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ORDINANCE NO. 2023-06

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER XX OF THE ALBANY MUNICIPAL CODE SECTIONS 20.12,
20.20, 20.24, 20.28, 20.40 and 20.100 TO UPDATE PARKING REGULATIONS**

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 (“Zoning Ordinance”); and

WHEREAS, Chapter XX established parking requirements for land uses; and

WHEREAS, Planning and Zoning Code Section 20.100.070.B authorizes the Planning and Zoning Commission to initiate, by resolution, an amendment to Chapter XX; and

WHEREAS, recitals and findings from City Council Resolution No. 2023-59 adopted amendments to the Land Use Element and Transportation Element of the General Plan are incorporated by reference; and

WHEREAS, the Planning and Zoning Commission held study sessions on March 8, April 26, and May 10, 2023 to discuss implications of Assembly Bill 2097 and potential revisions to parking regulations in the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance amendments reflect the provisions of AB 2097 and implement goals and policies of the General Plan and Albany Climate Action and Adaptation Plan with respect to parking; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 14, 2023 to consider the Zoning amendments; and

WHEREAS, the Planning and Zoning Commission adopted Planning & Zoning Resolution No. 2023-03 recommending that the City Council adopt amendments to the Zoning Ordinance; and

1 **WHEREAS**, the Climate Action Committee held a public meeting on June 21, 2023 to
2 consider the proposed amendments; and

3
4 **WHEREAS**, the Transportation Commission held a public meeting on June 22, 2023 to
5 consider the proposed amendments; and

6
7 **WHEREAS**, the City published a public hearing notice in three public places on October 20,
8 2023 as required for a public hearing before the City Council; and

9 **WHEREAS**, the City Council held a public hearing on July 17, 2023 and November 6,
10 2023 to consider the zoning amendments.
11

12 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
13 **FOLLOWS:**

14 **SECTION 1: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
15 **20.08 TITLED “DEFINITIONS” IS HEREBY AMENDED AS SPECIFIED IN EXHIBIT**
16 **A.**

17
18 **SECTION 2: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
19 **20.12 TITLED “ZONING DISTRICTS AND PERMITTED USES” IS HEREBY**
20 **AMENDED AS SPECIFIED IN EXHIBIT A.**

21
22 **SECTION 3: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
23 **20.20 TITLED “REGULATION OF SPECIFIC LAND USES” IS HEREBY AMENDED**
24 **AS SPECIFIED IN EXHIBIT A.**

25 **SECTION 4: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
26 **20.24 TITLED “DEVELOPMENT REGULATIONS” IS HEREBY AMENDED AS**
27 **SPECIFIED IN EXHIBIT A.**
28

1 **SECTION 5: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
2 **20.28 TITLED “OFF-STREET PARKING AND LOADING REGULATIONS” IS**
3 **HEREBY AMENDED AS SPECIFIED IN EXHIBIT A.**
4

5 **SECTION 6: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
6 **20.40 TITLED “HOUSING PROVISIONS” IS HEREBY AMENDED AS SPECIFIED IN**
7 **EXHIBIT A.**
8

9
10 **SECTION 7: CHAPTER XX OF THE ALBANY MUNICIPAL CODE, SECTION**
11 **20.100 TITLED “PROCEDURES” IS HEREBY AMENDED AS SPECIFIED IN**
12 **EXHIBIT A.**
13

14 **SECTION 8: PUBLICATION AND EFFECTIVE DATE.**

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

17
18 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting
19 on the 4th day of December 2023, by the following vote:

20 AYES: Council Members Jordan, López, Miki, and Mayor Tiedemann

21 NOES: none

22 ABSENT: Council Member Hansen-Romero

23 ABSTAIN: none

24
25 
AARON TIEDEMANN, MAYOR

26
27 **ATTACHMENT:**

28 **EXHIBIT A – Zoning Ordinance Amendments**

Exhibit A

Chapter 20

Planning and Zoning

§ 20.04 TITLE, PURPOSE, AUTHORITY

§ 20.12 ZONING DISTRICTS AND PERMITTED USES

§ 20.12.060 Commercial Districts.

...

B. Specific Purposes of Individual Commercial Districts.

...

3. Commercial Mixed Use District (CMX): The Commercial Mixed Use District provides for a broad range of retail, production, light manufacturing, distribution, and repair uses consistent with the Commercial Services and Production designation in the General Plan Land Use Element. More specifically, the "CMX" district is intended:

...

- b. To provide adequate space to meet the needs of commercial and industrial development, including ~~off-street parking and~~ truck loading areas and landscaped areas;

§ 20.20 REGULATION OF SPECIFIC LAND USES

§ 20.20.010 Bed and Breakfast.

[Ord. No. 04-09]

...

~~C. Off-street Parking Requirements. One compliant off-street parking space for each bedroom available for transient occupancy shall be provided on the site of the bed and breakfast facility, in addition to the parking spaces required for the dwelling unit. If the property is deficient in off-street parking at the time of application for approval of a bed and breakfast facility, the Planning and Zoning Commission may consider granting an exception under subsection 20.28.040 A. 3, as if the existing dwelling constituted a new residential unit. In no case may the off-street parking requirement for the transient occupancy be reduced.~~

DC. Use Permit Required. A major use permit shall be required for any bed and breakfast facility, including any facility that was established prior to the adoption of this Section. Once granted, a use permit for a bed and breakfast facility shall be subject to review for annual renewal.

