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1 **WHEREAS**, the Planning and Zoning Chapter amendments bring the City’s local
2 ordinance into compliance with State law, align with the City Council Strategic Plan and satisfy
3 Housing Element Programs 1.A, 3.D and 3.H with respect to Residential Uses and Community
4 Care Facilities; and

5
6 **WHEREAS**, at a duly noticed public hearing held on September 10, 2025, the Planning
7 & Zoning Commission considered the amendments and voted 5-0-0-0 to adopt a Planning &
8 Zoning resolution recommending to the City Council to amend the Zoning Ordinance; and

9
10 **WHEREAS**, the Albany City Council finds consistent with Subsection 20.100.070.C
11 of the Planning & Zoning Chapter that:

- 12 1. The proposed amendments are consistent with the General Plan and the Housing
13 Element, including the following policies:

- 14 • **Housing Element Policy 1.6 “Missing Middle” Housing.** Support
15 opportunities for “missing middle” housing, such as duplexes, triplexes, and
16 accessory dwelling units, in lower density neighborhoods, particularly on larger
17 lots where such housing fits the existing neighborhood context.
- 18 • **Housing Element Policy 3.4 Supportive Housing.** Provide opportunities for
19 housing with supportive services, such as group homes and residential care
20 facilities, consistent with State law. Transitional and supportive housing shall be
21 treated as a residential use and is only subject to those requirements that apply to
22 other residential uses of the same type in the same zone.
- 23 • **Housing Element Policy 4.8 Innovative Housing Types.** Ensure that local
24 planning and building codes allow for innovative and nontraditional housing
25 types, including modular and pre-fabricated homes, live-work and work-live,
26 “tiny” homes, “micro” units, and homes constructed with sustainable, non-
27 traditional building materials. Local codes should also enable collaborative living
28 arrangements among unrelated individuals or households.

- **Land Use Policy 2.8** Maintain Kains Avenue and Adams Street as predominantly residential streets. Land use regulations should limit the encroachment of commercial uses onto parcels that are currently developed with housing. Residential uses along these streets and in adjacent areas should be protected from the potential adverse impacts of commercial uses through special setback requirements. The use of these two streets for primary access to non-residential uses shall be discouraged or prohibited as appropriate.

2. The adoption of the proposed amendments has been crafted to ensure no adverse effects to the public health, safety and general welfare; and

WHEREAS, consideration of the ordinance is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines because the scope of this ordinance is limited to minor updates to zoning and development standards. It does not change land use or increase building density and therefore qualifies as a Class 5 Categorical Exemption (Minor Alterations in Land Use Limitations, CEQA Guidelines § 15305) and is also covered by the general exemption for projects with no potential for significant environmental impact (CEQA Guidelines § 15061(b)(3)); and

WHEREAS, public hearing notice was posted in three public places pursuant to California Government Code Section 65091 on September 26, 2025; and

WHEREAS, the Albany City Council held a public hearing on October 6, 2025, to discuss the proposed amendments, considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

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

2
3 **SECTION 1: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
4 **20.08.020 TITLED “DEFINITIONS” IS HEREBY AMENDED AS SPECIFIED IN**
5 **EXHIBIT A:**

6
7 **SECTION 2: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
8 **20.12.040 TITLED “PERMITTED LAND USES BY DISTRICT” IS HEREBY**
9 **AMENDED AS SPECIFIED IN EXHIBIT B:**

10
11 **SECTION 3: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
12 **20.12.050 TITLED “RESIDENTIAL DISTRICTS” IS HEREBY AMENDED AS**
13 **SPECIFIED IN EXHIBIT C:**

14
15 **SECTION 4: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
16 **20.16.020 TITLED “RESIDENTIAL USE CLASSIFICATIONS” IS HEREBY**
17 **AMENDED AS SPECIFIED IN EXHIBIT D:**

18
19 **SECTION 5: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
20 **20.16.050 TITLED “PUBLIC AND QUASI-PUBLIC USE CLASSIFICATIONS” IS**
21 **HEREBY AMENDED AS SPECIFIED IN EXHIBIT E:**

22
23 **SECTION 6: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
24 **20.20.020 TITLED “COMMUNITY CARE FACILITIES” IS HEREBY AMENDED AS**
25 **SPECIFIED IN EXHIBIT F:**


26
27 **SECTION 7: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
28 **20.28.030 TITLED “CITYWIDE PARKING SPACE REQUIREMENTS” IS HEREBY**
29 **AMENDED AS SPECIFIED IN EXHIBIT H:**

1
2 **SECTION 8: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
3 **20.100.010 TITLED “COMMON PERMIT PROCEDURES” IS HEREBY AMENDED**
4 **AS SPECIFIED IN EXHIBIT I:**
5

6 **SECTION 9: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION**
7 **20.100.030 TITLED “USE PERMITS” IS HEREBY AMENDED AS SPECIFIED IN**
8 **EXHIBIT J:**
9

10 **SECTION 10: PUBLICATION AND EFFECTIVE DATE.**

11 This Ordinance shall be posted at three public places within the City of Albany and
12 shall become effective thirty days after the date of its posting.
13

14
15 
16 _____
17 **ROBIN D. LÓPEZ, MAYOR**
18

19 **ATTACHMENTS:**

20 EXHIBIT A – Zoning Ordinance Amendments AMC Section 20.08020
21 EXHIBIT B – Zoning Ordinance Amendments AMC Section 20.12.040
22 EXHIBIT C – Zoning Ordinance Amendments AMC Section 20.12.050
23 EXHIBIT D – Zoning Ordinance Amendments AMC Section 20.16.020
24 EXHIBIT E – Zoning Ordinance Amendments AMC Section 20.16.050
25 EXHIBIT F – Zoning Ordinance Amendments AMC Section 20.20.020
26 EXHIBIT G – Zoning Ordinance Amendments AMC Section 20.28.030
27 EXHIBIT H – Zoning Ordinance Amendments AMC Section 20.100.010
28 EXHIBIT I – Zoning Ordinance Amendments AMC Section 20.100.030
29

§ 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; amended 9-6-2022 by Ord. No. 2022-03; 1-16-2024 by Ord. No. 2023-07; 9-16-2024 by Ord. No. 2024-06; 2-3-2025 by Ord. No. 2025-01]

ABUTTING DISTRICTS OR LOTS — Means districts or lots that share a common boundary line. Districts located across the street from one another are considered abutting.

ACCESSORY DWELLING UNIT or ADU (see also subsection 20.20.080.B) — Means an attached or a detached residential dwelling unit that provides complete independent living facilities—provisions for living, sleeping, eating, cooking, and sanitation/bathroom facilities—for one or more persons and is located on a lot with a proposed or existing primary dwelling. An accessory dwelling unit also includes the following: **[Added 1-16-2024 by Ord. No. 2023-07]**

- a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
- b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

AGGRIEVED — Means any person beneficially interested who is injured or wronged by an action.

ALTERATION, STRUCTURAL — Means any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, or any change to the building envelope, including but not limited to a change of a roof line or roof shape, including creating, enlarging or extending a dormer.

APPLICANT, QUALIFIED — Means an individual with a freehold, possessory or contractual interest in land that is subject to an application for approval under this chapter, or the authorized agent of such an individual.

