3. Specific P District Regulations.

Specific P District Regulations								
Uses	Min. Lot Area	Max. Ht.	Min Lot Width	Max. Lot Coverage ⁽¹⁾	Minimum Yards ⁽¹⁾			
					Front	Rear	Side, Corner	Side, Interior
See a above	5,000 sq. ft.	Same as underlying district	50 ft.	70%	15 ft.	10 ft. (1)	5 ft. (2)	5 ft.

NOTES

- (1) See further yard and coverage regulations in subsections 20.24.060, 20.24.100 and 20.24.110
- (2) One (1) foot shall be added for each twelve (12) feet of height above the lowest fifteen (15) feet of building height.

~~F. Residential Commercial Transition Overlay District (:RCT). The following additional standards shall apply to development of property frontage on Kains Avenue, within the San Pablo Commercial (SPC) District:~~

~~1. Orientation. No nonresidential use shall face toward, or have either a public entrance or a delivery entrance from, Kains Avenue.~~

~~2. Access. Access drives from Kains Avenue shall be limited to serving residential uses only. Any driveway connecting to a nonresidential use shall be controlled to prevent access between the nonresidential use and Kains Avenue, except for emergency purposes.~~

~~3. Setback, Building. The minimum setback for a building shall be fifteen (15) feet from Kains Avenue, with an additional setback for any portion of a structure extending above twenty-eight (28) feet in height. (See subsection 20.24.070.B.1).~~

~~4. Setback, Parking. Open parking lots shall be set back a minimum of ten (10)~~

~~feet from a property line along Kains Avenue, unless the Planning and Zoning Commission, through a use permit procedure, determines that the intent of the setback can be achieved with a lesser setback mitigated by more intense landscaping than would otherwise be required.~~

- ~~5.—Landscaping, Setbacks. Required setbacks from the street shall be landscaped with turf or low ground cover to establish a residential character for the frontage.~~
- ~~6.—Landscaping, Parking. Open parking areas shall be landscaped as required by subsections 20.24.110.F.2 and 3.~~
- ~~7.—Screening, Parking Areas. Open parking areas abutting Kains Avenue shall be screened as required by subsection 20.24.110.F.1.b.~~
- ~~8.—Screening, Structures with Internal Parking. Where openings in walls that face Adams Street allow a view of internal parking areas, such openings shall be screened by vegetation or other materials for purposes of obscuring views of the interior from neighboring properties, and reducing glare from interior lighting.~~
- ~~9.—Screening, Storage. Open areas for storage of goods or refuse shall be screened from view from the street as required by subsections 20.24.110.D and E.~~
- ~~10.—Screening and Landscaping, Loading Areas. Loading areas shall be screened and landscaped as required by subsection 20.24.110.G.~~
- ~~11.—Signage. No signs shall be permitted to be visible from Kains Avenue, except for directional signs and other signs that are allowed without permits by Section 20.32.~~
- ~~12.—Street Trees. Street trees shall be required, of species, size and spacing to meet City street tree standards.~~

[...]

§ 20.24.060. Setback Areas, Encroachments. [Ord. No. 04-09]

See Table 3: Setback Areas, Encroachments.

Table 3: Setback Areas, Encroachments (20.24.060)						
Type of Projection	Limitations	Maximum Projection into Required Setback Area	Minimum Distance from a Property Line for any Projection			
			Required Front Yard	Required Rear Yard	Required Interior Side Yard	Required Exterior Side Yard
Chimneys		3 feet (any required setback)			3 ft.	3 ft.
Open Stairways or landings	May be covered but not enclosed by walls on more than two (2) sides	2 ft. (side yard) 6 ft. (front or rear yard) <u>Except, no maximum projection within San Pablo Avenue Specific Plan planning area</u>			3 ft.	3 ft.
Balconies, Porches and Decks		No projection permitted (side yard) 6 ft. (front or rear yard)				
Cornices, Eaves and Permanent Decorative Ornaments	Minimum seven (7) feet above grade				2 ft. 6 in.	2 ft. 6 in.

Table 3: Setback Areas, Encroachments (20.24.060)

Type of Projection	Limitations	Maximum Projection into Required Setback Area	Minimum Distance from a Property Line for any Projection			
			Required Front Yard	Required Rear Yard	Required Interior Side Yard	Required Exterior Side Yard
Canopies and Awnings	Minimum seven (7) feet above grade		6 ft.	6 ft.	2 ft. 6 in.	2 ft. 6 in.
Projecting Bays	Maximum width equal to 25 percent of the wall plane from which bay projects.	2 ft. 6 in. (any required setback)			3 ft.	3 ft.
Projecting mechanical equipment		No projection permitted (Front or side yard) 3 ft. (rear yard)	Not permitted		Not permitted	Not permitted

§ 20.24.070. Setbacks With Daylight Planes. [Ord. No. 04-09; Ord. No. 09-011 §§ 11-13]

A. Interior Property Lines Abutting Residential District Boundaries. The minimum setback where an interior lot line of a property in a Solano Commercial ~~or San Pablo Commercial~~ District abuts a residential district boundary shall be five (5) feet on the side:

1. The minimum setback at the rear shall be one of the following two (2) options:
 - 1) Twenty (20) feet in height at a point ten (10) feet back from the property line, plus a forty-five (45) degree daylight plane to the maximum permitted height, or
 - 2) Twelve (12) feet in height at the property line, then, horizontally to a point ten (10) feet from the property line, plus thirty-five (35) degrees from vertical daylight plane to the maximum permitted height. (See subsection 20.24.070.A., Figure 1.a and 1.b.)
 If there is a difference in grade planes between two (2) adjacent parcels, the Community Development Director shall determine appropriate grade plane to be used for daylight plane calculation.

No projections shall be allowed in the area between the daylight planes and rear property line. Usable open spaces located on top of the structure, within ten (10) feet of a residential district boundary, shall have a solid fence or wall six (6) feet in height. The combined height of the structure and the wall shall comply with daylight plane requirements of this Code.

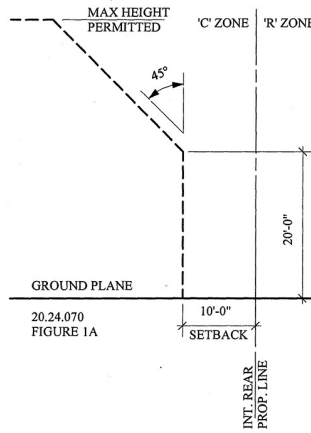


Figure 1.a

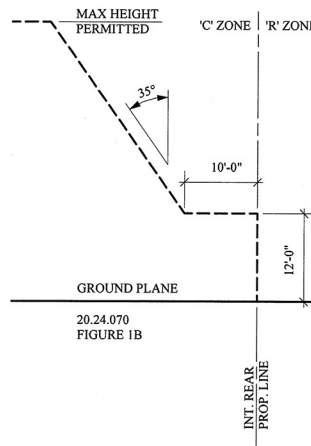


Figure 1.b

2. The minimum setback, where an interior lot line of a property in a higher density residential district abuts a lower density residential district, and Municipal Code Section 20.24.030 does not apply, the minimum side yard setback shall be five (5) feet on the side. An additional setback for any portion of any structure extending above twenty-eight (28) feet in height, up to the maximum height permitted in the zoning district, shall be defined by a daylight plane extending from a base point located twenty-eight (28) feet above the ground plane at the line of the five (5) foot required side yard setback, inclined away from the vertical at a forty-five (45) degree angle (See figure 2). If there is a difference in grade planes between two (2) adjacent parcels, the Community Development Director shall determine appropriate grade plane to be used for daylight plane calculation.