ED. Business License Required. Following approval of a use permit and prior to initiation of operations, the owner of a bed and breakfast business shall make application and pay the required fee for a business license pursuant to the Municipal Code or such applicable ordinance or ordinances of this City as may

be hereinafter enacted.

**§ 20.20.020 Community Care Facilities (Child Care and Residential Care).
[Ord. No. 04-09; Ord. No. 09-011 § 4]**

...

B. Family Day Care Homes. Two types of Family Day Care Homes are distinguished, pursuant to State regulations: Large Family Day Care Homes and Small Family Day Care Homes. Both types are located within family residences, under the operation of the residents thereof.

...

2. Large. State-licensed facilities that exceed the permitted occupancy of Small Family Day Care Homes may accommodate up to fourteen (14) children of less than eighteen (18) years of age, subject to approval of a Minor Use Permit. The following standards shall be applicable to Large Family Day Care Homes:

~~e. Parking Requirement. Each Day Care Home shall have the number of parking spaces required for residential units, in compliance with subsection 20.28.030.A, and one (1) additional parking space for each person, or full time equivalent, working at the facility, other than a person who resides at the home. One (1) additional space, which may be an on-street space, shall be available for the drop-off and pickup of the children to ensure that the children are not placed at risk and street traffic is not unduly interrupted. Where the home is located on a lot having less than twenty-two (22) feet of legally permitted on-street parking along the frontage, a drop-off space shall not be required. A driveway that meets the dimensional requirements of this chapter may be utilized to meet any additional off-street parking spaces required for the use. Driveway parking space(s) may be in tandem with spaces required for the residential unit. In evaluating the parking requirement for a large family day care home, the approving body shall consider the number of employees at the site, parking conditions in the neighborhood, and the cumulative effects of any previously approved reductions in parking requirements for the site.~~

~~d.c.~~ Public Notice and Hearing. At least ten (10) calendar days prior to an administrative public hearing on a Minor Use Permit for a Large Family Day Care Home, notice of the proposed use and public hearing shall be mailed or delivered to owners of property within one hundred (100) feet of the exterior boundaries of the proposed day care home, as described in subsection 20.100.030.C.

...

C. Residential Care Homes.

...

2. Other. All licensed residential care facilities providing for more than six (6) residents shall be subject to approval of a Major Use Permit.

...

~~e. Parking Requirement. Each residential care facility for more than six (6) residents shall have the number of parking spaces required for residential units, in compliance with subsection 20.28.030.A, and one (1) additional parking space for each person, or full-time equivalent, working at the facility, other than a person who resides at the home. A driveway that meets the dimensional requirements of this chapter may be utilized to meet additional off-street parking space requirements for the use. Driveway parking space(s) may be in tandem with spaces required for the residential unit.~~

§ 20.20.040 Home Occupations.

[Ord. No. 04-09; amended 6-1-2020 by Ord. No. 2020-05]

...

C. Requirements. Home occupations shall be carried out in strict compliance with the following requirements:

...

~~3. Existing garages that are required for off-street parking spaces shall not be modified or used so as to preclude the normal parking and storage of family vehicles. 1~~

43. Businesses or home occupations located in accessory structures shall not adversely affect the enjoyment and use of adjacent residential properties, including, but not limited to, impacts from noise, odor, and light.

...

§ 20.20.080 Accessory Dwelling Units.

[Ord. No. 04-09; Ord. No. 2014-05 § 5; Ord. No. 2014-11 § 3; amended 6-1-2020 by Ord. No. 2020-04]

...

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under Subsection D2 above.

...

~~8. Parking.~~

~~(a) No additional off-street parking is required for an ADU or JADU.~~

~~(b) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.~~

...

§ 20.20.110 Cannabis Dispensaries.

[Ord. No. 07-01 § 4; Ord. No. 2011-08 § 5; Ord. No. 2017-07 § 2]

...

G. Personal Use Cultivation Regulations. Indoor cultivation of up to six (6) cannabis plants per residence for growth is permitted to the limited extent authorized under California Health and Safety Code Sections 11362.1 and 11362.2. Outdoor cultivation is prohibited. Indoor personal use cultivation is subject to the following restrictions:

...

4. Building Code Requirements. Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building, fire, plumbing, and electrical codes, in addition to all applicable zoning codes, including lot coverage, setback, and height, ~~and parking~~

requirements.

...

**§ 20.20.150 Single Room Occupancy (SRO) Residential Hotel.
[Ord. No. 2014-11 § 4]**

...

D. Off-Street Bicycle Parking Requirements. Parking. ~~Off-street parking for tenants shall be provided pursuant to Section 20.28.030 (A). Parking requirements may be reduced pursuant to Density Bonus regulations in Section 20.40.040.~~

~~1. Bicycle Parking:~~ An SRO facility shall provide a secured bicycle parking area to accommodate one (1) bicycle for every SRO unit.