AREA, LOT — Means the total horizontal area included within the lot lines of a site.

AWNING — Means a temporary shelter, usually constructed of canvas, which is supported entirely from the exterior wall of a building.

BREEZEWAY — Means a structure for the principal purpose of connecting the main building on a site with any other structure on the same site.

BUILDING — Means any enclosed structure (e.g. roof and four walls). **[Amended 2-3-2025 by Ord. No. 2025-01]**

BUILDING, ACCESSORY — Means a detached, subordinate building, the use of which is clearly incidental to that of a main building or to the use of the land.

BUILDING, MAIN — Means a building in which is conducted the principal use of the lot upon which it is situated.

BUILDING, TEMPORARY — Means a building not permanently attached to the ground or to a permanent foundation.

COMMISSION, PLANNING AND ZONING — Means the Planning and Zoning Commission of the City of Albany.

CONDOMINIUM — Means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

CORNICE — Means a horizontal molded projection that crowns or completes a building or wall.

COURT — Means an open space, other than a yard, on the same site with a structure or group of structures and which is bounded on three (3) or more sides by the structure or structures.

COVERAGE, LOT — Means the land area covered by all the structures on a site, including all projections, except portions of uncovered decks, porches, landings, balconies, or stairways that are less than six (6) feet above grade and are not enclosed by walls on more than two (2) sides; eaves; trellises or other structures that do not have solid roofs. Coverage of ADUs with a maximum size of 800 square feet may be excluded from said calculation.**[Amended 1-16-2024 by Ord. No. 2023-07]**

DAYLIGHT PLANE — Means a tilted plane that connects a vertical plane with a horizontal plane for the purpose of supplementing applicable setback requirements, with the vertical plane being based on a property line or a setback line, and the horizontal plane being based on a maximum height limit.

DENSITY, RESIDENTIAL — Means number of dwelling units per net acre, determined by dividing the number of dwelling units by the net acreage of the lot area, in acres. Net acreage shall be the area of the site less any land dedicated for public right-of-way or other public purpose, but excluding easements for access, utilities or other purposes that do not require dedication to public ownership.

DEVELOPMENT STANDARD — Means as used with respect to a density bonus in subsection 20.40.040, includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law policy, resolution, or regulation.

DISTRICT — Means a portion of the City within which certain regulations controlling land use, site area, coverage, yards and other open spaces, height of structures and other physical development standards, apply under the provisions of this chapter.

DRIVE-IN ESTABLISHMENTS — Means facilities which are so designed and operated as to enable persons to receive a service or purchase, or consume goods, while remaining within a motor vehicle.

DWELLING UNIT — Means a structure, building, or a portion of a structure or building,

designed for occupancy by one (1) family household for living and sleeping purposes. Does not include units within hotels or similar facilities that provide transient accommodations.

EAVE — Means the overhang of a roof that projects beyond the exterior walls of a structure.

~~EMERGENCY HOUSING — Means any facility that provides sleeping accommodations on a temporary basis, generally less than six (6) months, to persons who lack shelter due to such problems as illness, disability, lack of income, family violence or displacement resulting from a disaster. Food and other support services may be provided. See also "Transitional Housing."~~

~~FAMILY — Means an individual or two (2) or more persons living as a single housekeeping unit in a dwelling. A family includes any servants and four (4) or fewer boarders.~~

FENCE — Means a structural barrier that defines or encloses an uncovered space such as a lot or a portion of a lot.

FLOOR AREA — Means the total horizontal area in square feet on each floor within and including the exterior walls of a structure but not including the area of inner courts, shaft enclosures, and mechanical equipment rooms.

FLOOR AREA RATIO — Means the proportion of building floor area per area of the parcel of land upon which the building rests. See subsection 20.24.050 for calculation information and qualifying exemptions. **[Amended 1-16-2024 by Ord. No. 2023-07]**

FRONTAGE — Means the property line of a site abutting on a street.

GAMING ACTIVITIES — Means gambling; betting.

GLARE — Means annoyance, discomfort or loss of visual performance and visibility to the eye, experienced by a viewer with a direct line of sight to a light source.

GRADE — Means the elevation, above a reference level such as mean sea level, of any point or points on a ground surface. Also, the degree of inclination between points on a ground surface.

GRADE, FINISH — Means the lowest point of the finished surface of the ground between a building and a property line or, where the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building; or, where there is an approved grading plan, the final configuration of the terrain in conformance with the approved grading plan.

GRADE, NATURAL — Means the original, unaltered elevation of the ground surface, or any other existing elevation that has remained undisturbed for a period of seven (7) years or more.

GRADING — Means the process of altering the grade of a site.

GROUP HOME, UNLICENSED — Means a residential facility shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and may participate in cooking, dining, living areas, and other communal living activities and provide supportive services that do not require licenses under state law. Residents of a group home shall be considered a household. See HOUSEHOLD.

HABITABLE SPACE — Means any space for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space. General dimensional requirements are contained within the latest edition of the Uniform Building Code as adopted by the City.

HEIGHT — Means the distance of a point of any structure above a plane defined by the natural grade at the perimeter of the structure, such distance being measured directly from the point.

HOME OCCUPATION — Means a nonresidential activity or use carried on within a dwelling, by the inhabitants thereof, which use is clearly incidental to the residential use and does not alter the character of the premises.

HORTICULTURE — Means the growing of fruits, vegetables or ornamental plants.

HOUSEHOLD — Means an individual or two (2) or more persons living as a single housekeeping unit in a dwelling unit and four (4) or fewer boarders. Residents of a group home providing non-licensable services shall be considered a household. See GROUP HOME, UNLICENSED.

INCLUSIONARY HOUSING — Means one (1) or more dwelling units that are included in a housing development project and made available for occupancy by lower-income households as a proportion of the total number of dwelling units in the project, wherein the majority of dwelling units are available without restriction as to the incomes of residents.

INTERNAL ILLUMINATION — Means a method of sign illumination where a sign houses an internal electrical system of lighting. This type of sign includes halo-lit and individually illuminated letters.

JUNIOR ACCESSORY DWELLING UNIT or JADU (see also subsection 20.20.080.B) — Means an accessory dwelling unit that has the following attributes:**[Added 1-16-2024 by Ord. No. 2023-07]**

- a. Maximum size of 500 square feet;
- b. Contained entirely within a single-family primary dwelling, including an attached garage;
- c. Has its own or shares sanitation/bathroom facilities with the single-family primary dwelling; if the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the single-family dwelling; and
- d. Includes, at a minimum, an efficiency kitchen, which contains a cooking facility with appliances, a food preparation counter or counters, and storage cabinets that are of reasonable size in relation to the size of the JADU.

LANDSCAPED STRIP — Means a landscaped area abutting a property line of a site.

LIQUOR STORE — Means a retail store where the predominant products sold, representing twenty (20%) percent or more of the sales floor area, are alcoholic beverages including beer, wine and distilled spirits, under an "Off-sale General" license by the State of California; also known as a "package store."

LOADING SPACE — Means an off-street space or berth for the temporary parking of a vehicle while loading or unloading merchandise or materials.