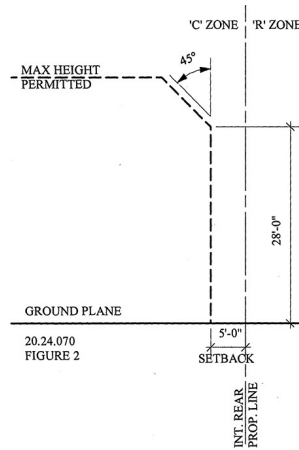


Figure 2

3. The minimum setback, where an interior lot line of a property in a higher density residential district abuts a lower density residential district, and Municipal Code Section 20.24.030 does not apply, shall be fifteen (15) feet at the rear. An additional rear yard setback for any portion of any structure extending above twenty (20) feet in height, up to the maximum height permitted in the district shall be defined by a daylight plane extended from a base point located twenty (20) feet above the ground plane at the line of the required setback, inclined away from the vertical at a forty-five (45) degree angle (See figure 3). If there is a difference in grade planes between two (2) adjacent parcels, the Community Development Director shall determine appropriate grade plane to be used for daylight plane calculation.

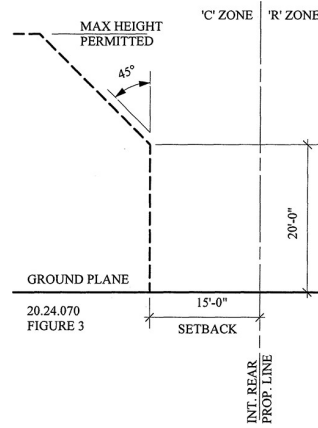


Figure 3

B. Exterior Property Lines at Streets Abutting Residential Districts.

~~1. Where a property in the SPC San Pablo Commercial District has an exterior lot line at either of the two (2) streets that immediately parallel San Pablo Avenue, the minimum setback from such lot line shall be fifteen (15) feet. An additional setback for any portion of any structure extending above twenty-eight (28) feet in height, up to the maximum height permitted, shall be defined by a daylight plane extending from a base point located twenty-eight (28) feet above the line of the minimum required setback, inclined away from the vertical at a forty-five (45°) degree angle. See Figure 2.~~

~~2.1. Except within the San Pablo Avenue Specific Plan planning area, w~~Where a property in a Residential Medium Density District (R-2) or a Residential High Density District (R-3) has an exterior lot line that abuts a residential district, the minimum setback from such lot line shall be fifteen (15) feet. An additional setback for any portion of any structure extending above twenty-eight (28) feet in height, up to the maximum height permitted, shall be defined by a daylight plane extending from a base point located twenty-eight (28) feet above the line of the minimum required setback, inclined away from the vertical at a forty-five (45) degree angle. See Figure 4 below. Within the San Pablo Avenue Specific Plan planning area, see regulations in Subsection 20.24.070.C.

~~3.2.~~ Where a property in the SC Solano Commercial District has an exterior lot line at a street that intersects with Solano Avenue, and any property located directly across such a street is in a residential district, the minimum setback from the exterior lot line of the commercial-zoned property shall be fifteen (15) feet, extending for a distance equivalent to the width of the residential-zoned property, as projected across the street. An additional setback for any portion of any structure extending above twenty-eight (28) feet in height, up to the maximum height permitted, shall be defined by a daylight plane extending from a base point located twenty-eight (28) feet above the line of the minimum required setback, inclined away from the vertical at a forty-five (45°) degree angle. See Figure 4 below.

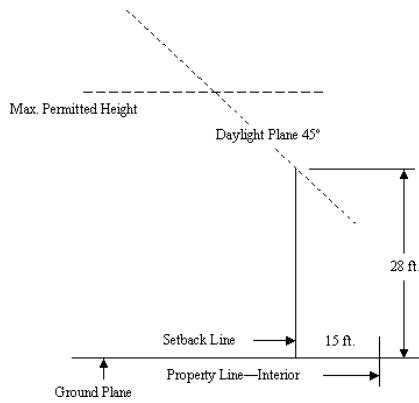


Figure 4

C. San Pablo Avenue Specific Plan Abutting Residential Zones. San Pablo Commercial (SPC) District. Height stepback standards shall be required as follows when SPC or R-3 zoned parcels are located adjacent to a residential district:

1) SPC-zone sites abutting an R-3 or other lower density residential zone:

- a) Abutting Rear Yard of Residential Zone: SPC-zoned site shall have a minimum rear yard setback of 10 feet. Above the third story, and no higher than 38 feet above grade, a 20-foot setback from the property line is required (see Figure 5).**
- b) Abutting Side Yard of Residential Zone: SPC-zoned site shall have a minimum interior side yard of 5 feet (see Figure 6).**

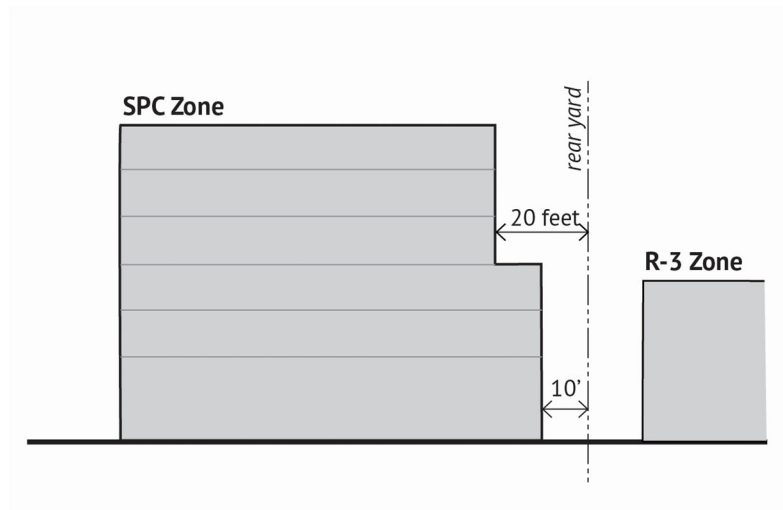


Figure 5: Abutting Rear Yard

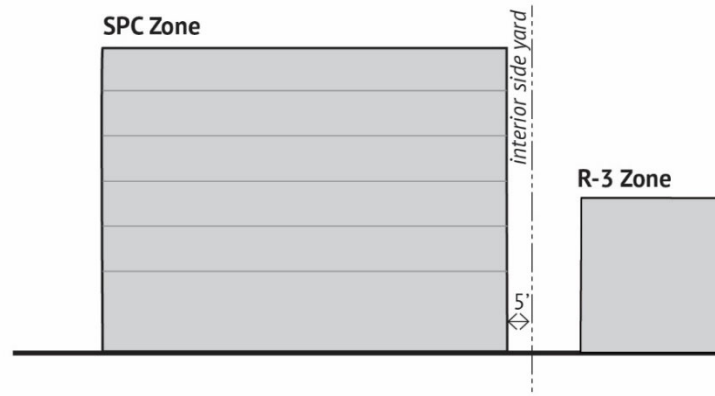


Figure 6: Abutting Interior Side Yard

2) Sites separated by a public right-of-way from an R-3, R-2, or other lower density residential zone:

- a) Except within the Northern Node, SPC and R-3 zoned sites shall have a facing setback (may be defined as front or rear) of at least 15 feet. Above the third story and no greater than 38 feet above grade, a 20-foot setback from the property line is required (see Figure 7).
- b) Within the Northern Node, the upper story setback may start at up to 50 feet above grade (see Figure 8).