...

**§ 20.24.040 Hillside Residential Regulations.
[Ord. No. 04-09; Ord. No. 2014-05 § 6]**

...

B. Single-Family Residential Development on Less Than Two (2) Acres.

...

~~7. Parking. Each single family residence shall provide two (2) off-street parking spaces.~~

...

**§ 20.24.130 Accessory Buildings.
[Ord. No. 04-09; Ord. No. 09-011 § 19; Ord. No. 2014-05 § 7]**

...

C. Permitted Uses. Accessory buildings may be used as detached carports or garages, patio shelters, garden or storage sheds, greenhouses, pool houses, artist studios, workshops, tree houses, home offices, City licensed home occupations, or for a similar function as determined by the Planning and Zoning Commission, ~~provided that such use does not remove required parking.~~

...

**§ 20.24.140 Temporary Buildings.
[Ord. No. 04-09]**

...

C. Requirements.

...

5. The Planning and Zoning Commission may impose additional conditions relating to landscaping, ~~parking,~~ exterior appearance, location on the site, site restoration, time limitation, etc.

...

§ 20.24.150 **Manufactured Homes.**
[Ord. No. 04-09]

...

~~C. Off-street Parking. A manufactured home is defined as a single-family dwelling unit, and in all cases shall be required to meet all requirements and standards for off-street parking as provided for single-family dwellings in Section 20.28.~~

...

§ 20.28. OFF-STREET PARKING AND LOADING REGULATIONS.

§ 20.28.010. Purpose. [Ord. No. 04-09; Ord. No. 2017-06 § 2]

These regulations are intended to:

A. Implement climate change, transportation, housing, and economic development; policy objectives established by the City of Albany General Plan, Climate Action and Adaptation Plan, and Active Transportation Plan.

~~A.B. Ensure that adequate, but not excessive, off-street parking facilities for vehicles and bicycles are provided for new land uses and for alterations and enlargements of existing land uses and structures ~~in proportion to the need for such facilities created by each use.~~~~

~~B. Ensure that the existing inventory of parking spaces serving commercial districts is not diminished by new uses and construction.~~

C. Acknowledge the constraints posed by the existing state of development and the lack of available land area that characterize the City, and provide for equitable application of ~~the vehicle and bicycle~~ parking space requirements, and loading regulations.

D. Ensure that off-street parking facilities are designed in a manner that will ensure circulation efficiency, and protect the public safety and minimize adverse impacts upon surrounding land uses for all travel modes, including pedestrians, bicyclists, public transit riders, and drivers.

§ 20.28.020. Citywide General Regulations and Exceptions. [Ord. No. 04-09; Ord. No. 2017-06 § 2; Ord. No. 2019-01 § 4]

This subsection provides general parking regulations and exceptions that apply citywide or to subareas described below, including the Waterfront zoning district. Supplementary regulations and exceptions for the Waterfront are provided in Section 20.28.040.

~~A. Residential Uses.~~

~~0. Expansion of Dwelling Unit. When an existing dwelling unit is expanded without creating an additional dwelling unit, the requirement of subsection 20.28.030.A shall be met unless it is waived or reduced pursuant to subsection 20.28.040.A.1 or 2.~~

~~0. Addition of Dwelling Unit. When any dwelling unit is added to a residential site, the new dwelling unit shall meet the requirement of subsection 20.28.030.A. The number of existing off-street parking spaces which serve to meet the requirements for existing dwelling units on a site shall not be reduced when any new dwelling unit is added to the site, except as provided in subsections 20.28.040.A.3 and 4.~~

~~D. Nonresidential Uses. When any structure is constructed, enlarged, or increased in capacity, or when a change in use occurs, the requirements of this subsection shall be satisfied, except as specifically provided in subsection 20.28.040.B. For purposes of this subsection a change of use~~

~~shall mean replacement of one activity with another activity that the City determines to be in a different category of parkingspace requirements, (e.g., a change in requirement from one (1) space per three hundred (300) square feet to one (1) space per two hundred (200) square feet.)~~