LOT, CONFORMING — Means a parcel of subdivided land having such dimensions and site area as are required by the provisions of this chapter, and designed to be occupied by a permitted use or structure, including such yards and other open spaces as are required by the provisions of this chapter, and having its principal frontage on a street.

LOT, CORNER — Means a lot located at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees. For the purposes of this chapter, the front of a corner lot shall be considered the smaller dimension of the lot, and the side the longer dimension of the lot.

LOT, INTERIOR — Means a lot abutting only one (1) street, and not meeting the definition of a corner lot.

LOT, NONCONFORMING — Means any lot, existing and recorded as a separate parcel in the office of the County Assessor at the effective date of this chapter, which does not conform to the area or width requirements of the district in which it is located.

LOT, THROUGH — Means a lot abutting two (2) streets that do not intersect at any point on the boundaries of the lot. Any lot that meets both the definitions of a through lot and a corner lot shall be deemed to be a corner lot.

MANUFACTURED HOME — Means a single-family dwelling unit that is prefabricated or factory-built, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and attached to a foundation system that meets requirements of the California Health and Safety Code.

MASSAGE — See Albany Municipal Code subsection 5-13.2.

MASSAGE ESTABLISHMENT — See Albany Municipal Code subsection 5-13.2.

MASSING — Means the shape, size, scale, and orientation of a structure in three (3) dimensional space.

MEDICAL CANNABIS DISPENSARY — Means any association, business, facility, use, establishment, location, delivery service, cooperative, collective, or provider, whether fixed or mobile, that possesses, cultivates, distributes, or makes available medical cannabis to three (3) or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card or a patient with a prescription or recommendation from a medical doctor. A dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law:

1. A clinic licensed pursuant to Chapter 1, Division 2 of the Health and Safety Code;
2. A health care facility licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
3. A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
5. A residential hospice or a health home agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.5 et seq.

MOBILE RECYCLING UNIT — Means an automobile, truck, trailer, or van and appurtenant bins, boxes, or containers used for the collection of recyclable materials.

NONCONFORMING STRUCTURE — Means any legally created structure which no longer conforms to the density, height, coverage, yard, landscaping and screening, usable open space, sign, parking, loading or other requirements applied to structures by this chapter.

NONCONFORMING USE — Means any use which was legal when created and which is no longer itself a permitted or conditionally permitted use in the district in which it is located.

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. **[Added 9-6-2022 by Ord. No. 2022-03]**

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.

PARKING FACILITY — Means any area or structure, other than within a public street, which is used for the parking of two (2) or more vehicles, but not including the storage of vehicles for sale or repair.

PARKING, OFF-STREET — Means parking spaces located on private property or public property that is not designated as a public right-of-way.

PARKING, ON-STREET — Means parking spaces located within the public right-of-way.

PARKING SPACE (OFF-STREET) — Means a space meeting dimensional requirements of Subsection 20.28.030 either enclosed in a structure or open, the principal use of which is the storage or parking of automobiles.

PERMIT, USE, MAJOR — Means authorization, granted by the Planning and Zoning Commission subject to compliance with conditions, for a specified use of a property, where such authorization is allowed by this chapter in the zoning district in which the property is located.

PERMIT, USE, MINOR — Means authorization, granted by the Community Development Director subject to compliance with conditions, for a specified use of a property, where such authorization is allowed by this chapter in the zoning district in which the property is located.

PLANNED UNIT DEVELOPMENT — Means a development adhering to a comprehensive plan and located on a single tract of land, or on two (2) or more contiguous tracts of land which may be separated only by a street or other public right-of-way. (See subsection 20.100.060)

PRE-EXISTING — Means in existence prior to the effective date of this ordinance.

PRIVATE SCHOOL — Means a school not operated by the Albany Unified School District, the State or any political subdivision thereof.

RESIDENTIAL DEVELOPMENT — Means a project consisting of new construction of one (1) or more residential buildings, inclusive of condominiums, mobile homes, new and legalized Accessory Dwelling Units, or an addition to the gross floor area of a residential structure or an accessory structure. **[Amended 1-16-2024 by Ord. No. 2023-07]**

RETAINING WALL — Means a wall of any material that is separate from the structural support

of a building and serves to retain earth.

RIGHT CUMULATIVE — Means any right that pertains in addition to, or cumulative to, other rights allowed by law.

RIGHT-OF-WAY, PUBLIC — Means an area of land that is reserved for, by dedication or easement, for access or passage for public purposes; such area may be used for streets, sidewalks, utility lines, rail lines or other uses determined to be in the public interest.

SENIOR CITIZEN HOUSING DEVELOPMENT — Means a housing development which has been designed to meet the physical and social needs of senior citizens and which otherwise qualifies as "housing for older persons," as that phrase is used in California Civil Code Sections 51.3 and 51.12 and Federal statutes.

SETBACK — Means the required distance that a building, structure or other designated item must be located from a lot line.

SHOPPING CENTER — Means a commercial development occupied by a group of five (5) or more separate commercial uses, with parking on the site for the benefit of the uses that occupy the site.

SIGNIFICANT TOBACCO RETAILER — Means any tobacco retailer that derives seventy-five (75%) percent or more of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.

The following terms related to tobacco retailers have the following meanings:

- a. Tobacco Product means (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.
- b. Tobacco Paraphernalia means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

STORY — Means a portion of a building included between the upper surface of a floor and the upper surface of the floor or roof above.

STREET — Means a public thoroughfare dedicated as such or acquired for use as such, which affords the principal means of access to abutting property.

STREET LINE — Means a boundary line between a street and abutting property.

STRUCTURE — Means anything constructed or erected which requires a location on the ground.

STRUCTURE, ACCESSORY — Means a detached, subordinate structure that is incidental to the main structure or to the principal use of the land.**[Added 2-3-2025 by Ord. No. 2025-01]**

TRANSITIONAL HOUSING — Means any sleeping facility or dwelling unit that serves as a transition from emergency housing to permanent housing, for a period generally of six (6) months to twenty-four (24) months, usually supported by social services to help prepare residents for independent living. See also "Emergency Housing."

TREE, LANDMARK — Means any tree having a trunk with a diameter at breast height (DBH) of eighteen (18) inches or greater, which has been verified by a qualified professional arborist to be a significant specimen, considering such factors as size, species, health and location.

TREEHOUSE — Means a structure that utilizes a tree as a principal support.

UPHILL SITE — Means a lot that is located on a slope that extends upward from the horizontal plane of the public right-of-way which provides primary access to the lot, with reference to the perpendicular cross-section of the public right-of-way at the midpoint of the frontage of the lot.

USE, ACCESSORY — Means a subordinate use that is incidental to the principal use of a site, structure, or dwelling unit.

USE, PRINCIPAL — Means the primary purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

WIRELESS COMMUNICATIONS FACILITY — Wireless Communications Facility means any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal communications services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development.