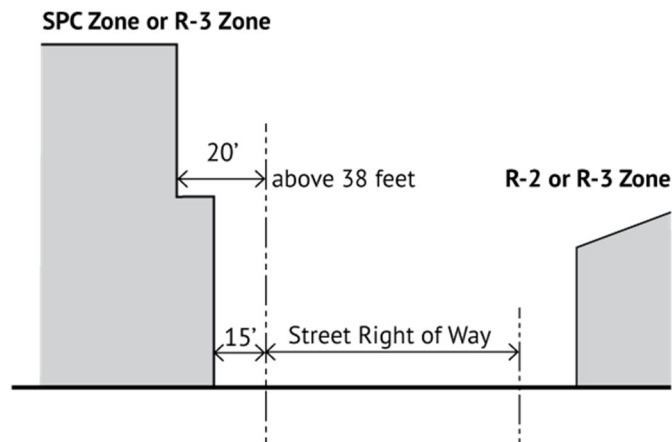


Figure 7: Across Public Right of Way

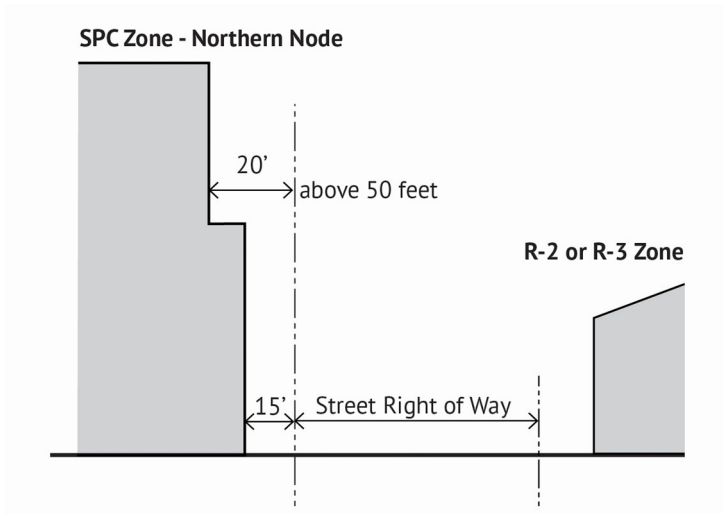


Figure 8: Across Public Right of Way – Northern Node

[...]

§ 20.24.090. Usable Open Space. [Ord. No. 04-09]

- A. Purpose. These regulations are intended to set forth standards for the development of usable open space necessary to fulfill needs for outdoor leisure and recreation, to preserve valuable natural resources, and to improve the quality of residential living, both in multiple-family settings and in settings where multiple-family dwellings are combined with nonresidential activities.
- B. Standards and Requirements.
 - 1. Usable Open Space, General.
 - a. Usable open space includes areas located on the ground or on a roof, balcony, deck, porch or terrace, which are accessible and available to all residents for whose use the space is intended.
 - b. Usable open space does not include street rights-of-way, public and private surface easements, accessory buildings, open parking areas, driveways, and access ways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, and required front yards or street side yards.
 - c. Suitable recreational structures designed to be consistent with the intent of this subsection may be considered usable open space.
 - 2. Common Usable Open Space.
 - a. Common usable open space is available for use by the occupants of more than one dwelling unit and is either:
 - A. Controlled and maintained by the owner of the property, or by an incorporated nonprofit homeowner's association and devoted exclusively to the recreation, scenic and leisure use of all the occupants of the property or,
 - B. Dedicated in fee to, and maintained by, a public agency or recreation

district, and devoted to the recreation, scenic and leisure use of the population that will occupy the district.

- b. Any area to be credited towards common usable open space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than fifteen (15) feet, and insofar as is possible, shall be contiguous with other common usable open space on or adjacent to the site.
 - c. Decks on roof spaces of main structures, garages, carports, or other accessory buildings may be credited to the total required common usable open space requirements. The design of such a deck must be aesthetic, adequately surfaced, and functional for the purpose for which it is intended.
 - d. The applicant shall employ appropriate methods to insure the permanent status and maintenance of common usable open space.
3. Private Usable Open Space.
- a. Private usable open space is that open space devoted exclusively to the recreation and leisure use by occupants of one (1) dwelling unit and is located immediately adjacent to that unit.
 - b. Any ground-level area credited towards private usable open space shall not be less than fifty (50) square feet in area, and shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than four (4) feet.
 - c. Any area on a roof, balcony, deck, porch, or other structure not located at ground level that is credited towards private open space shall be not less than thirty-six (36) square feet in area, and shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than four (4) feet.

4. Usable Open Space Requirement.

- a. All multifamily dwellings (three (3) or more units) within the San Pablo Avenue Specific Plan planning area shall provide at least one hundred (100) square feet of usable open space per unit.
 - A. Open space may be any combination of private or common open spaces.
 - B. On-site publicly-accessible open space may satisfy up to 100% of the usable open space requirement within the Solano Avenue node, as depicted in the San Pablo Avenue Specific Plan Zoning District & Overlays map (Figure 2-2) and up to 50% in other locations.
- d.b. All multifamily dwellings (three (3) or more units) outside of the San Pablo Avenue Specific Plan planning area shall provide at least two hundred (200) square feet of common usable open space per unit; except that each square foot of private usable open space, up to a maximum of one hundred (100) square feet for each individual unit, may be substituted for two (2) square feet of the common usable open space requirement.

[...]

§ 20.24.160. Commercial Storefront Design. [Ord. No. 04-09]

Commercial storefronts in the SC ~~and SPC~~ Districts shall have windows on the ground floor street frontage that provide views into the buildings and/or provide space for public display of merchandise or other materials, or otherwise offer public attraction as determined in the design review process. Alterations or treatments for the purpose of making windows obscure shall be prohibited. All alterations shall be subject to design review as required by subsection 20.100.50.

§ 20.28. OFF-STREET PARKING AND LOADING REGULATIONS.

§ 20.28.030. Parking Space Requirements. [Ord. No. 04-09; Ord. No. 2014-02 § 5; Ord. No. 2017-06 § 2; Ord. No. 2019-01 § 4]

Off-street parking spaces shall be provided according to the following schedule, unless reductions or exceptions are made according to Subsection 20.28.040 below.