- ~~A.~~ A. Unlisted Uses. Requirements for types of buildings or uses not specifically listed herein shall be determined by the Community Development Director based upon the requirements for comparable uses listed and on the particular characteristics of the building or use.
- ~~E.B.~~ E.B. Changes in Use. No change of use request shall be required to meet the off-street parking requirements of this subsection.
- ~~F.~~ F. Multiple Use. When two (2) or more nonresidential uses are located in the same building and/or in common developments other than shopping centers, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the separate requirements for each use, except as provided in subsection 20.28.040.B.4 below. Special provisions for mixed residential and nonresidential facilities are stated in subsection 20.28.040.C below.
- ~~G.~~ G. Access During Business Hours. Required parking spaces that serve commercial uses and are intended for use by business clientele shall remain open and accessible during business hours.
- ~~H.~~ H. Shopping Centers. Where shared parking facilities are provided for two (2) or more commercial uses in a shopping center, the minimum requirement may be reduced to seventy five (75%) percent of the sum of the requirements for the various uses computed separately, when the combined requirements total twenty (20) or more spaces. Refer to subsection 20.08.020 for the definition of shopping center.
- ~~I.~~ I. Dedication to Parking. All off street parking spaces, carports, parking lots, parking garages and access drives required by this chapter shall be dedicated to the parking of motor vehicles and kept available for parking for the duration of the use requiring the parking. In the event that a change of use or other change of circumstances causes the existing parking spaces on a nonresidential site to be in excess of the minimum requirement for the use of the site, the Community Development Director may consider approval of an arrangement by which the excess spaces may meet requirements for other uses, through a minor use permit process.
- ~~J.~~ J. Use of Required Yards. No portion of any required front yard shall be used to meet off-street parking requirements, except as provided below in subsection 20.28.040.A.8.
- C. Limitation on Paved Area of Front Yards. Any paved area between the front property line and the front of a building shall be limited to a walkway for entry access, and a driveway not to exceed sixteen (16) feet in width, that forms a direct route from the street to a garage or other parking space deemed acceptable by the Community Development Director. The Planning and Zoning Commission may grant an exception to this limitation, based on unusual conditions of the site, such as topography, size, location or visibility. No parking of vehicles shall occur in any unpaved portion of a front yard.
- ~~K.~~
- ~~L.D.~~ L.D. Limitation on Repairs. No repair work or servicing of vehicles shall be conducted in an required off-street parking space, except such minor work performed by the resident as is common to residential use.
- ~~M.E.~~ M.E. Bicycles. Sufficient bicycle storage space including outdoor bicycle racks and indoor storage where feasible, as determined by the Planning and Zoning Commission, shall be provided by new business establishments, new multi-family developments, residential mixed-use developments, and commercial mixed-use developments in the City of Albany.
- ~~N.F.~~ N.F. Calculation of Requirements. Fractional space requirements shall be rounded to the nearest whole number (one-half (1/2) shall be rounded up).

O.G. Signage. Signs related to off-street parking shall be pursuant to Section 20.32.

~~P.~~ ~~Alternative Methods of Meeting Parking Requirements for Nonresidential Uses.~~ Required off-street parking spaces normally will be provided on the site of the use being served, through the approval process required for such use. Alternatively, the off-street parking requirements as specified by this section for nonresidential uses may be fulfilled by the following means:

~~0.~~ ~~Off Site:~~ Required off-street parking spaces may be provided in a different location from the location of the use being served, provided that parking for customers and visitors is located within seven hundred (700) feet and parking for employees is within one thousand (1,000) feet, with distances measured from the near corner of the parking facility to the main public entrance of the use served via the shortest pedestrian route. Such arrangements may be approved through an administrative zoning permit process, unless a use permit is required for the basic use, in which case consideration of off-site parking shall be made part of the use permit consideration.

~~0.~~ ~~In Lieu Fee:~~ The City Council may establish by ordinance a method by which payment of a fee may be accepted by the City in fulfillment of the requirement for one (1) or more parking spaces. Fees thus collected would be used by the City to increase the supply of parking available to support activities in the SC and SPC zoning districts and to enhance parking facilities.

~~0.~~ ~~Assessment District:~~ The City Council may initiate, pursuant to appropriate State statutes, the formation of one (1) or more special districts for the purpose of providing public off-street parking. Participation in such a district by property or business owners could provide a means of fulfilling all or part of the parking requirements for a particular site. Fees paid in lieu of providing parking spaces could be used by the City in conjunction with an assessment district.

T.H. Car-Share Service. Where feasible, car share service may be established for public use. A car-share service is a mobility enhancement service that provides an integrated citywide network of neighborhood-based motor vehicles available only to members by reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-share vehicles must be located at unstaffed, self-service locations (other than any incidental garage valet service), and generally be available for pickup by members twenty-four (24) hours per day. A car-share service shall assume responsibility for maintaining car-share vehicles.

U.I. Multi-family Residential Unbundled Parking. ~~Unbundled parking may be incorporated as part of a multi-family or residential mixed-use development. Unbundled parking is a parking strategy in which parking spaces are rented or sold separately, rather than automatically included with the rent or purchase price of a residential or commercial unit. Tenant or owners may purchase only as much parking as they need and are given the opportunity to save cost and space by utilizing fewer parking stalls.~~ In new multi-family and residential mixed-use development projects, parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units. No resident shall be required to lease or purchase a parking space, however, existing residents shall be offered the first right of refusal to rent/purchase a parking space.

V.I. Electric Vehicles. The City of Albany encourages electric vehicle use and the establishment of convenient and cost-effective electric vehicle infrastructure where appropriate. Electric vehicle infrastructure shall not conflict with or create hazardous situations in the public right-of-way.

1. Electric Vehicle (EV) is any motor vehicle registered to operate on California public roadways and operates, either partially or exclusively, on electrical energy from the grid or an off-board source that is stored on-board for motive purpose. "Electric vehicle"

includes but is not limited to: a battery electric vehicle, a plug-in hybrid electric vehicle, a neighborhood electric vehicle, and/or an electric motorcycle.