The following terms related to wireless communications facilities have the following meanings:

- a. **Antenna** means any system of poles, panels, rods, reflecting disks, wire or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which an antenna is mounted.
- b. **Antenna Equipment** A cabinet, room, or similar structure which houses the electronic facilities used to operate an antenna.
- c. **Antenna Structure** means any structure, including a pole, mast, or tower, whether freestanding or mounted on another building or structure, that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted thereon.
- d. **Base Station** means the primary sending and receiving site in a wireless telecommunications network, including all radio-frequency generating equipment connected to antennas. More than one (1) base station and/or more than one (1) variety of telecommunications providers can be located on a single tower or structure.
- e. **Co-Location** means a situation in which a single support structure supports one (1) or more antennas owned or used by more than one (1) public or private entity.
- f. **Distributed Antenna Systems (DAS)** means a wireless telecommunications facility network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- g. **Maintenance** For purposes of this section, maintenance is defined as:
 - 1) Scheduled preventive inspections and activities per manufacturer's instructions or regulatory requirements;

- 2) Corrective maintenance including modification to existing equipment to repair physical damage or correct internal faults;
 - 3) Minor repositioning or changes in internal components to improve performance or energy efficiency or increase power output;
 - 4) Other changes to the existing equipment that does not substantially change appearance.
- h. Microcell Facility means a wireless telecommunications facility characterized by small antennas and equipment cabinets, and typically sited on an existing or replacement street light, utility pole, sign or other suitable structure; or an existing building.
- i. Monitoring Protocol means an industry accepted radio-frequency (RF) radiation measurement protocol used to determine compliance with FCC RF radiation exposure standards, in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the RF radiation modeling specifications of OET Bulletin 65 (or any superseding reports/standards), which is to be used to measure the emissions and determine radio-frequency radiation exposure levels from existing and new telecommunications facilities. RF radiation exposure measurements are to be taken at various locations, including those from which public RF exposure levels are expected to be the highest.
- j. Monopole means a type of freestanding antenna structure that is seventeen (17) feet or more in height and is designed to be self-supporting without the use of guy wires.
- k. Preferred Wireless Zoning District means a zone where the City has determined that the location of a wireless communications facility would reduce the noise, aesthetic and visual impact of that facility relative to its placement in another zone. The City has determined that wireless communication facilities may be located in the following order of preference: CMX, PF, and SPC or SC.
- l. Radio Frequency (RF) Radiation means radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz and below), including microwaves, television VHF and UHF signals, radio signals, and low to ultra low frequencies.
- m. Receive-Only Antenna means antenna for the reception of radio and television signals, without transmitting capabilities; may include pole or dish types of antennas.
- n. Repeater means a small receiver/relay transmitter of not more than twenty (20) watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.
- o. Satellite Dish means a bowl-shaped antenna used to receive and/or transmit electromagnetic signals to and from an orbiting satellite.
- p. Stealth Facility means a wireless communications facility located so as to be of minimal visibility, such as being incorporated within an architectural feature such as a steeple or parapet, or in the open but disguised as a tree or other natural feature.
- YARD** — Means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward. Yard spaces shall be measured horizontally from and at right angles to the nearest point of the respective lot line towards the

nearest part of a structure on the lot, exclusive of retaining walls, fences and certain architectural features and permitted projections as provided for in subsection 20.24.060.

- a. Yard, front means a yard of uniform depth extending across the full width of the lot inward from the front lot line. The front lot line shall be determined by the Community Development Director.
- b. Yard, rear means a yard of uniform depth extending across the full width of the lot inward from the rear lot line. In the case of a through lot, the location of the rear yard shall be determined by the Community Development Director.
- c. Yard, side means a yard on each side of the main building extending from the front yard, or the front lot line where no front yard is required, to the rear yard, or the rear lot line where no rear yard is required. A side yard abutting a street is termed an exterior side yard; a side yard not abutting a street is termed an interior side yard.

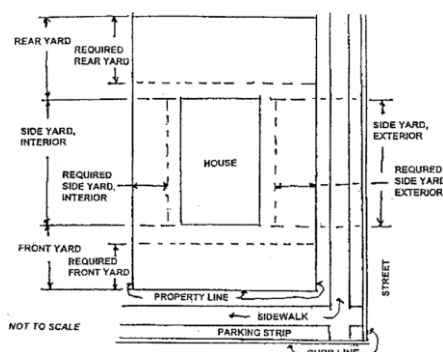


TABLE 1 - PERMITTED LAND USES BY DISTRICT (20.12.040)

P = Permitted

UP-M = Minor Use Permit Required ^{16, 172}

UP-M = Minor Use Permit Required ^{16, 172}

Limits on authority for UP-M are indicated by * and **¹⁶²

[illegible]

TABLE 1 - PERMITTED LAND USES BY DISTRICT (20.12.040)

Key to Table: P = Permitted UP = Use Permit Required¹ UP-M = Minor Use Permit Required^{16, 17} - = Not Permitted Limits on authority for UP-M are indicated by * and **¹⁶										
Land Use ¹³	R-1	R-2	R-3	R-4	RHD	SC ⁴	SPC ⁴	CMX	PF	WF ¹⁴
Public admin. offices/facilities	-	-	-	-	-	P	P	UP	P	-
Public maintenance facilities	-	-	-	-	-	-	-	UP	UP	-
Religious institutions	UP	UP	UP	-	-	UP	UP	-	-	-
Schools, public or private ¹³	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 ¹³										
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, 14}	UP	-	-
Animal sales and services										
a) Animal boarding	-	-	-	-	-	UP	UP-M ^{15, 14}	UP-M	-	-
b) Animal grooming	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
c) Animal hospitals	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
d) Animal sales	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Automobile/vehicle sales and services										
a) Automobile/vehicle/equipment sales and/or rental	-	-	-	-	-	-	UP ^{15, 14}	UP-M*	-	-
b) Automobile service station (including fueling station)	-	-	-	-	-	-	UP ^{15, 14}	UP-M	-	-
c) Automobile/vehicle/equipment repair	-	-	-	-	-	-	UP ^{15, 14}	UP-M	-	-
d) Automobile washing	-	-	-	-	-	-	UP ^{15, 14}	UP-M	-	-
Bars	-	-	-	-	-	UP	UP ^{15, 14}	UP	-	UP
Building materials sales and service										
a) Within an enclosed building	-	-	-	-	-	-	UP-M* ^{15, 14}	UP-M*	-	-
b) Open storage area	-	-	-	-	-	-	-	UP ^{6, 15}	-	-
Commercial recreation/entertainment	-	-	-	-	-	UP ^{7, 16}	UP ^{15, 14}	UP-M*	-	-
Commercial recreation/entertainment in Waterfront District	-	-	-	-	-	-	-	-	-	UP
Communication facilities	-	-	-	-	-	UP	UP ^{15, 14}	UP	-	-
Construction services (contractors)	-	-	-	-	-	-	UP ^{6, 14, 15}	UP ^{6, 15}	-	-
Custom manufacturing						UP-M	P ^{15, 14, 22, 17}	UP-M*		

TABLE 1 - PERMITTED LAND USES BY DISTRICT (20.12.040)

