ORDINANCE NO. 2014-05

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER XX PLANNING & ZONING OF ALBANY MUNICIPAL CODE
TO AMEND REGULATIONS RELATED TO SECONDARY DWELLING
UNITS

WHEREAS, the City of Albany has adopted a Zoning Ordinance in the form
of Chapter XX of the Albany Municipal Code, Planning and Zoning; and

WHEREAS, on March 3, 2014, the City Council adopted the 2007-2014
Housing Element; and

WHEREAS, on June 3, 2014 the State Department of Housing & Community
Development (HCD) certified the Housing Element for the 2007-2014 Planning
period; and

WHEREAS, the adopted Housing Element includes Implementation
Programs and policies that require amendments to the Planning and Zoning Code to
encourage the creation of additional secondary residential units; and

WHEREAS, Chapter 6 of the Housing Element includes “Goals, Policies,
and Action Programs” which are intended to carry out the adopted housing goals the
Housing Element Implementation Plan; and

WHEREAS “Program 4.B: Second Units” from the adopted, certified
Housing Element requires that the City’s second unit regulations be amended to
further facilitate second unit construction; and

WHEREAS, the Albany Planning and Zoning Code currently includes
ordinance language related to secondary residential units; and
WHEREAS, the Planning & Zoning Commission held a public hearing on May 14, 2014 and adopted Resolution 2014-01 a Resolution of Intention to initiate Amendments to Chapter 20 “Planning & Zoning” of the Albany Municipal Code related to Secondary Residential Units; and

WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on May 30, 2014 for the public hearing held on June 11, 2014; and

WHEREAS, the Planning & Zoning Commission held two public hearings to discuss proposed amendments on May 14, 2014 and June 11, 2014; and

WHEREAS, the Planning & Zoning Commission adopted Resolution 2014-02 forwarding a recommendation to the City Council to authorize amendments to Chapter 20 “Planning & Zoning” of the Albany Municipal Code.

WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on June 27, 2014 for the public hearing held on July 9, 2014; and

WHEREAS, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

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

SECTION 1: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.04.030 TITLED “PURPOSES OF THE ZONING ORDINANCE” IS HEREBY AMENDED AS FOLLOWS:
The Zoning Ordinance is adopted in order to protect and to promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives, which are listed in non-preferential order:

A. To guide community growth along sound lines.

B. To insure a harmonious, convenient relationship among land uses.

C. To provide appropriate locations for needed community facilities.

D. To promote commercial and industrial activities of appropriate types.

E. To protect and enhance real property values within the City.

F. To improve the City's appearance and to conserve and enhance its natural assets.

G. To promote the achievement of the policies and recommendations of the General Plan.

H. To provide opportunities for housing of all ages and economic groups.

SECTION 2: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.12.040 TITLED “PERMITTED LAND USES BY DISTRICT” IS HEREBY AMENDED AS FOLLOWS:

Permitted Land Uses by District.

Key to Table:
P = Permitted  
UP = Use Permit Required  
UP-M = Minor Use Permit Required\textsuperscript{1,17}  
- = Not Permitted  

Limits on authority for UP-M are indicated by * and **\textsuperscript{16}

**TABLE 1. 20.12.040 PERMITTED LAND USES BY DISTRICT**

<table>
<thead>
<tr>
<th>Land Use\textsuperscript{1}</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>RHD</th>
<th>SC</th>
<th>SPC</th>
<th>CMX</th>
<th>PF</th>
<th>WF\textsuperscript{11}</th>
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<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>P\textsuperscript{2}</td>
<td>P\textsuperscript{3}</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Two-Family Dwellings</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>UP</td>
<td>P\textsuperscript{2}</td>
<td>P\textsuperscript{3}</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>UP</td>
<td>UP</td>
<td>P\textsuperscript{2}</td>
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</tr>
<tr>
<td>Live/Work Space</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>P\textsuperscript{2}</td>
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<td>UP-M**</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rooming or Boarding House</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>-</td>
<td>UP</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Care Facility, Residential</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>b) Large</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP</td>
<td>UP\textsuperscript{4}</td>
<td>UP\textsuperscript{4}</td>
<td>-</td>
<td>-</td>
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</tr>
</tbody>
</table>
TABLE 1. 20.12.040 PERMITTED LAND USES BY DISTRICT