2. Electric Vehicle Charging Station (EVCS) means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

K. Transportation Demand Management Plan. The City of Albany encourages Transportation Demand Management (TDM) Plans as part of existing and new multi-family residential development, residential mixed-use development, affordable dwellings and new commercial and commercial mixed-use developments. ~~Transportation Demand Management (TDM)~~TDM is an important strategy to increase access to alternative transportation systems, improve mobility, and minimize negative impacts associated with vehicular travel. A TDM plan describes policies, programs, or resources that support and incentivize sustainable travel choices such as walking, biking, taking transit, or carpooling.

Specific TDM measures, such as transit passes, bike share, and carshare requirements, may be adopted by resolution and updated from time to time.

~~W. San Pablo Avenue Specific Plan planning area. Notwithstanding In addition to 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 supplementary standards:~~

~~X. Minimum parking requirement: zero (0) spaces per dwelling unit;~~

~~Y. Maximum parking requirement: as shown in Table 4 for each use;~~

~~Z. Unbundling: Parking spaces shall be rented separately from the rental fees for dwelling units. No resident shall be required to lease a parking space.~~

AA.L.

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.

BB.M. 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. Replacement uses may be subject to permit review and approval, and conformance with zoning regulations pursuant to Chapter 20 of this Municipal Code. If unneeded parking is eliminated or converted, the existing driveway shall be removed and curb cut restored unless there is sufficient space to meet the minimum standard of seven (7) feet six (6) inches in width by sixteen (16) feet in length to park on the existing driveway in a location 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. This modification shall be based on a post-occupancy study following review and approval of a conditional use permit by the Planning & Zoning Commission.

~~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.~~

N. Exceptions for Parking Space Design and Spaces Above Maximum Requirement. The Planning & Zoning Commission may, through a major use permit process, approve parking

spaces in excess of the maximum parking requirements contained in subsection 20.28.030 and/or modifications to the parking design standards contained in subsection 20.28.050, with approval of the following findings:

1. The applicant demonstrates, with a parking analysis, that the additional parking and/or revised parking design standards are required to meet the anticipated parking demand of the proposed uses.
2. That the provision of the additional parking and/or revised design standards will not result in an overdependence on vehicles, will not adversely affect public safety, and will not adversely affect transit, bicycle, or pedestrian access to the site or other abutting uses.

~~DD.O.~~ Front Yard Parking Exceptions for New Residential Uses. 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.

1. 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 rearyard 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.
- ~~2. 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.~~
2. 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 any non-parking use aside from an Accessory Dwelling Unit (ADU), 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.

~~EE.P.~~ 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.

§ 20.28.030. Citywide 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]

1. No minimum requirements for residential uses.
2. Maximum parking requirements apply to the San Pablo Avenue Specific Plan Area only as per Table 4 below.

Table 4. Residential Parking Requirements (20.28.030)⁶	
Land Use	Minimum 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.e.
Accessory dwelling unit	No off-street parking required
Transitional housing	1 space per 2 employees

<u>Table 4. Residential Parking Maximums within San Pablo Avenue Specific Plan (20.28.030)¹</u>	
<u>Land Use</u>	<u>Maximum (San Pablo Avenue Specific Plan Area only)²</u>
<u>Single-family dwelling</u>	<u>2 spaces per unit</u>
<u>Two-family dwelling</u>	<u>3 spaces per two units</u>
<u>Multifamily dwelling</u>	<u>1 space per unit</u>
<u>Live/work space</u>	<u>1 space per unit</u>
<u>Shared housing</u>	<u>0.5 space per bedroom</u>
<u>Bed-and-breakfast</u>	<u>1 per transient-occupancy bedroom</u>
<u>Large family day-care home</u>	<u>1 per employee</u>
<u>Residential care home (more than 6 residents)</u>	<u>1 per employee</u>
<u>Accessory dwelling unit</u>	<u>1 space per ADU</u>
<u>Transitional housing</u>	<u>1 space per 2 employees</u>

Notes, Table 4

1. Requirements may be modified ~~or reduced~~ through Planning and Zoning Commission review subject to Subsection 20.28.020.N, Exceptions for Parking Space Design and Spaces, or Subsection 20.28.020.O.1, Front Yard Parking Exceptions.
- ~~0. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.3, Two-Family Dwellings.~~
- ~~0. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.4, Multi-Family Dwelling.~~
- ~~0. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.5, Residential Mixed-Use Development.~~
- ~~0. Requirement may be reduced through conditional use permit review pursuant to Subsection 20.28.040.A.6, Affordable Dwelling Unit.~~
- ~~0. See Subsection 20.28.040.A.11 20.L for parking requirements in the San Pablo Avenue Specific Plan planning area.~~

B. Nonresidential Uses.

1. Table 5A is applicable to all zoning districts, with the exception of the Waterfront (WF) district. Table 5B is applicable to the WF district only.

Key to schedules:

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.