Key to Table: P = Permitted UP = Use Permit Required¹ UP-M = Minor Use Permit Required^{16, 172} - = Not Permitted Limits on authority for UP-M are indicated by * and **¹⁶²										
Land Use ¹³	R-1	R-2	R-3	R-4	RHD	SC ⁴	SPC ⁴	CMX	PF	WF ¹⁴⁵
Dry cleaner (retail)	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Financial institutions	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Funeral and interment services	-	-	-	-	-	-	UP ^{15, 14}	UP	-	-
Food and beverage preparation						P	P ^{15, 14, 22, 17}	UP-M*		
Gyms and health clubs	-	-	-	-	-	UP-M	P ^{15, 14}	UP-M*	-	-
Hotels and motels	-	-	-	-	-	UP ^{8, 18}	UP ^{15, 14}	UP	-	-
Laboratory, limited	-	-	-	-	-	-	UP ^{15, 14}	UP-M	-	-
Laundry, large-scale	-	-	-	-	-	-	UP ^{15, 14}	UP-M*	-	-
Laundry, self-service	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Liquor store	-	-	-	-	-	UP	UP ^{15, 14}	UP	-	-
Offices, general	-	-	-	-	-	P ^{23, 19}	P ^{15, 14}	UP-M*	-	-
Offices, professional						P ^{24, 20}	P ^{15, 14}	UP-M*		
Marinas and boat launching ramps	-	-	-	-	-	-	-	-	-	UP
Parking facility, nonresidential	UP ^{9, 21}	UP ^{9, 21}	UP ^{9, 21}	UP ^{9, 21}	-	UP	UP-M ^{15, 14}	UP-M	-	UP
Pawn shops	-	-	-	-	-	-	UP ^{15, 14}	UP	-	-
Printing (retail)	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Printing (industrial)	-	-	-	-	-	-	-	UP	-	-
Repair services (non-auto)	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Research and development (commercial)	-	-	-	-	-	UP	UP ^{15, 14}	UP-M*	-	-
Research and development (educational)	-	-	-	-	-	-	-	UP-M*	UP ^{10, 22}	-
Restaurant	-	-	-	-	-	P ^{12, 23, 13, 24}	P ^{12, 14, 13, 23, 15, 24}	UP-M ^{12, 23, 13, 24}	-	UP ^{12, 23, 13, 24}
a) With live entertainment	-	-	-	-	-	UP ^{12, 23, 13, 24}	UP ^{12, 14, 13, 23, 15, 24}	UP ^{12, 23, 13, 24}	-	-
b.1.) With take-out (walk-up)	-	-	-	-	-	P ^{12, 23, 13, 24}	P ^{12, 14, 13, 23, 15, 24}	UP-M ^{12, 23, 13, 24}	-	-
b.2.) With take-out (drive-through)	-	-	-	-	-	-	UP ^{12, 14, 13, 23, 15, 24}	UP ^{12, 23, 13, 24}	-	-
Retail, food and beverage sales	-	-	-	-	-	P	P ^{15, 14}	UP-M*	-	-
Retail nurseries and garden supplies	-	-	-	-	-	P	P ^{15, 14}	UP-M*	-	-
Retail sales										
a) Neighborhood retail	-	-	-	UP ^{18, 25}	-	P	P ^{15, 14}	UP-M*	-	-
b) Community retail	-	-	-	-	-	UP-M*	P ^{15, 14}	UP-M*	-	-
c) Regional retail	-	-	-	-	-	-	-	UP-M*	-	-
Services, ambulance	-	-	-	-	-	-	P ^{15, 14}	UP-M	-	-
Services, business	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Services, catering	-	-	-	-	-	UP	P ^{15, 14}	UP-M	-	-

TABLE 1 - PERMITTED LAND USES BY DISTRICT (20.12.040)

Key to Table:

P = Permitted

UP = Use Permit Required¹

UP-M = Minor Use Permit Required^{16, 172}

- = Not Permitted

Limits on authority for UP-M are indicated by * and **¹⁶²

Land Use ¹³	R-1	R-2	R-3	R-4	RHD	SC ⁴	SPC ⁴	CMX	PF	WF ¹⁴⁵
Services, instructional	-	-	-	-	-	P ¹⁴²⁶	P ^{14, 14526}	UP-M	-	-
Services, massage	-	-	-	-	-	UP	UP ^{15, 14}	UP-M	-	-
Services, tattoo parlors						UP	UP ^{15, 14}	UP		
Services, personal	-	-	-	-	-	P	P ^{15, 14}	UP-M	-	-
Significant ²⁰²⁷ tobacco retailer	-	-	-	-	-	UP	UP ^{15, 14}	UP	-	-
Tutoring/lessons						P	P ^{15, 14}	UP		
Waterfront and waterfront-sports-related commercial sales and service	-	-	-	-	-	-	-	-	-	UP
Industrial										
Industry, limited		-		-	-	-	-	UP	-	-
Industry, general	-	-	-	-	-	-	-	UP	-	-
Truck terminal	-	-	-	-	-	-	-	UP	-	-
Warehousing and storage										
a) Indoor	-	-	-	-	-	-	-	UP	-	-
b) Outdoor	-	-	-	-	-	-	-	UP	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	UP	-	-

NOTES, TABLE 1:

1. References to "use permit" shall be presumed to mean "major" use permit unless otherwise noted.

All construction may be subject to design review and development standards.

2. 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 2,500 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. 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. All construction may be subject to design review and development standards. 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. Commercial activities are not permitted along the Kains Avenue or Adams Street frontages on parcels that are currently developed with dwellings. Not permitted on ground floor.

5. 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". ¹Except where preempted by state or federal law.

6. Multifamily dwellings only; single- and two-family dwellings prohibited. Projects may be subject to screening requirements.

7. Single-family dwellings are permitted by right. Limited to uses within a building, not to exceed 5,000 square feet.

8. Use permit is required if located on the ground floor; on the 2nd floor or above, the use is permitted by right. Off-street parking in support of residential use is not permitted to occupy ground floor building frontage along Solano Avenue. If 10 or fewer hotel/motel rooms; otherwise not allowed.

9. <u>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. 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. 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.</u>
10. <u>Use permitted within San Pablo Avenue Specific Plan planning area If governmental or educational-related. Otherwise, not allowed in public facilities zoning district.</u>
11. <u>Not permitted on ground floor. 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</u>
12. <u>Permitted if in a single-family dwelling but requires a conditional use permit if located in a two-family or multifamily dwelling. A supplemental business license may be required where alcohol is consumed.</u>
13. <u>Except where preempted by state or federal law. See Section 20.20.070.B.1 for permit requirements for alcoholic beverages.</u>
14. <u>Except for Home Occupations pursuant to Subsection 20.20.040, on an opportunity site identified 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. 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.</u>
15. <u>Projects may be subject to screening requirements. Except for Home Occupations pursuant to Subsection 20.20.040, on site 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 provided 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.</u>
16. <u>Limited to uses within a building, not to exceed 5,000 square feet. 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):</u> <u>* — maximum 5,000 square feet; ** — maximum 10 dwelling units. A major use permit is required for any project that exceeds these thresholds.</u>
17. <u>Retail area shall comprise at least the first 15 feet of the public street-facing depth (only the primary commercial corridor on corner lots). References to "use permit" shall be presumed to mean "major" use permit unless otherwise noted.</u>
18. <u>If 10 or fewer hotel/motel rooms; otherwise not allowed. Limited to serving the convenience of the residential development in the R-4 District.</u>
19. <u>Minor use permit required on the ground floor; windows shall be located to front the primary commercial corridor. Refer to Section 20.20.202.B.2.d for special process of notice and hearing.</u>
20. <u>Major use permit required on the ground floor; windows shall be located to front the primary commercial corridor. Refer to Section 20.20.120 for location and operation standards.</u>
21. <u>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. Permitted if in a single-family dwelling but requires a conditional use permit if located in a two-family or multifamily dwelling.</u>
22. <u>If governmental- or educational-related. Otherwise, not allowed in public facilities zoning district. Retail area shall comprise at least the first 15 feet of the public street-facing depth (only the primary commercial corridor on corner lots).</u>
23. <u>A supplemental business license may be required where alcohol is consumed. Minor use permit required on the ground floor; windows shall be located to front the primary commercial corridor.</u>
24. <u>See Section 20.20.070.B.1 for permit requirements for alcoholic beverages. Major use permit required on the ground floor; windows shall be located to front the primary commercial corridor.</u>
25. <u>Use permitted within San Palo Avenue Specific Plan planning area Limited to serving the convenience of the residential development in the R-4 District.</u>
26. <u>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.</u>
27. <u>Refer to Section 20.20.120 for location and operation standards.</u>