<table>
<thead>
<tr>
<th>Land Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>RHD</th>
<th>SC</th>
<th>SPC</th>
<th>CMX</th>
<th>PF</th>
<th>WF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Home, Residential</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>a) Small family</td>
<td>UP-M</td>
<td>UP-M</td>
<td>UP-M</td>
<td>UP-M</td>
<td>UP-M</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>b) Large family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
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</tr>
</tbody>
</table>

SECTION 3: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.12.050 TITLED “RESIDENTIAL DISTRICTS” IS HEREBY AMENDED AS FOLLOWS:

20.12.050 Residential Districts.

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 2.A., 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. Secondary residential 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. Secondary residential 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. Secondary residential 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). Secondary residential 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.

(Ord. No. 04-09)

SECTION 4: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.16.020 TITLED “RESIDENTIAL USE CLASSIFICATIONS” IS HEREBY AMENDED AS FOLLOWS:

20.16.020 Residential Use Classifications.

F. Secondary Residential Unit. A separate dwelling unit that contains independent kitchen, sleeping and bathroom facilities which is located on a lot with a single-family house residential use, and which is clearly subordinate to the single-family house main dwelling. Two bedrooms may be allowed. A kitchen facility shall be defined as a room or a portion of a room, designed or used for the purpose of preparing meals, or containing the necessary appliances. (See subsection 20.20.080 for specific regulations applicable to this use.)

(Ord. No. 04-09)

SECTION 5: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.20.080 TITLED “SECONDARY RESIDENTIAL UNITS” IS HEREBY AMENDED AS FOLLOWS:
20.20.080 Secondary Residential Units.

A. Purpose. The Secondary Residential Unit Ordinance is intended to:

1. Foster and encourage the addition of small, more affordable housing units to the City's housing stock;

2. Provide means for homeowners to share their homes; and

3. Protect neighborhoods from the potentially detrimental effects of un-permitted secondary residential units.

B. General Review Procedure for Secondary Units.

1. Secondary residential units are permitted only on properties located in the R-1 (Residential Single Family Residential), R-1:H (Residential Single Family Residential Hillside), R-2 (Residential Medium Density), R-3 (Residential High Density), and RHD (Residential Hillside Development) zones. One (1) secondary residential unit may be created within, or added to an existing single-family house the main dwelling, or added to an existing single-family house, or built as a detached structure on a parcel with a single-family house the main dwelling.

2. All secondary residential units that satisfy the requirements of this Chapter shall be subject to nondiscretionary, administrative review as described in subsection 20.100.020, Zoning Clearances.

3. Any exterior change to an existing dwelling, or any new structure, which may be necessary to accommodate a secondary residential unit, shall be required to comply with the standards for architectural
compatibility listed in Paragraph C.3.f below, as part of the process of nondiscretionary, administrative review.

C. Regulations for Secondary Residential Units. All secondary residential units must comply with the following regulations. (“The units” refers to both the main unit and the secondary unit.)

1. Owner Occupancy. One (1) of the units shall be occupied by the owner of the property.

2. No Subdivision. The real property shall not be subdivided nor shall the primary dwelling and secondary unit be sold separately, partitioned, conveyed in the form of a tenancy-in-common, or otherwise transferred in a manner which conveys separate interests for the two units.