<u>Table 5A. Nonresidential Parking Requirements – Except WF District (20.28.030)</u>		
<u>Land Use (See Section 20.16 for use classifications)</u>	<u>Minimum</u>	<u>Maximum</u> <u>See §20.28.040.E for exceptions.</u>

<u>Commercial Uses: Restaurants Only</u>	<u>0</u>	<u>1/200</u>
<u>Commercial Uses: Other</u>	<u>0</u>	<u>1/400</u>
<u>Industrial Uses</u>	<u>0</u>	<u>1/800</u>
<u>Public & Quasi-Public Uses</u>	<u>0</u>	<u>1/1000</u>

<u>Table 5B. Nonresidential Parking Requirements – WF District (20.28.030)</u>	
<u>Land Use (See Section 20.16 for use classifications)</u>	<u>Minimum See §20.28.040.E for exceptions.</u>
<u>Public and Quasi-Public</u>	
<u>Park and recreation facilities</u>	<u>UP</u>
<u>Commercial</u>	
<u>Bars</u>	<u>1/200</u>
<u>Commercial recreation/entertainment in Waterfront District</u>	<u>Theatre: 1 space per 4 seats Other: UP</u>
<u>Marinas and boat launching ramps</u>	<u>UP</u>
<u>Restaurant</u>	<u>1/200</u>
<u>Waterfront and waterfront-sports-related commercial sales and service</u>	<u>1/400</u>

<u>Table 5. Nonresidential Parking Requirements (20.28.030)</u>	
<u>Land Use</u>	<u>Parking Requirement See 20.28.040.B and C for exceptions.</u>
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

Industry, limited	1/800
Industry, general	1/1,000
Truck terminal	UP
Warehousing and storage:	
uuu) — Within an enclosed building	1/1,000
Plus	1/1,000
vvv) — Outdoor use area	
Wholesaling and distribution	1/1,000

Notes:

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

EEEE.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 ^{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
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 Subsection 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. Waterfront (WF) District Parking Regulations and 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. These supplemental regulations apply to the Waterfront (WF) zoning district only.~~ 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.

~~B.A.~~ Nonresidential Uses. When any structure is constructed, enlarged, or increased in capacity, or when a change in use occurs, the requirements of this subsection shall be satisfied, except as specifically provided in subsection 20.28.040.B. For purposes of this subsection a change of use shall mean replacement of one activity with another activity that the City determines to be in a different category of parking space requirements, (e.g., a change in requirement from one (1) space per three hundred (300) square feet to one (1) space per two hundred (200) square feet.)

~~C.B.~~ Multiple Use. When two (2) or more nonresidential uses are located in the same building and/or in common developments other than shopping centers, or when parking facilities for different buildings

or uses are provided collectively, the parking requirements shall be the sum of the separate requirements for each use, except as provided in subsection 20.28.040.B.4 below. Special provisions for mixed residential and nonresidential facilities are stated in subsection 20.28.040.C below.

~~D.C.~~ Dedication to Parking. All off-street parking spaces, carports, parking lots, parking garages and access drives required by this chapter shall be dedicated to the parking of motor vehicles and kept available for parking for the duration of the use requiring the parking. In the event that a change of use or other change of circumstances causes the existing parking spaces on a nonresidential site to be in excess of the minimum requirement for the use of the site, the Community Development Director may consider approval of an arrangement by which the excess spaces may meet requirements for other uses, through a minor use permit process.

~~E.D.~~ Alternative Methods of Meeting Parking Requirements for Nonresidential Uses. Required off-street parking spaces normally will be provided on the site of the use being served, through the approval process required for such use. Alternatively, the off-street parking requirements as specified by this section for nonresidential uses may be fulfilled by the following means:

1. **Off-Site:** Required off-street parking spaces may be provided in a different location from the location of the use being served, provided that parking for customers and visitors is located within seven hundred (700) feet and parking for employees is within one thousand (1,000) feet, with distances measured from the near corner of the parking facility to the main public entrance of the use served via the shortest pedestrian route. Such arrangements may be approved through an administrative zoning permit process, unless a use permit is required for the basic use, in which case consideration of off-site parking shall be made part of the use permit consideration.
2. **In-Lieu Fee:** The City Council may establish by ordinance a method by which payment of a fee may be accepted by the City in fulfillment of the requirement for one (1) or more parking spaces. Fees thus collected would be used by the City to increase the supply of parking available to support activities in the SC and SPC zoning districts and to enhance parking facilities.
3. **Assessment District:** The City Council may initiate, pursuant to appropriate State statutes, the formation of one (1) or more special districts for the purpose of providing public off-street parking. Participation in such a district by property or business owners could provide a means of fulfilling all or part of the parking requirements for a particular site. Fees paid in lieu of providing parking spaces could be used by the City in conjunction with an assessment district.

~~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 more than 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.~~
 - ~~e) — 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 non-parking 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;~~
 - ~~e) 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.~~
 - ~~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.~~~~

F.E. 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.~~
- ~~g) 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.~~

- ~~h) 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.~~
- ~~i) 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.~~
- ~~j) 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.

- ~~k) 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.~~
- ~~l) 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.~~

~~12. 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.~~

~~3.1. 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 consider the shared parking request 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.~~

~~4.2. Planning and Zoning Commission Adjustment Number of Spaces. 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 parking demand survey of comparable situations, parking required for demand for the proposed use will either be in excess or not sufficient for the development. ~~or uses will be less than the required number of spaces.~~~~
- ~~b. For a reduction in parking minimums: ~~The~~ the probable long-term occupancy of the property~~

or structure, based on the project design, will not generate substantial additional parking demand.