A. Residential Uses. [Amended 6-1-2020 by Ord. No. 2020-04]

Table 4. Residential Parking Requirements (20.28.030)⁶	
Land Use	<u>Minimum</u> Parking Requirement
Single-family dwelling ¹	2 spaces per dwelling unit
Two-family dwelling ²	1.5 spaces per dwelling unit
Multifamily dwelling ^{3,6}	1 space per unit
Live/work space ⁶	1 space per unit
Senior citizen housing development ⁶	0.5 space per unit
Residential mixed-use development ^{4,6}	1 space per unit
Affordable dwelling unit ^{5,6}	0.5 space per unit
Shared housing ⁶	0.5 space per bedroom
Bed-and-breakfast	See Subsection 20.20.010.C.
Large family day-care home	See Subsection 20.20.020.B.2.c.
Residential care home (more than 6 residents)	See 20.20.020.C.2.c.
Accessory dwelling unit	No off-street parking required
Transitional housing	1 space per 2 employees

Notes, Table 4

1. Requirements may be modified or reduced through Planning and Zoning Commission review subject to Subsection 20.28.0040.A.2, Additions Where No New Dwelling Units are Created, or Subsection 20.28.040.A.8, Parking in Required Yards.
2. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.3, Two-Family Dwellings.
3. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.4, Multi-Family Dwelling.
4. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.5, Residential Mixed-Use Development.
5. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.6, Affordable Dwelling Unit.
- ~~5-6.~~ See Section 20.28.040.A.11 for parking requirements in the San Pablo Avenue Specific Plan planning area.

B. Nonresidential Uses.

Key to schedule:

1/100 means one parking space per 100 square feet of gross floor area, except where specification is made for outdoor area.

1/200 means one parking space per 200)square feet, etc.

UP means parking requirement for a particular use will be determined through a use permit procedure.

Table 5. Nonresidential Parking Requirements (20.28.030)¹

Land Use	Parking Requirement
See 20.28.040.B and C for exceptions.	
Public and Quasi-Public	
Community Assembly	1/100
Clubs and Lodges	1/100
Cultural Activities/Institutions	1/400

Table 5. Nonresidential Parking Requirements (20.28.030)	
Land Use	Parking Requirement See 20.28.040.B and C for exceptions.
Day Care Center (Non-Family)	1 space per 6 individuals under care
Emergency Shelter	See Section 20.40.070B.4.
Hospitals and Clinics	Hospital: UP Clinic: 1/300
Park and Recreation Facilities	UP
Public Administration Offices/Facilities	1/400
Public Maintenance Facilities	1/1,000, including building and open use areas
Religious Institutions	1/100
Schools, public or private	Elementary/Middle: 1 space per employee High: same plus 1 space per 10 students
Social Service Facilities	1/300
U.S. Post Office	1/300
Buildings or yards supporting utilities: Major, Minor, Underground.	UP
Commercial¹	
Adult entertainment establishments	1/400
Animal Sales and Services:	
a) Animal Boarding	1/500
b) Animal Grooming	1/400
c) Animal Hospitals	1/300
d) Animal Sales	1/400
Automobile/Vehicle Sales and Services:	
a) Automobile/vehicle/ equipment sales and/or rental (excluding inventory)	Sales: 1/1,000 including building and open use areas Rental: 1/400 (in building)
b) Automobile service stations (includes fueling stations)	UP
Commercial:	
c) Automobile/vehicle/ equipment repair	1/300
d) Automobile washing	UP

Table 5. Nonresidential Parking Requirements (20.28.030)	
Land Use	Parking Requirement See 20.28.040.B and C for exceptions.
Bars	1/200, or if live entertainment, 1/100
Building materials sales and service:	
a) Within an enclosed building plus	1/400
b) Open storage area	1/800
Commercial recreation/entertainment	Theatre: 1 space per 4 seats Other: UP
Commercial recreation/entertainment in the Waterfront District	Theatre: 1 space per 4 seats Other: UP
Communication facilities	1/500
Construction services (contractors)	1/1,000, including building and open use areas
Dry cleaner (retail)	1/400
Financial institutions	1/300
Funeral and internment services	1/100
Gyms and health clubs	1/300
Hotels and motels	1 space per bedroom; other uses by UP
Laboratory, limited	1/500
Laundry, large scale	1/800
Laundry, self-service	1/400
Offices, professional and other	1/200 medical; 1/400 all other
Marinas and boat launching ramps	UP
Parking lots, commercial	-
Pawn shops	1/400
Printing (retail)	1/400
Printing (industrial)	1/800
Repair Services (non-auto)	1/400
Research and Development (commercial)	1/400
Research and Development (educational)	1/400
Restaurant	1/200, General
a) With live entertainment	1/100
b.1) With take-out (walk-up)	1/100

Table 5. Nonresidential Parking Requirements (20.28.030)	
Land Use	Parking Requirement See 20.28.040.B and C for exceptions.
b.2) With take-out (drive through)	1/100
Retail, food and beverage sales	1/400
Retail, nurseries and garden supplies:	1/400
Within an enclosed bldg: Plus	1/800
Open sales or growing area:	
Retail sales:	
a) Neighborhood retail	1/400
b) Community retail	1/400
c) Regional retail	1/400
Services, ambulance	1/500
Services, business	1/800
Services, catering	1/500
Services, instructional	1/300, general 1/200, business school
Services, massage	1/400
Services, personal	1/400
Telecommunication facilities	1/1,000
Waterfront and waterfront sports- related commercial sales and service	1/400
Industrial	
Industry, limited	1/800
Industry, general	1/1,000
Truck terminal	UP
Warehousing and storage:	
a) Within an enclosed building Plus	1/1,000
b) Outdoor use area	1/1,000
Wholesaling and distribution	1/1,000

Notes:

¹See Section 20.28.040.B.7 for parking requirements in the SPC and SC Districts.

C. Bicycle Parking.

1. **Applicability.** New commercial construction, mixed-use construction, multi-family properties, commercial properties where there is a change of use, and remodeled commercial or mixed-use building shall provide bicycle parking facilities.
2. **General Requirements.**
 - a. Bicycle parking facilities shall be provided in a convenient and well-lit area. Unprotected bicycle parking should be located in an area of high pedestrian foot traffic so as to discourage theft.
 - b. Bicycle racks in the Solano Commercial (SC) and San Pablo Commercial (SPC) Zoning Districts may be located within the public right-of-way subject to selection of rack design, review of location, and approval of an encroachment permit. Safe and convenient means of ingress and egress for vehicles shall be provided and an unobstructed sidewalk clearance of four (4) feet is maintained for pedestrians at all times.
 - c. Bicycle parking facilities shall be located on or within a concrete or similar surface and designed to support bicycles in a stable position without damage to wheels, frames, or other components.
 - d. Bicycle racks shall be securely anchored to the surface to prevent easy removal and shall be of sufficient strength to resist vandalism and theft.
 - e. New businesses with more than fifty (50) employees shall provide end of trip facilities, including showers, lockers, and bicycle parking facilities.
3. **Bicycle Parking Requirements by Use.**