3. Development Standards.
   
a. Maximum Floor Area Ratio. The creation of a secondary unit shall not cause the allowable floor area ratio for the site to be exceeded, as calculated according to subsection 20.24.050.B.

   b. Minimum size. No secondary unit shall have a habitable space measuring less than the minimum permitted for efficiency dwelling units by the latest adopted editions, as modified by the State of California of the Uniform Building Code or the Uniform Housing Code, as applicable, or such other applicable code that may be adopted by the City of Albany in the future.

   c. Maximum Size. No secondary residential unit shall have a floor area greater than six hundred fifty (650) square feet, nor have more than one-two bedrooms, regardless of how the unit is located on
the site. A secondary unit shall be subordinate to the primary unit(s), and in no case shall the size of a secondary unit exceed the size of the primary unit(s) on the same site.

d. Attached Secondary Unit. Location in Existing or Expanded Main Structure. The following development standards shall apply to secondary units that are created within an existing main structure or in an expanded main structure:

1) Any existing nonconforming setback, lot coverage, floor area ratio, height or other regulations of the R-1, R-1:H, R-2, R-3 and RHD Districts may continue, provided that the Community Development Director finds that the incorporation of a secondary unit into the existing building envelope, or as a modification to the existing envelope, will not increase the degree of nonconformity or cause such existing nonconformity to have an increased detrimental effect on abutting residential property.

2) Notwithstanding exceptions allowed in subsection 20.24.020.A, note 19, any addition to an existing main structure for the purpose of accommodating a secondary unit, or any portion of a secondary unit, shall conform to all setback, lot coverage, floor area ratio, height and other regulations of the respective R-1, and R-1:H, R-2, R-3 and RHD Districts.

e. Detached Structure. The following development standards shall apply to secondary units created in detached structures:

1) Setbacks: The setback from rear and side property lines shall meet or exceed the minimum side yard
setback required for the lot. Detached secondary units shall be within six (6) inches of the side or rear lot line, or shall be set back at least three (3) feet, and shall be subject to the following provisions:

a. Detached secondary units shall not have openings (windows, doors, and vents) within three (3) feet of the property line. This includes openings on walls that are perpendicular to a property line.

b. Detached secondary residential units located on the street side yard of corner lots are required to meet the minimum setback requirements for the main building.

2) Location on the Site: Detached secondary units shall be at least six (6) feet from the main structure.

3) Height: Detached secondary units shall not exceed the sixteen (16) feet in height, height limitations specified for accessory structures in subsection 20.24.130 except that:

a. The structure shall fit within an envelope 9 ft. in height at a 45 degree daylight plane;

b. No roof pitch shall exceed forty-five (45°) degrees; and

c. Overall building height may be increased an additional eighteen (18) inches if, in the opinion of the Community Development Director, the height increase
is necessary to allow for architectural compatibility with main dwelling.

4) Rear Setback Coverage. No detached secondary unit, nor the aggregate of two (2) or more accessory buildings, in a residential district, shall occupy more than thirty (30%) percent of the required rear setback area, or more than thirty (30%) percent of the entire rear yard, whichever is greater. The total coverage of a detached secondary unit and any accessory buildings located to the rear of the main structure shall not exceed thirty (30%) percent of the area located between the main structure and the rear property line.

5) Projections. Detached secondary unit roofs or other architectural projections shall not project over a property line.

f. Architectural Compatibility. The architectural design and materials of a secondary residential unit shall be consistent with the approved Residential Design Guidelines. match or be visually compatible with that of the primary dwelling, including the following elements:

   1) Architectural style.
   -
   2) Siding material.
   -
   3) Roof shape.
   -
   4) Roofing material.
   -
   5) Trim material and design.
   -
D. Off-Street Parking Requirements. The Planning and Zoning Commission shall use the parking standards set forth in subsection 20.28.040.A.4 as a minimum parking requirement for the secondary unit applications.