~~b.c. For an increase in maxing maximums: the probable long-term occupancy of the property or structure, based on the project design, will generate substantial additional parking demand.~~

~~e.d. 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 exception will not have a substantial effect on the parking available for neighboring uses.~~

~~13. 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.~~

~~14. 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:~~

~~d. Restaurants: Restaurant uses shall have a minimum parking requirement of 1 space per 200 square feet of gross floor area.~~

~~e. 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.~~

~~G. 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:~~

~~15. 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.~~

~~16. 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.~~

~~17. Except as provided in Paragraph 2 preceding, spaces are not designated for exclusive use of any residential or nonresidential owner or tenant.~~

~~18. 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.~~

~~H. 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.~~

§ 20.40.030 Inclusionary Housing.
[Ord. No. 05-06]

...

F. Incentives. In the interest of promoting the creation of housing units that are affordable to lower-income households, the City may grant certain incentives for projects that exceed the minimum required number of inclusionary housing units, where it is demonstrated that the granting of such incentives is necessary to assure the economic feasibility of a project. Incentives shall not be applicable to secondary residential units or single-family dwellings in R-1 Single-Family Residential districts. This paragraph shall not apply to projects for which a density bonus is proposed pursuant to Government Code Section 65915 and subsection **20.40.040** of this chapter, which provide separate regulations on incentives. In order to encourage the on-site inclusion of affordable units in housing development projects proposed under this subsection, the City, at its discretion, may grant incentives including but not limited to the types listed below. In granting any such incentive the City shall make findings that:

- a) Exceptional circumstances have been demonstrated that require City assistance, and
 - b) Acceptable documentation has been provided as to how such incentives will increase the feasibility of inclusion of affordable units in the development project, and
 - c) The project exceeds the minimum requirement for provision of inclusionary housing units.
1. Modification of Development Regulations: The City recognizes that modification to the following requirements (not listed in any order of priority) could result in financially sufficient, and actual, cost reductions that would facilitate additional inclusionary housing units. Such modifications may be made without a variance, subject to the making of findings a) through c) in this paragraph E.:
- a. Setback from a street or nonresidential property line.
 - ~~b. Off street parking requirement for commercial space in a mixed use development.~~
 - ~~eb.~~ Maximum lot coverage.
 - ~~dc.~~ Setback from a residential property line, except where a daylight plane is required.

...

§ 20.40.040 **Density Bonus, Incentives or Concessions, Waivers or Reductions.**
[Ord. No. 05-06; Ord. No. 2014-11 § 6; Ord. No. 2018-04]

The City will facilitate the production of housing units for eligible households in accordance with California Government Code Sections 65915 through 65918, as described in this subsection. For purposes of this subsection, "Housing Development" shall have the meaning stated in Government Code Section 65915 (i). The City will grant a density bonus, incentives or concessions, and/or waivers or reductions of development standards ~~and parking ratios~~, as described below.

...

~~F. Off Street Parking.~~

- ~~1. Parking Ratios. Notwithstanding the provisions of Section 20.28 of this chapter, the City will permit, if specifically requested by an applicant for approval of a housing development project that qualifies for a density bonus under paragraph A of this subsection, an off street parking ratio, inclusive of handicapped and guest parking, to be limited, without requirement of a variance, to the ratios mandated by Government Code Section 65915 (p), as follows:
 - ~~a. Zero (0) to one (1) bedroom: one (1) on-site parking space~~
 - ~~b. Two (2) to three (3) bedrooms: two (2) on-site parking spaces~~
 - ~~c. Four (4) and more bedrooms: two and one half (2 1/2) parking spaces~~~~
- ~~2. Configuration. Off street parking spaces provided pursuant to this paragraph may be arranged in tandem and may be uncovered.~~
- ~~3. Proximity to Transit. Notwithstanding the provision of subsection 1 above, if a development includes the maximum percentage of low income or very low income units provided for in Government Code Section 65915 (f) (1) and (2), and is located within one half mile of a major transit stop, as defined in of Section 21155(b) of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the City shall not impose parking ratios that exceed 0.5 spaces per bedroom.~~
- ~~4. Affordable Rental Units. Notwithstanding the provision of subsection 1 above, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:
 - ~~a. Developments consisting solely of rental units 0.5 spaces per unit.~~
 - ~~b. Rental housing for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code: 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one half mile, to fixed bus route service that operates at least eight times per day.~~
 - ~~c. Special needs housing development, as defined in Section 51312 of the Health and Safety Code: 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one half mile, to fixed bus route service that operates at least eight times per day.~~~~
- ~~5. This subdivision shall apply to a development that meets the requirements of California Government Code 65915 subdivision (b) but only at the request of the applicant. A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d) of California Government Code Section 65915.~~

GF. Affordable Housing Agreement - Density Bonus: Applicants for density bonuses shall enter into an Affordable Housing Agreement with the City, for the purpose of assuring continuing compliance with applicable provisions of Government Code Section 65915 and all applicable regulations and conditions of the City. Such Agreement shall be subject to approval by the City Council, upon recommendation of the Planning and Zoning Commission. Where project approval includes a subdivision of land, execution of an Affordable Housing Agreement shall be made a condition of

approval of a tentative map. The contents of the Agreement shall be as specified in subsection 20.40.030.D.1 above, except that the requirements of paragraphs f, j, and k thereof shall be replaced by the requirements of paragraphs 1 and 2 below:

1. An applicant who seeks a density bonus for rental units targeted for lower-income and very low-income households shall agree to continued affordability under the terms specified in Government Code Section 65915(c)(1).
2. An applicant who seeks a density bonus for moderate-income units in a common interest development project shall agree that:
 - a. The initial occupants of the moderate-income units that are directly related to the receipt of the density bonus are persons and families of moderate-income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code.
 - b. An equity-sharing agreement, to be enforced by the City, shall apply to resale of the units, which shall be subject to the terms specified in Government Code Section 65915(c)(2).

HG. Application Procedures for Density Bonus.

1. General.
 - a. The granting of a density bonus is exempted, by Government Code Section 65915, from discretionary approvals. However, elements of housing development proposals may be subject to discretionary approvals or other procedures set forth in Section 20.100.
 - b. All incentives or concessions that may be proposed pursuant to the requirements of Government Code Section 65915 shall be subject to final action by the City Council.
2. Preapplication Review. Prior to filing an application for a density bonus and concessions pursuant to Government Code Section 65915 and this subsection, an applicant shall participate with City staff in a preliminary review of project plans. The Community Development Director may determine that such review be held with the Planning and Zoning Commission, in a publicly noticed meeting.
3. Application Requirements. An applicant for a density bonus pursuant to Government Code Section 65915 and this subsection shall submit an application for any discretionary approval required by this chapter for the proposed development project. If no discretionary action is required, the applicant shall submit a Zoning Clearance application for City review of the proposed density bonus. At a minimum, applications for development projects that propose a density bonus shall include the following items:
 - a. The desired density increase;
 - b. Additional incentive(s) or concession(s) requested;
 - c. Any waivers or reductions in development standards that are requested;
 - ~~d. Off street parking ratios requested;~~
 - ed. The number, type, location, size and construction scheduling of all units;
 - fe. Documentation to demonstrate that any requested concession or incentive results in identifiable and actual cost reductions, to provide for affordable housing costs.

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§ 20.40.070 Emergency Shelter.
[Ord. No. 05-06; Ord. No. 2014-02 § 6]

The purpose of this section is to provide guidelines to be used in the implementation of the Housing Element policies regarding the siting and permitting of emergency shelters, including facilities that meet the description of "Emergency Shelter" in subsection 20.16.050.E.

...

- B. Physical Characteristics. Applicants for approval of an emergency shelter shall demonstrate the following:
 1. The facility provides adequate living space, shower and toilet facilities and secure storage areas for its intended residents.
 2. The facility conforms to standards for sleeping rooms, as stated in codes adopted by the City and in current effect.
 3. The facility is a minimum of three hundred (300) feet from any other emergency shelter, as measured between the closest points of the property boundaries involved.
 - ~~4. The facility has exclusive use of a minimum of one (1) off-street parking space plus one (1) space for each two (2) employees.~~
 54. The facility shall include indoor intake and waiting areas.
 65. The facility shall include adequate indoor bicycle parking for employees and residents.
 76. The facility accommodates no more than 25 beds. A shelter with more than 25 beds may be allowed with approval of a major use permit by the Planning and Zoning Commission under procedures stated in Section 20.100.030.B.2.

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§ 20.100.050 Design Review.
[Ord. No. 04-09; Ord. No. 2017-05; amended 9-6-2022 by Ord. No. 2022-03]

- A. Purpose and Intent. The purpose of design review is to ensure that designs of projects that are subject to review will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review are to ensure that signs are consistent with the character and scale of the buildings and streets; that retention and maintenance of existing buildings and landscape features are considered; that site access ~~and vehicular parking are~~ sufficient; and that public policies for water conservation and solid waste management are considered in project planning.
- 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.
 1. General Standards. The following standards are applicable to all projects for which design review is required:
 - d. 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.

2. Additional Specific Standards for Single-Family Residential Additions. The following standards shall apply in addition to those listed in paragraph A above.

~~e. Off street parking spaces are provided to the property to account for the increased living area as required by subsection 20.28.020A.~~

...

F. Standards of Development. Exceptions to the usable open space, lot area, lot width, lot coverage, yards, height, ~~parking~~, loading, sign, screening and landscaping requirements of the applicable zoning district may be allowed when it can be demonstrated that such exceptions would result in a more desirable development. In granting exceptions to the above standards, the Planning and Zoning Commission shall consider additional amenities, such as usable open space, provided by the development. In all cases, each structure shall conform to the development plan.

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City of Albany

1000 San Pablo Avenue • Albany, California 94706
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ORDINANCE NO. 2023-06

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

The 4th day of December, 2023, by the following votes:

AYES: Council Members Jordan, López, Miki and Mayor Tiedemann

NOES: none

ABSENT: Council Member Hansen-Romero

ABSTAINED: none

RECUSED: none

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

5th day of January, 2023.

Anne Hsu
CITY CLERK