1. Editor's Note: Measure C can be found in Appendix B included as an attachment to this chapter.

§ 20.12.050. Residential Districts. [Ord. No. 04-09; Ord. No. 2014-05 § 3; amended 1-16-2024 by Ord. No. 2023-07]

A. General Purposes of Residential Districts. The City's residential districts are intended to:

1. Protect residential neighborhoods and achieve design compatibility between single- and multi-family developments and commercial districts, preserve neighborhood character, and ensure adequate buffers between zoning districts through physical development standards and performance standards;
2. Provide adequate sites for public and quasi-public land uses needed to complement residential development; and
3. Ensure adequate light, air, privacy, and open space for each dwelling.

B. Specific Purposes of Individual Residential Districts. See Table 2A, subsection 20.24.020, for maximum densities permitted in each district.

1. Residential Single Family District (R-1): The Residential Single Family District provides opportunities for low-density residential development ~~characterized by single-family homes~~ on individual lots. ~~Accessory Dwelling Units are permitted subject to appropriate standards and review procedures.~~ The district corresponds to the Low Density Residential designation in the General Plan Land Use Element.
2. Residential Medium Density District (R-2): The Residential Medium Density District provides for residential living at moderate densities. Accessory Dwelling Units are permitted subject to appropriate standards and review procedures. The district corresponds to the Medium Density Residential designation in the General Plan Land Use Element.
3. Residential High Density District (R-3): The Residential High Density District provides opportunities for high-density residential development characterized by a mix of housing types, including townhouses, duplexes, apartments and condominiums, subject to appropriate standards. Accessory Dwelling Units are permitted subject to appropriate standards and review procedures. The district corresponds to the High Density Residential designation in the General Plan Land Use Element, with the exception of those properties on the west side of Albany Hill that are within the Residential Towers District.
4. Residential Towers District (R-4): The Residential Towers District applies specifically to properties on the west side of Albany Hill and is characterized by high-density apartment or condominium buildings. The district represents a portion of the area designated as Residential Towers [pending amendment] by the General Plan Land Use Element.
5. Residential Hillside Development District (RHD): The Residential Hillside Development District establishes standards and requirements for appropriate hillside development on Albany Hill, consistent with the General Plan and Measure K (1994). Accessory Dwelling Units are permitted subject to appropriate standards and review procedures. More specifically, the RHD district is intended:

- a. To reduce the likelihood of earth movement, landslides and development on unstable terrain in order to protect the health and safety of the community.
- b. To minimize grading (cut-and-fill) to a point consistent with the retention of the natural character of hillside areas and to prohibit, to the extent feasible, grading of flat pads or terracing of building sites in hillside areas.
- c. To minimize the water run-off and soil erosion problems resulting from excessive grading which changes the historical runoff patterns to accommodate development needs.
- d. To maximize safety and enjoyment while adopting development to, and taking advantage of, the best use of the existing natural terrain.
- e. To establish development requirements that are consistent with the environmental constraints and visual importance of the Albany Hill area.
- f. To preserve and enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features such as drainage swales, slopes, ridgelines, vistas, trees and natural plant formations.
- g. To preserve, enhance and promote the existing and future aesthetic appearance and environmental resources of the hillside area.

§ 20.16.020. Residential Use Classifications. [Ord. No. 04-09; Ord. No. 2014-02 § 2; Ord. No. 2014-05 § 4; Ord. No. 2014-11 § 2; Ord. No. 2017-06 § 1; amended 6-1-2020 by Ord. No. 2020-04; 1-16-2024 by Ord. No. 2023-07; 9-16-2024 by Ord. No. 2024-06]

A. Residences.

1. Dwelling. A residential use of a single building or portion of a building that provides permanent provisions for living, sleeping, eating, cooking, and sanitation for occupancy by a household. Dwellings may be located in the types of structures/configurations listed in a-d below. For purposes of this subsection, "dwelling" does not include the residential uses listed in 2-5 below.

a. Single-Family Dwelling. A freestanding structure arranged, designed, and intended to be occupied as one primary residence. An accessory dwelling unit may also be located in or associated with a single-family dwelling and may be attached or detached. **[Amended 6-1-2020 by Ord. No. 2020-04]**

b. Two-Family Dwellings (Duplex). A structure that is a type of multi-family residential structure that contains two dwelling units.

c. Multi-Family Dwelling. A structure that contains more than two dwelling units. Types of multi-family dwellings include townhouses, and apartment buildings.

d. Residential Mixed-Use Development. A single structure or a group of physically integrated structures on a contiguous lot that includes dwelling(s) and one or more different residential, commercial, and/or public and quasi-public land uses.

~~1.2.~~ Live/Work Space. Units that provide both living and work space for those engaged in professional or technical fields, or in the fine and applied arts, such as painting, sculpting, graphic design, desktop publishing, writing, and related fields.

~~2. Residential Mixed Use Development. The use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, or office, in a single structure or a group of physically integrated structures on a contiguous lot.~~

3. Shared Housing. One or more buildings that by their design, arrangement and relationship intentionally bring together several households of various demographics and configurations for housing affordability. The facility may include but not be limited to adaptive or re-use of an existing single-family residence or commercial structure, or new construction. In all variations the housing includes chosen shared daily living areas, private rooms or quarters for each household, and may include optional income generating spaces.

4. Senior Citizen Housing Development. A housing development which has been designed to meet the physical and social needs of senior citizens and which qualifies as "housing for older persons," as that phrase is used in California Civil Code Sections 51.3 and 51.12 and Federal statutes. (See subsection 20.08.020. Definitions (A-Z)).

5. Accessory Dwelling Unit. See definition in subsection 20.20.080.B.

~~5. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An~~

~~accessory dwelling unit also includes the following: [Amended 6-1-2020 by Ord. No. 2020-04]~~

~~(a) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and~~

~~(b) A manufactured home, as defined by Section 18007 of the California Health and Safety Code.~~

B. Rooming or Boarding House. A dwelling unit in which five (5) or more persons are provided lodging for compensation. Does not include a residential care facility. Provision of lodging for four (4) or fewer persons shall be considered to be an accessory use of a dwelling unit.