Table 6. Bicycle Parking Requirements (20.28.030)	
Land Use	Parking Requirement
Residential	
Residential Mixed-Use Development Development ^{1,2}	1 exterior bicycle rack space per 1,500 sq. ft. of commercial floor area 1 protected bicycle space per residential unit
Multi-Family Dwelling (Apartment and condominium buildings only) ^{1,2}	1 protected bicycle space per unit
Commercial	
Services, personal	1 bicycle rack per 1,500 sq. ft. of floor area
Offices, professional and other	1 bicycle rack per 1,500 sq. ft. of floor area
Restaurant	1 bicycle rack per 1,500 sq. ft. of floor area

Table 6. Bicycle Parking Requirements (20.28.030)	
Land Use	Parking Requirement
Retail sales	
a) Neighborhood retail	1 bicycle rack per 1,500 sq. ft. of floor area
b) Community retail	1 bicycle rack per 1,500 sq. ft. of floor area
c) Regional retail	1 bicycle rack per 1,500 sq. ft. of floor area

Notes:

¹For every ten (10) bicycle spaces provided on site, the Planning and Zoning Commission may waive one (1) required off-street parking space.

²[See Section 20.28.030.C.5 for supplementary regulations that apply within the San Pablo Avenue Specific Plan planning area.](#)

4. Bicycle Parking Definitions.

- a. Bicycle Parking Facility A space exclusively for the storage of bicycles. This includes bicycle racks and bicycle storage.
- b. Bicycle Rack A stationary fixture with a base that anchors for surface mounting and must be able to accommodate at least two (2) bicycles upright by rack frame. This includes exterior bicycle parking.
- c. Bicycle Parking Facility Location Physical space that may be located on public right or private property that is used for the placement and installation of a bicycle parking facility.
- d. Bicycle Storage (Protected) Individually enclosed and secure space for a bicycle. This includes bicycle lockers, electronic lockers, and interior bicycle parking.
- e. Public Bicycle Share Program A program which offers bicycles available for public use to individuals on a short-term basis. Bicycles and related kiosks are located in public areas and available to any member of the public.
- f. Private Bicycle Share Program A program which offers bicycles available for private use as part of a business, residential mixed-use development, commercial mixed-use development, or multiple family dwelling to individuals on a short-term basis. Bicycles and related storage are located in private areas and available to individuals who are part of the business or reside on site.
- g. Long-Term Bicycle Parking. Long-term bicycle parking shall consist of a locker, electronic locker, or interior bicycle parking facility in a secured area with controlled access where parking may exceed two (2) hours.

h. Short-Term Bicycle Parking. Short-term bicycle parking shall consist of a bicycle rack or racks in an easily accessible location that is intended to accommodate visitors, customers, messengers, and others expected to park not more than two (2) hours.

i. Large Bicycles: Longer bicycles, such as cargo, longtail, recumbent, tandem, and bicycles with trailers, commonly used to carry children or cargo.

5. San Pablo Avenue Specific Plan – Supplementary Regulations. Within the San Pablo Avenue Specific Plan planning area, the following supplementary regulations apply:

a. At least 20% of required residential bike parking spaces in Table 6 (20.28.030) shall accommodate Large Bicycles, in ground-level spaces that do not require lifting and are at least 10 feet in length; and

b. At least 20% of required residential bike parking spaces shall have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces, including a portion of long-tail bicycles;

c. Any residential bicycle room provided shall have at-grade ground-level access to the street or sidewalk.

§ 20.28.040. Exceptions to Parking Space Requirements. [Ord. No. 04-09; Ord. No. 2014-05 § 8; Ord. No. 2016-01; Ord. No. 2017-06 § 2; Ord. No. 2019-01 § 4]

It is the City's intent that all off-street parking requirements be observed to the maximum extent feasible. The City recognizes that special circumstances may exist which warrant evaluation for special consideration and possible exceptions to the strict application of the requirements. The Planning and Zoning Commission in considering a request for any exception to the parking requirements will weigh the special circumstances against the potential impacts of the exception on the health, safety and welfare of the public.

A. Exceptions for Residential Uses.

1. Minor Additions Where No New Dwelling Units Are Created. No additional parking spaces will be required for the addition of floor space which does not exceed a cumulative increase of twenty- five (25%) percent of the original floor space within all structures on the lot, provided that in no case shall morethan two hundred forty (240) square feet be so exempted.
2. Additions Where No New Dwelling Units Are Created. Where a proposed addition to a dwelling unit increases the original floor space within all structures on a lot, as defined above in Paragraph A.1, by more than two hundred forty (240) square feet and does not create additional dwelling units, the Planning and Zoning Commission may reduce the parking requirements contained in subsection 20.28.030.A upon consideration of the existence of such circumstances as listed in Paragraphs a through e below. In granting any such reduction, the Planning and Zoning Commission shall make specific findings consistent with its consideration of these and other circumstances relating to the application.
 - a. Required spaces cannot be located in front or side yard areas.
 - b. Space is not available to provide the required parking facilities without undue hardship.
 - c. Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.
 - d. Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.
 - e. The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.
3. Two-Family Dwellings. The Planning and Zoning Commission may by Conditional Use Permit, reduce the parking requirement for the third required off-street parking space subject to a parking survey within a three hundred (300) foot radius of the subject site.
4. Multi-Family Dwelling. The Planning and Zoning Commission may by Conditional Use Permit, reduce the off-street parking requirements contained in subsection 20.28.030.A. In reducing on-site parking requirements, the

Commission shall consider an on-site car-share service, unbundled parking, private bicycle share program, a Transportation Demand Management Plan (TDM) or a combination thereof.

5. Residential Mixed-Use Development. The Planning and Zoning Commission may by Conditional Use Permit, reduce the on-site parking requirements contained in subsection 20.28.030.A. In reducing on-site parking requirements, the Commission shall consider an on-site car-share service, unbundled parking, a private bicycle share program, a Transportation Demand Management Plan (TDM) or a combination thereof.
6. Affordable Dwelling Unit. The Planning and Zoning Commission may by Conditional Use Permit, reduce the on-site parking requirements contained in subsection 20.28.030.A. In reducing on-site parking requirements, the Commission shall consider an on-site car-share service, unbundled parking, a private bicycle share program, a Transportation Demand Management Plan (TDM) or a combination thereof.
7. Existing Residential Mixed Use and Commercial Mixed-Use Developments. The Planning and Zoning Commission may, by Conditional Use Permit, reduce or waive the parking requirements contained in subsection 20.28.030.A for existing residential mixed-use developments and commercial mixed-use buildings where a residential conversion is proposed.
8. Parking in Required Yards. The City recognizes the existence of residential properties whose historical development did not allow for present day parking requirements. The City encourages off- street parking to be located in the rear yard or side yard. In some cases the Planning and Zoning Commission, after due consideration, may find that permitting required parking in a front yard would be more in the public interest than would a reduction in the off-street parking requirement. The Planning and Zoning Commission may approve front yard parking upon making at least the following findings as appropriate to the yard area in question:

Findings:

- a. Parking within a dwelling, a garage, carport or other structure or in the rear or side yard is not feasible or will be disruptive to landmark trees or will severely restrict private outdoor living space on the site.
- b. The area proposed for parking in the front yard will meet the minimum standard of seven (7) feet six (6) inches in width by sixteen (16) feet in length.
- c. The parking space is designed so that no part of any vehicle will extend beyond the property line into the public right-of-way or will come within one (1) foot of the back of the sidewalk, nor permit a parked vehicle to constitute a visual obstruction exceeding three (3) feet in height within twenty-five (25) feet of the intersection of any two (2) street lines. The Planning and Zoning Commission shall not approve a front yard parking space unless a finding is made that visual obstructions are not a significant safety hazard.