All off-street parking spaces shall meet the specifications of subsection 20.28.050.A.1. (Off-Street Parking.) Finding: Where more than one parking space is required for a secondary unit, the Planning and Zoning Commission shall make a finding that:

*The requirement for more than one parking space for the secondary unit is directly related to the use of the secondary unit and is consistent with existing neighborhood standards applicable to existing dwellings, as described in subsection 20.28.040.A.4.*

E. Enforcement.

1. Agreement to Abide by Regulations. Prior to issuance of a building permit, the property owner obtaining the permit for a secondary residential unit shall provide to the Community Development Director evidence of recordation of a deed restriction with Alameda County, which shall contain the following statements:

   a. The two (2) units on the property may be maintained as separate family dwellings only when the legal owner of the property occupies one (1) of the units;
b. The property containing the two (2) units will continue to be a single legal parcel, and will not be subdivided for any purpose, nor will the ownership of the units or property be converted to a tenancy in common.


a. R-1 and R-1:H Districts. Prior to the recordation of any sale or transfer of any single-family residence in the R-1 and R-1:H zoning districts, the property owner or another party designated by the property owner, shall cause the property to be inspected by an independent, qualified inspector for the purpose of determining if a secondary residential unit exists on the property. The inspector(s) shall be approved by the Community Development Director to perform such inspections, based on criteria established by the Community Development Director. A report on such inspection shall be filed with the Community Development Director, who may initiate such action as may be appropriate to remedy any violation of this subsection. Upon determination that the property is in compliance with the provisions of this subsection, or that security has been provided to assure compliance by a date certain, the Community Development Director shall authorize the recordation of the transfer or sale.

b. Other Districts. Prior to the recordation of any sale or transfer of any single-family residence in a zoning district other than the R-1 and R-1:H districts, the property owner shall submit to the Community Development Director a notarized statement disclosing the number of dwelling units that exist on the property.
3. Continued Use. No secondary residential unit shall be permitted to be continued to be used as separate dwelling unit unless all requirements of subsection 20.04.080 are met.

4. Abatement. In cases where the above requirements cannot be met, the secondary dwelling unit shall be abated in accordance with the Albany Municipal Code. For the purpose of this section, any abatement process may require, but not be limited to, removal of the kitchen facility and the capping off of any utility lines associated with the kitchen facility.

(Ord. No. 04-09)

F. Amnesty (Pre-existing Units). Record owners of secondary residential units constructed prior to January 1, 2003, who wish to legalize such units without penalty, may obtain a certificate of legalization from the Community Development Department by complying with the requirements listed below. For purposes of this section, the time of construction for amnesty units shall be based on the date of conversion to a secondary residential unit. A structure not used as a secondary residential unit prior to January 1, 2003, and converted to a secondary residential unit on or after that date shall be considered a new secondary unit and shall be required to meet current requirements of the California Building Standards Code and all standards of subsection 20.20.080 of this Chapter.

1. Provide evidence to the satisfaction of the Community Development Director that the secondary residential unit was used as a secondary residential unit prior to January 1, 2003.

2. Provide plans and documentation demonstrating compliance with subsection C., “Regulations for Secondary Residential Units.”

3. Provide the Community Development Director a property inspection report for the secondary residential unit from a qualified
professional, which shall be subject to Community Development Department verification.

4. Correct any health and safety defects in the condition of the building satisfaction of the Building Official.

5. Pay all required fees per the City’s Master Fee Schedule.

SECTION 6: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.24.040 TITLED “HILLSIDE RESIDENTIAL REGULATIONS” IS HEREBY AMENDED AS FOLLOWS:

20.24.040 Hillside Residential Regulations

5. Accessory Buildings. Detached accessory buildings are permitted subject to approval of a design review application by the Planning and Zoning Commission, except for residential secondary units which are subject to subsection 20.100.020, Zoning Clearances.

SECTION 7: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.24.130 TITLED “ACCESSORY BUILDINGS” IS HEREBY AMENDED AS FOLLOWS:

20.24.130 Accessory Buildings.

I. Rear Setback Coverage. No accessory building, nor the aggregate of two (2) or more accessory buildings, in a residential district, shall occupy more than thirty (30%) percent of the required rear setback area, or more than thirty (30%) percent of the entire rear yard, whichever is greater.

SECTION 8: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.28.040 TITLED “EXCEPTIONS TO PARKING SPACE REQUIREMENTS” IS HEREBY AMENDED AS FOLLOWS:
20.28.040 Exceptions to Parking Space Requirements.