C. Bed and Breakfast. A facility offering transient lodging to the general public and conducted in a private single-family detached residential unit located in a residential zone, and providing sleeping rooms with private or semiprivate bathroom facilities. (See subsection 20.20.010 for specific regulations applicable to this use.)

D. Care Facility, Residential.

1. Small. A dwelling unit licensed by the State of California to provide Twentytwenty-four (24) hour non-medical care for six (6) or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. (See subsection 20.20.020.C.1 for specific regulations applicable to this use.)

2. Large. A dwelling unit licensed by the State of California to provide Twentytwenty-four (24) hour non-medical care for more than six (6) persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. (See subsection 20.20.020.C.2 for specific regulations applicable to this use.)

E. Family Day Care Homes, Residential. Small Family. A day care facility that regularly located in a single-family residence where an occupant of the residence provides care, protection, and supervision for 14eight (8) or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home. located in a single-family residence where an occupant of the residence provides care and supervision for eight (8) or fewer children, consistent with Section 1597.44 of the California Health and Safety Code. (See subsection 20.20.020.B.1 for specific regulations applicable to this use.)

1. Large Family. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for up to fourteen (14) children, consistent with Section 1597.465 of the California Health and Safety Code. (See subsection 20.20.020.B.2 for specific regulations applicable to this use.)

~~F. Accessory Dwelling Unit. See definition in subsection 20.20.080.C.~~

~~G.F. Transitional Housing. Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing~~

includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Transitional housing means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be not less than six (6) months.

H.G. Supportive Housing. ~~means h~~Housing with no limit on length of stay, that is occupied by the target population as defined in ~~subdivision (d) of the~~ California Health and Safety Code ~~Section 53260~~, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving ~~his or her~~their health status, and maximizing ~~his or her~~their ability to live and, when possible, work in the community.

I.H. Single-Room Occupancy (SRO) Residential Hotels. Any building containing five or more guest rooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, a Single Room Occupancy Residential Hotel does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

§ 20.16.050. Public and Quasi-Public Use Classifications. [Ord. No. 04-09; Ord. No. 07-01 § 3; Ord. No. 2011-08 § 4; Ord. No. 2014-02 § 3]

- A. Community Assembly. Nonprofit institutions providing for public gatherings or events. This classification includes community playhouses.
- B. Clubs or Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.
- C. Cultural Activities/Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- D. Day Care Center, (Non-Family). Any facility that provides non-medical care to more than twelve (12) persons on a less than twenty-four (24)-hour basis. This classification includes nursery schools, preschools, and day care centers for children or adults.
- E. Emergency Shelter. "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
- F. Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for in-patient or outpatient treatment, as well as training, research, and administrative services for patients and employees.
- ~~F.~~G. Low-Barrier Navigation Center. A Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, including but not limited to allowing partners if not a population-specific site (e.g. survivors of domestic violence), pets, storage of personal items, and privacy (e.g. partitions around beds in shared rooms).
- G.~~H.~~ Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. This classification includes community centers, boat launching ramps and marinas.
- H.~~I.~~ Public Administrative Offices/Facilities. Facilities for public administration; public safety and emergency services, including facilities that provide police and fire protection, and emergency medical services; social services including but not limited to those listed in paragraph L below.
- I.~~J.~~ Public Maintenance Facilities. Facilities providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies for maintenance of public facilities and infrastructure.
- J.~~K.~~ Religious Institutions. Facilities for religious worship and incidental religious education, but not including private schools.
- K.~~L.~~ Schools, Public or Private. Facilities for kindergarten through twelfth (12th) grade, or adult

education, and private educational institutions.

~~L~~.M. Social Service Facilities. Establishments offering counseling and short-term emergency services, including drug abuse centers. Social service facilities include:

1. Housing services.
2. Neighborhood recovery centers.
3. Social service agencies.

~~M~~.N. U.S. Post Office. Government retail postal service branch office that may or may not include mail carrier services.

~~N~~.O. Utilities, Major. Generating plants, electrical substations, electrical transmission lines, switching buildings, refuse collection and transfer stations, processing, recycling or disposal facilities, major flood control or drainage facilities, water or wastewater treatment plants, or transportation, and all similar facilities.

~~O~~.P. Utilities, Minor. New utility facilities that are necessary to support established uses and involve only minor structures such as electrical distribution lines and aboveground cabinets.

~~P~~.Q. Utilities, Underground. Public or regulated underground utility that provides water, sewage collection, electricity, natural gas, telephone, cable television or other public service or goods to the public.

§ 20.20.020. Community Care Facilities (Child Care and Residential Care). [Ord. No. 04-09; Ord. No. 09-011 § 4; amended 12-4-2023 by Ord. No. 2023-06]

- A. Purpose. This section establishes regulations for care facilities in compliance with State law. The standards are in addition to any other applicable requirements of the Municipal Code or the California Department of Social Services, which issues licenses to community care facilities.
- 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.~~ A Family Day Care Home shall not be considered as home occupations for permitting or licensing purposes. Operation of such a facility without a State license shall be a violation of the zoning ordinance.
- C. ~~Small. State-licensed facilities for eight (8) or fewer children of less than eighteen (18) years of age are an accessory use of residentially zoned and occupied properties. Small Family Day Care Homes shall not be considered as home occupations for permitting or licensing purposes. Operation of such a facility without a State license shall be a violation of the zoning ordinance.~~
 - 1. ~~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:~~
 - a. ~~Adjacent Residential Uses. No residential property shall be abutted on more than one (1) side by any combination of a large family day care home, a day care center, or a residential care home.~~
 - b. ~~Spacing of Facilities. No Large Family Day Care Home or day care center shall be permitted if any other licensed Large Family Day Care Home or day care center is located within three hundred (300) feet of the lot subject to the application.~~
 - 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.~~

D.C. Residential Care HomesFacilities.

- 1. Small. State-licensed facilities for six (6) or fewer residents are an accessory use of properties on which residential occupancy is permitted. Operation of such a facility without a State License shall be a violation of the zoning ordinance. Small Residential Care HomesFacilities shall not be considered as home occupations for permitting or licensing purposes.
- 2. Other. All licensed residential care facilities providing for more than six (6) residents shall be subject to approval of a MajorMinor Use Permit. ~~Adjacent Residential Uses. No residential property shall be abutted on more than one (1) side by any combination of a large family day care home, a day care center or a residential care home.~~ Spacing

requirements only apply if required by State Law.

~~3. Spacing of Facilities. No residential care facility shall be permitted if any other licensed residential care facility is located within three hundred (300) feet of the lot subject to the application.~~

§ 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; amended 6-1-2020 by Ord. No. 2020-04; 9-6-2022 by Ord. No. 2022-03; 12-4-2023 by Ord. No. 2023-06]

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

A. Residential Uses.

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

Notes, Table 4

1. Requirements may be modified 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.

§ 20.100.010 Common Permit Procedures.

[Ord. No. 04-09; Ord. No. 06-08 § 1; Ord. No. 2017-05 § 2]

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

1. State Requirements. Notice shall be provided in accord with the California Government Code, as stated in Sections 65090 and 65091 thereof.