- d. Any required off-street parking spaces which are permitted in front yard areas are designed to minimize aesthetic and noise intrusion upon any adjacent property.
9. Existing Garages. The Planning and Zoning Commission may find that an existing garage meets the requirements for an off-street parking space if the interior dimensions of such garage are not less than sixteen (16) feet in length, and eight (8) feet in width, for a single garage, or sixteen (16) feet in width for a double garage, and six (6) feet six (6) inches in height. The Planning and Zoning Commission may allow a local obstruction (such as a chimney, stairs or other feature) to protrude into the required parking space dimension, upon finding that such obstruction does not impede the ability to park vehicles in the garage.
10. Garages in Front Yards of Up-Slope Lots. Garages which are situated within required front yard areas, and are built into a slope rising above the street at a ratio of one (1) vertical to two (2) horizontal, or greater, may be maintained or rebuilt to accommodate the same number of spaces as exist, so long as the minimum dimensions stated in subsection 20.28.050.A.1 are met. Such garages may not be converted into nonparking use, and shall not be expanded outward or upward for the purpose of creating floor space for nonparking purposes, with the exception of access stairways connecting to the dwelling unit, which the garage serves.
11. San Pablo Avenue Specific Plan planning area. Notwithstanding the parking requirements contained in subsection 20.28.030.A, new development projects with residential use classifications in the San Pablo Avenue Specific Plan planning area shall be subject to the following standards:
 - a. Minimum parking requirement: zero (0) spaces per dwelling unit;
 - b. Maximum parking requirement: as shown in Table 4 for each use;
 - c. Unbundling: Parking spaces shall be rented separately from the rental fees for dwelling units. No resident shall be required to lease a parking space.
 - d. Mechanical Lifts: Mechanical parking lifts may be used for parking spaces intended and required for frequent users, such as residents and employees. Lift design must allow for removal of any single vehicle without necessitating the temporary removal of any other vehicle.
 - e. Conversion of Unneeded Parking: Parking spaces may be allowed to convert to housing, shared amenity space, personal storage, or other uses in the future if they are no longer needed. This modification shall be based on a post-occupancy study following review and approval of a conditional use permit by the Planning & Zoning Commission.
 - a.f. Transportation Demand Management Plan: TDM Plan shall include, at a minimum, one (1) monthly Clipper Card and/or AC Transit EZ Pass per dwelling unit for the life of the project. Carshare and bike share services are encouraged.

B. Exceptions for Nonresidential Uses.

1. Existing Buildings and Land Uses. The following provisions are applicable to existing buildings and land uses only, and shall not apply where construction is proposed for vacant land or any site from which existing structures have been removed or are proposed to be removed.
 - a. Properties on which structures have been erected prior to the effective date of this subsection and which are in use on said date shall be deemed to be in compliance with the off-street parking requirements of this section for the existing use.
 - b. Properties that are not in use on the effective date of this subsection, and on which the use has not been abandoned or discontinued for a continuous period specified in subsection 20.44.040, shall be deemed to be in compliance with the off-street parking requirements of this section for the last use of the property prior to the effective date of this Section 20-28.
 - c. Any on-site parking spaces that, as of the effective date of this subsection, serve the uses referenced in Paragraphs a and b above shall be required to remain in service in order to preserve the status of compliance.
 - d. In the case of any alteration resulting in an increase of floor area, or a change of land use to a category with a greater parking space requirement, any requirement for additional parking spaces will be based solely upon the incremental change of floor area or use.
2. Ground Floor Retail Area.
 - a. In the case of any new construction, enlargement, or increase of capacity involving ground floor space for retail uses in the SC and SPC districts, the calculation of the off-street parking requirement shall include a reduction of the gross building floor area by up to two thousand (2,000) square feet of ground floor retail area.
 - b. No change of commercial use in the SC and SPC districts shall be required to meet the off-street parking requirements of this chapter unless the structure has been expanded to include new floor area. For the purposes of this subsection, increases in floor area necessitated to bring a change of use into compliance with American Disabilities Act (ADA) or Building Code-mandated improvements shall not be considered new floor area.
3. Administrative Exception. Upon the change of use of a site or existing building or structure not otherwise requiring a conditional use permit, the Planning Director may reduce the parking requirements contained in Paragraph 2.c above upon determination that such change of use will not significantly increase the demand for employee or customer parking. In no case may such reduction result in fewer parking spaces than were required for the previous use of the subject site. Such administrative approval shall be communicated to the Planning Commission.

4. Planning and Zoning Commission Adjustment for Shared Parking. Off-street parking facilities for one (1) use shall generally not be considered as providing required off-street parking facilities for any other use. However, off-street parking facilities for one (1) nonresidential use may be considered as providing required off-street parking facilities for other nonresidential uses on the same site or an adjacent site based upon demonstration that the peak of aggregate parking demand for the combined uses is not greater than the number of off-street parking spaces that are available to serve the combined uses. The Community Development Director may require a survey to substantiate such a request. Any adjustment made by the Planning and Zoning Commission shall be limited to a reduction of a maximum of twenty-five (25%) percent of the requirement, and will be considered through a major use permit process. The recordation of a written agreement among the parties participating in the sharing arrangement shall be a condition of the use permit.

5. Planning and Zoning Commission Adjustment. The Commission may, through a major use permit process, adjust the parking requirements contained in subsection 20.28.030.B for any nonresidential use in an existing building over 2,000 square feet. In granting an adjustment the Commission shall make the following findings:
 - a. On the basis of a survey of comparable situations, parking demand for the proposed use or uses will be less than the required number of spaces.
 - b. The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.
 - c. Based on a current survey of parking space availability and usage within a five hundred (500) foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighboring uses.

6. Commercial Infill Adjustment for Buildings 2,000 sq. ft. or less in area. For a commercial use with a maximum gross floor area of 2,000 square feet or less in an existing building, the Community Development Director may, through a minor use permit process, adjust the parking requirements contained in subsection 20.28.030.B or allow off-site parking.

7. Blended Commercial Parking Rates in the SC and SPC Districts. Notwithstanding the parking requirements contained in subsection 20.28.030.B, commercial use classifications in the SPC and SC Districts shall be subject to the following parking standards:
 - a. Restaurants: Restaurant uses shall have a minimum parking requirement of 1 space per 200 square feet of gross floor area.
 - b. General Standard: The district minimum parking requirement for all other commercial uses is 1 space per 400 square feet of gross floor area. In the SPC District, this standard may be used at the time of initial construction unless a use with a more restrictive parking requirement is identified.