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

A. Exceptions for Residential Uses.

1. Minor Additions Where No New Dwelling Units Are Created. No additional parking spaces will be required for the addition of floor space which does not exceed a cumulative increase of twenty-five (25%) percent of the original floor space within all structures on the lot, provided that in no case shall more than two hundred forty (240) square feet be so exempted. For purposes of this exemption original floor space shall be that which existed on November 7, 1978 or the date of the original construction of the building, if such took place after said date.

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 a. through e., below. In granting any such reduction, the Planning and Zoning Commission shall make specific findings
consistent with its consideration of these and other circumstances relating to 
the application.

a. Required spaces cannot be located in front or side yard 
areas.

b. Space is not available to provide the required parking 
facilities without undue hardship.

c. Provision of required parking spaces would be disruptive 
to landmark trees or would severely restrict private outdoor living 
space on the site.

d. Creation of new off-street spaces would require the 
elimination of an equivalent or higher number of on-street parking 
spaces.

e. The proposed reduction in parking requirements is 
appropriate to the total size of the dwelling unit upon completion of 
the proposed addition.

3. Where New Dwelling Units Are Created. Special Reduction 
enacted by Measure D, 1978. The Planning and Zoning Commission may, by 
conditional use permit, reduce the parking requirement contained in 
subsection 20.28.030.A to no fewer than one and one-half (1-1/2) spaces per 
dwelling unit upon making the finding that existing on-street parking is 
sufficient to justify a reduction. (This paragraph shall not apply to Secondary 
Residential Units - see subsection 20.28.040.A.4 following.)

4. Exception for Secondary Residential Units.
a. Where a secondary residential unit is legally added to a single-family dwelling residential use located in the R-1, R-1:H, R-2, R-3, or RHD Zoning District, in accordance with subsection 20.20.080, the total number of off-street parking spaces required on the site shall be based on the age of the main dwelling unit according to the following schedule, without reduction or exception:

<table>
<thead>
<tr>
<th>Construction Date of Main Dwelling Unit:</th>
<th>Prior to Creation of Secondary Unit</th>
<th>With Secondary Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1958</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1958 - 1978</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>After 1978</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

b. Required parking spaces may be arranged in tandem in accordance with subsection 20.28.050.B.3.b. except where a total of only two (2) spaces is provided for the primary and secondary units.

SECTION 9: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, SECTION 20.28.050 TITLED “PARKING AREA STANDARDS” IS HEREBY AMENDED AS FOLLOWS:

20.28.050 Parking Area Standards.

B. Design Standards. Standards for off-street parking facilities areas shall include:
1. **Lighting.** Lighting shall be deflected away from residential sites public and private view so as to cause no annoying glare.

2. **Bumpers.** Bumpers, posts, wheel stops or other acceptable devices shall be provided on all parking spaces located along property lines.

3. **Tandem Parking.**

   a. Except as specified in paragraph b. and c. below, each parking space shall have unobstructed access from a street or from an aisle or drive connecting with a street without requiring moving another vehicle.

   b. Required parking spaces for any dwelling unit, including a secondary residential unit, may be arranged in tandem. So long as parking required for any dwelling unit is arranged independently from parking serving any other dwelling unit, with unobstructed access form a street for at least one (1) of the spaces required for each dwelling unit.

**SECTION 10: CEQA**

The Code changes categorically exempt from the requirements of CEQA per Section 15303, “New Construction or Conversion of Small Structures” of the CEQA Guidelines, which allows the construction small facilities or structures.

**SECTION 11: SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or
phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 12: PUBLICATION AND EFFECTIVE DATE.

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

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 7th day of July 2014, by the following vote:

AYES: Council Members: Atkinson, Barnes, Mason, Vice Mayor Maas, Mayor Pele

NOES: None

ABSENT: None

ABSTAIN: None

JOANNE WILE, MAYOR
ORDINANCE NO. 2014-05

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
this 21st day of July, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Nason, Vice Mayor Maass, Mayor Wile

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
22nd Day July, 2014.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.