~~2. Special Requirements for Large Family Day Care Home. Refer to subsection 20.20.020.B for requirements for public notice and hearing on a Minor Use Permit for a Large Family Day Care Home.~~

32. Contents of Notice. All notices shall provide the following information:

- a. The date, time, place of the public hearing, as well as the identity of the hearing body.
- b. A general explanation of the matter to be considered.
- c. A general description, by text or diagram, of the real property that is the subject of the hearing.
- d. The address and phone number where interested parties may contact for further details.
- e. A statement that interested parties may submit comments on any aspect of the application in writing or verbally at the public hearing.
- f. Other information required by statute, required by specific provisions of this chapter, or determined necessary by the Community Development Director.

43. Notice Requirements for Residential Design Review.

- a. Posting. The applicant shall post notice in a conspicuous location on the project site regarding a scheduled design review meeting at least ten (10) calendar days prior to the meeting. Posting shall be consistent with procedures established by the Community Development Department.
- b. Mailing. The Community Development Department shall mail such notice to all owners and occupants of any property, any portion of which lies within three hundred (300) feet of the external boundaries of the project site, at least ten (10) calendar days prior to the meeting.
- c. Story Poles, R-1 Zoning District. For new residential construction and exterior alterations that increase the height of a single-family building and are subject to design review, an applicant is required to erect at least two (2) "story poles," a temporary construction for the purpose of visually displaying the outer limits, including the height, of the proposed structural alterations. These poles shall be erected at least ten (10) days prior to the design review meeting, and shall be maintained in place through the date of the meeting.

§ 20.100.030. Use Permits. [Ord. No. 04-09]

- A. Purpose. These provisions are intended to prescribe requirements for the accommodation of uses with special site, design, or operating characteristics, or which have a potentially adverse effect on surroundings, and shall apply to all proposals for which a conditional use permit is required.
- B. Applicability. Thresholds and responsibilities for review of applications for use permits are as follows:
 - 1. General Applicability. A use permit is required for any use otherwise requiring a conditional use permit under this chapter as indicated on the Table 1, Permitted Land Uses by Zoning District (subsection 20.12.040) when the use may be increased, intensified, expanded, modified or otherwise changed in any manner, regardless of when the use was originally established, and including any change in a use which pre-existed the requirement for a conditional use permit. An applicant shall be required to comply with such conditions as are related to the proposed use and shall be required to conform to all requirements in effect at such time as determinations are made on the application. This chapter also specifies use permits for certain exceptions or other discretionary approvals that are not directly related to uses of land, for example, second story residential additions exceeding the height limit.
 - 2. Uses Requiring a Major Use Permit. All use permits are classified as major use permits except those uses that are specifically designated in Table 1, Permitted Land Uses by Zoning District (subsection 20.12.040) as requiring minor use permits.
 - 3. Uses Requiring a Minor Use Permit. Minor use permits may be considered by the Community Development Director for those uses that are so designated in Table 1, Permitted Land Uses by Zoning District (subsection 20.12.040), provided that projects involving such uses are exempt, statutorily or categorically, from the requirements of the California Environmental Quality Act; or, providing that projects involve no more than five thousand (5,000) square feet of building area, where so noted in the Table of Permitted Uses by Zoning District.
 - 4. Referral to Planning and Zoning Commission. At any point in the project review process the Community Development Director may exercise discretion to transfer original hearing jurisdiction on a minor use permit to the Planning and Zoning Commission because of policy implications, unique or unusual circumstances, or the magnitude of the project.
- C. Procedures. Applications for minor use permits and major use permits are subject to the common procedures in subsection 20.100.010 and the following specific procedures.
 - 1. Minor Use Permits.
 - a. Public Hearing. The Community Development Director shall hold a public hearing on each application for a minor use permit. Notice of the public hearing shall be provided according to subsection 20.100.010.E.

~~Exception: In the case of a Large Family Day Care Home, a public hearing will~~

~~be held only upon request of the applicant or other affected person. See subsection 20.20.020 B.~~

- b. Action by Community Development Director. Within thirty (30) days after the hearing, the Community Development Director shall grant or deny the application for minor use permit, or provide for a continuance to act. If the Community Development Director does not act within thirty (30) days after the hearing, the application shall be deemed to be approved.

Appeal: Decisions of the Community Development Director may be appealed to the Planning and Zoning Commission as provided in subsection 20.100.080.C.1.

2. Major Use Permits.

- a. Public Hearing. The Planning and Zoning Commission shall hold a public hearing on each application for major use permit. Notice of the public hearing shall be provided according to subsection 20.100.010.E.
- b. Action by Planning and Zoning Commission. Within thirty (30) days after the public hearing, the Planning and Zoning Commission shall grant or deny the application for major use permit or provide for a continuance to act. If the Commission does not act or grant a continuance within thirty (30) days after the close of the public hearing, the application shall be deemed to be approved.

Appeal: Decisions of the Planning and Zoning Commission may be appealed to the City Council as provided in subsection 20.100.080.C.2.

D. Required Findings for Approving Use Permits. A minor use permit may be approved by the Community Development Director, and a major use permit may be approved by the Planning and Zoning Commission only if all of the following findings can be made:

1. Necessity, Desirability, Compatibility. That the size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. Adverse Impacts. That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. Consistency with Zoning Ordinance, General Plan and Specific Plan. That such use or

feature as proposed will comply with the applicable provisions of this chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.

- E. Conditions of Use Permit Approval. Conditions of approval may be imposed by the Community Development Director or the Planning and Zoning Commission, as the case may be, to prevent or minimize adverse impacts upon the public and the City's neighborhoods and to ensure compatibility of land uses. Conditions of approval may include, but are not limited to: limitations on size, bulk and location; operational characteristics such as hours of operation; standards for landscaping, buffering and lighting, adequate ingress and egress; adequate parking provisions, and other on-site improvements; and expiration of the permit at a certain date or under specified circumstances.
- F. Temporary Use Permits. A temporary use permit authorizing certain temporary use classifications shall be subject to the following provisions.
 - 1. Temporary Uses Requiring a Permit. A temporary use permit is required for uses or signs listed in subsection 20.20.090.
 - 2. Application and Fee. A completed application form, accompanied by the required fees shall be submitted to the Community Development Director.
 - 3. Approval Procedure. The Community Development Director shall approve, approve with conditions, or deny a complete application within five (5) working days. No notice or public hearing shall be required.
 - 4. Findings for Approval of Temporary Use Permit. Prior to approving the application for a temporary use or sign, the Community Development Director shall make all of the following findings:
 - a. The proposed temporary use or temporary sign will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this chapter.
 - b. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
 - 5. Conditions of Approval of Temporary Use Permit. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:
 - a. Achieve the general purposes of this ordinance and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
 - b. Protect the public health, safety, and general welfare;
 - c. Ensure operation and maintenance of the temporary use or temporary sign in a manner compatible with existing uses on adjoining properties and in the surrounding area.
 - d. Establish appropriate limitations on the duration of the temporary use, and the hours of operation of the use as appropriate.



City of Albany

1000 San Pablo Avenue • Albany, California 94706
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ORDINANCE NO. 2025-07

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

The 20th day of October, 2025, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, McQuaid, Miki and

Mayor López

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

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

21st day of October, 2025.

Anne Hsu
CITY CLERK

*Albany is committed to providing a healthy, safe, and accessible city,
and strives to lift every voice in our community.*