- C. Exceptions for Nonresidential Uses in a Residential Mixed-Use Development. Where both residential and nonresidential uses are proposed to be combined in a single development project, the Planning and Zoning Commission, through the

major use permit process, may adjust the amount of off-street parking required for the nonresidential portions of the project, so long as the requirements of subsection 20.28.030.A for residential use are met. In granting any such adjustment, the Commission shall make the following findings:

Findings:

1. The aggregate amount of parking provided on site, or otherwise made available meets the anticipated demands of all users of the project, considering hours of usage and other demand factors.
 2. A minimum of one (1) parking space is available for the exclusive, full-time (twenty-four (24) hour) use of occupants of each residential unit.
 3. Except as provided in Paragraph 2 preceding, spaces are not designated for exclusive use of any residential or nonresidential owner or tenant.
 4. Sufficient legal agreements are or will be in effect to assure continuing management of parking facilities as a single entity, with assurances as to accessibility by legitimate users of the mixed-use project.
- D. City Council Authorized to Modify Measure D Parking Requirements. After following the normal procedures for amending City Zoning Ordinances, including compliance with the California Environmental Quality Act and conducting duly noticed public hearings before the Planning and Zoning Commission and City Council, the City Council may amend the residential parking requirements established by Measure D (enacted by the Albany voters on November 7, 1978). Such amendments may include, but are not limited to, modifications to the number of parking spaces required per dwelling unit for residential uses in residential districts, as well as the provisions of Measure D which allow the Planning Commission to reduce these residential parking requirements by Conditional Use Permit upon making specified findings. This provision is not intended to limit in any way the authority and discretion which the City Council currently possesses to adopt Zoning Ordinance amendments.

Editor's Note: Ordinance 2016-01 was adopted by the voters at the General Election of November 8, 2016 and became effective by adoption of a resolution of the City Council December 5, 2016.

§ 20.28.070. Loading Space Requirements. [Ord. No. 04-09; Ord. No. 2017-06 § 2]

Off-street loading facilities shall be provided as follows:

Table 9. Loading Space Requirements (20.28.070)	
USE	NUMBER OF LOADING SPACES
<u>Multifamily Dwelling Units (including in Mixed Use Developments) within the San Pablo Avenue Specific Plan Planning Area</u>	<u>One (1) on- or off-street loading space for projects with 30 or more dwelling units</u>
Multi-tenant Shopping Center	One (1) loading space for each 15,000 square feet of gross floor area.
Commercial, other	As determined by the Planning and Zoning Commission using the following criteria: type of business, frequency of deliveries, typical size of delivery vehicle, and space available.
Industrial:	
Up to 5,000 sq. ft. of gross floor area (GFA)	0 spaces
5,001 - 9,999 sq. ft. GFA	1 space
10,000 – 19,999 sq. ft. GFA	2 spaces
20,000 or more	3 spaces plus 1 additional space per 10,000 s.f. (GFA)

§ 20.100. PROCEDURES.

§ 20.100.050. Design Review. [Ord. No. 04-09; Ord. No. 2017-05]

[...]

- D. Standards of Review. The reviewing authority shall evaluate all applications for new construction, additions or modifications in terms of their adherence to the following standards, to the extent they are applicable to the project under review.
 - a. General Standards. The following standards are applicable to all projects for which design review is required:
 - i. General Plan. New development and the alteration of existing development is consistent with applicable goals, policies and programs of the Albany General Plan.
 - ii. Design Guidelines. Residential projects shall be reviewed for conformance to the Residential Design Guidelines, and projects in the SPC District along San Pablo Avenue for conformance to the San Pablo Avenue Design Guidelines and Objective Design Standards.

- iii. Site Planning. The planning of the site creates an internal sense of order, and is visually and functionally harmonious with the surroundings of the project site; the design provides a desirable environment for occupants and visitors. The design deals appropriately with any constraints on development of the site.
- iv. Access. Access and circulation are safe and convenient for pedestrians and vehicles. Parking facilities are provided sufficient for the use, consistent with the requirements of Section 20.32. Where required, access for persons with disabilities and facilities for bicycles are included.
- v. Architecture. The architectural design is of high quality and is appropriate to the function of the project; the surroundings of the project site are considered in determining the size, massing and bulk of proposed buildings; materials and colors used are visually harmonious with the surrounding environment, including natural land forms and vegetation; where appropriate, the design promotes harmonious transitions between different land uses.
- vi. Landscape Design. The design of landscape improvements is coordinated with architectural design; plant materials are selected with respect to levels of maintenance effort appropriate to the project, with consideration of the need to conserve water.
- vii. Natural Features. The project design preserves trees and other natural features to the greatest possible extent, avoiding indiscriminate clearing of property and excessive and unsightly grading, particularly on steep slopes.
- viii. Signs. The design and location of signs and their materials and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, and with the character of the street upon which they front; signs are visually harmonious with surrounding development; signs are consistent with provisions of Section 20.36, Signs.
- ix. Coordination of Design Details. Details of the site plan, architectural and landscape designs, signage and exterior illumination are coordinated for an attractive and harmonious setting. Details of the floor plans and other interior planning are coordinated with other design elements to the extent that these interior elements may affect exterior appearance or the potential use of structures. Elements such as mechanical equipment, delivery areas and refuse storage are screened from public view.
- x. Retention and Maintenance of Buildings. The project design process has considered the maintenance, rehabilitation and improvement of existing buildings and structures.
- xi. Solid Waste. The project design provides adequate space and facilities for the storage and handling of solid waste and recyclable materials, consistent with the County's Waste Management Program.
- xii. Privacy. Attention has been given in the design of the project to avoid significant interference with the privacy enjoyed by residential occupants of adjacent properties. This shall include consideration of the locations of

windows, public entries, parking and service areas, among other elements. Appropriate solutions may include the use of devices such as landscape screening, fences, or obscure glass. The Planning and Zoning Commission should approach solutions with an intent to balance the respective benefits and burdens of the project and the residents of adjacent properties.

- b. Additional Specific Standards for Single-Family Residential Additions. The following standards shall apply in addition to those listed in paragraph A above.
 - i. The addition is consistent with the scale, massing and other architectural features of the existing structure. Factors such as roofline, trim details, window type and placement and other design elements which affect exterior appearance will ensure compatibility with the structure to which the addition will be made. The mass of the resulting building has been considered in relation to the visual impact from the street, lot size and the placement on the lot, as well as the compatibility of the project with adjacent structures and integration with the surrounding neighborhood.
 - ii. The bulk of the project is appropriate to the site and its surroundings, in that the ratio of gross square footage to site area is consistent with criteria set forth for the R-1 District in the Table 2A., Site Regulations by District (Residential), subsection 20.24.020.
 - iii. Off-street parking spaces are provided to the property to account for the increased living area as required by subsection 20.28.020A.
- c. Additional Specific Standards for Residential Additions Which Exceed the 28-Foot Height Limit in the R-1 Zoning District. In addition to standards listed in paragraphs a and b above, where the Planning and Zoning Commission grants a use permit for a height exception, pursuant to subsection 20.24.100.E., for a second story addition that exceeds the maximum height of twenty-eight (28) feet in an R-1 Zoning District the Planning and Zoning Commission shall make the following considerations in design review:
 - a. The existing architectural character and design of the house is maintained.
 - b. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.

- E. Findings for Design Review Approval. A design review application may be approved by the Planning and Zoning Commission or the Community Development Director, if, on the basis of the application and the evidence submitted, the Commission or the Community Development Director makes the following findings, insofar as they are applicable to the particular case.
- a. The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this chapter.
 - b. Approval of project design is consistent with the purpose and intent of this section.
 - c. Approval of the project is in the interest of the public health, safety and general welfare.
 - d. The project is in substantial compliance with applicable general and specific Standards for Review stated in subsection 20.100.050.D.
 - e. In approving any project ~~on San Pablo Avenue~~ within the San Pablo Avenue Specific Plan planning area, the Planning and Zoning Commission or the Community Development Director shall further find that the City-adopted San Pablo Avenue Design Guidelines and Objective Design Standards have been considered and incorporated in the project. The Planning and Zoning Commission may grant exceptions to the criteria, provided one (1) or more of the following findings are made:
 - i. There are specified special circumstances applicable to the property, such as size, shape, location of existing structures, or traffic conditions, which cause practical difficulties in the application of the design guidelines.
 - ii. The Planning and Zoning Commission recognizes that the proposal exhibits a superior level of design which exceeds the approved criteria.
 - iii. With the granting of an exception, development on the site will achieve the overall purposes of the design guidelines, and the development will not be detrimental to the public welfare or injurious to persons or property in the vicinity.

[...]

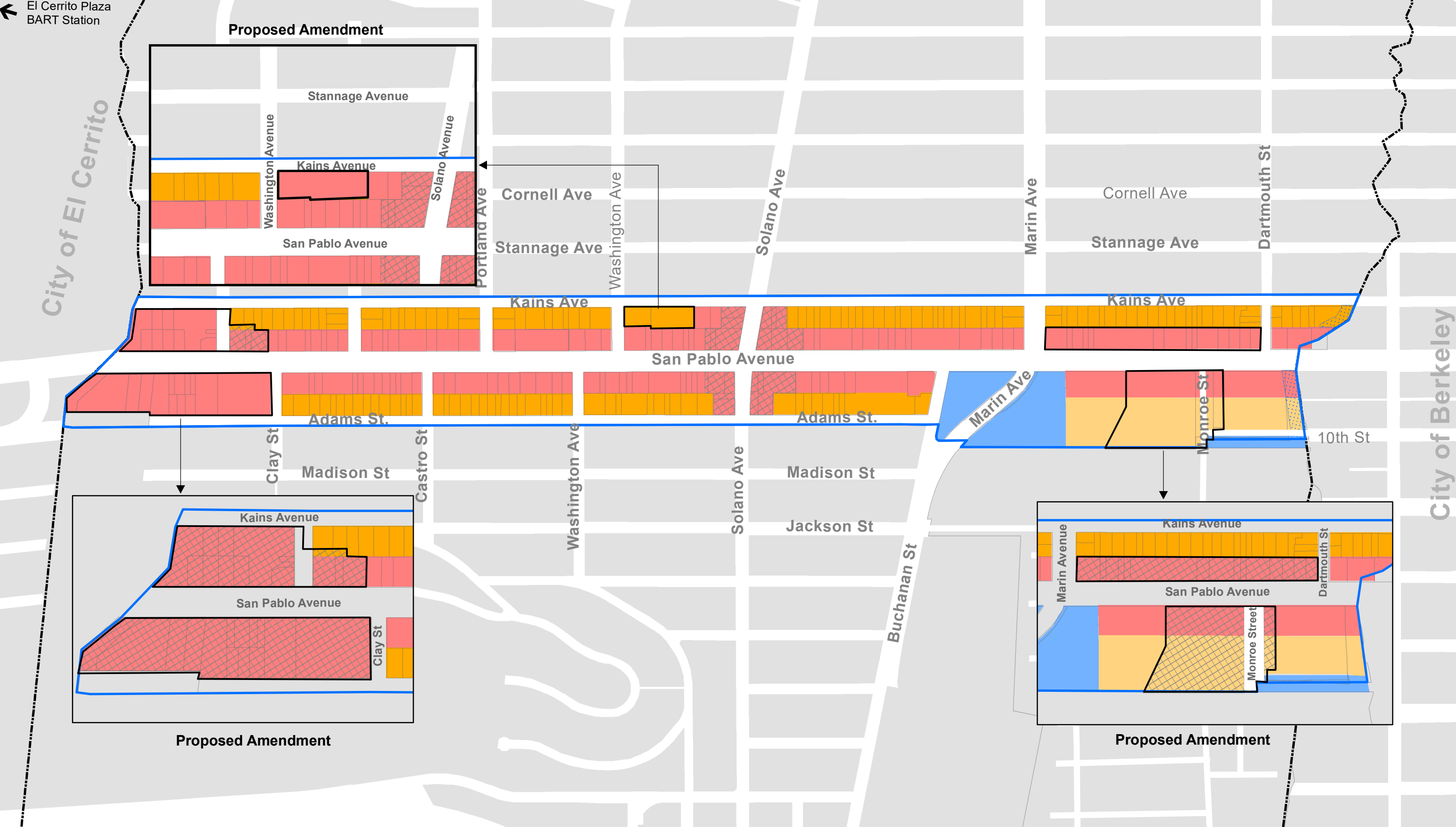
1 **SECTION 2: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, TITLED**
2 **“PLANNING AND ZONING”, SECTION 20.12.030.C “ZONING MAP**
3 **AMENDMENTS,” IS HEREBY AMENDED WITH THE FOLLOWING ADDITION**
4 **AND ILLUSTRATION:**

5
6
7
8 4. Ordinance No. 2022-03:









9 a. Establishing the zoning classification of San Pablo Commercial (SPC) for the
10 parcels located at 805 San Pablo Avenue and 820 Kains Avenue.

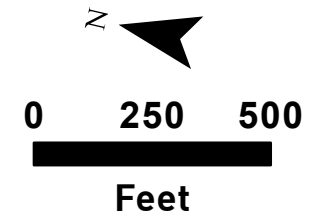
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El Cerrito Plaza BART Station



Zoning Districts

-  SPA Plan Boundary
-  Public Facilities
-  Commercial Node Overlay
-  City Limits
-  Residential Medium Density
-  Watercourse Overlay
-  Residential High Density
-  San Pablo Commercial



1 **SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

2 This ordinance shall be posted at three public places within the City of Albany and shall
3
4 become effective thirty days after the date of its posting.

5
6 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
7 the 6th day of September, 2022, by the following vote:

8
9 AYES: Council Members McQuaid, Nason, Tiedemann and Mayor Jordan

10 NOES: Council Member Gary

11 ABSENT: None

12 ABSTAIN: None

13
14 
15 _____
16 PRESTON JORDAN, MAYOR
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City of Albany

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

ORDINANCE NO. 2022-03

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

The 6th day of September, 2022, by the following votes:

AYES: Council Members McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: Council Member Gary

ABSENT: None

ABSTAINED: None

RECUSED: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
day of September , 2022.

Anne Hsu
CITY CLERK