

- 1 ▪ **Policy CON-6.3: Energy Retrofits.** Encourage the retrofitting of residential and
2 commercial buildings to increase energy efficiency and maximize the use of
3 renewable energy; and
4

5 **WHEREAS,** on December 2, 2019, the Albany City Council adopted a Climate
6 Action and Adaptation Plan (CAAP) which included a net zero emissions goal and strategies
7 that aligned with the State’s climate action goals and identification of building electrification
8 as a strategic priority; and

9 **WHEREAS,** the 2017 and 2023 updates to the Albany City Council’s Strategic Plan
10 included:

- 11 ▪ **Goal 1: Advancing Climate Action and Adaptation**
12 ○ **Objective 1:** Continue work to establish a pilot program for electrification of
13 existing buildings; and
14

15 **WHEREAS,** the 2022 Albany Greenhouse Gas Emissions Inventory showed that
16 approximately 40% of the city’s emissions stem from gas use in residential buildings; and
17

18 **WHEREAS,** the Albany CAAP identifies building electrification as a strategic
19 priority to reach the City’s greenhouse gas emission reduction goals; and
20

21 **WHEREAS,** the City’s Planning and Zoning Commission and Climate Action
22 Committee requested staff to review and revise current setback allowances for mechanical
23 equipment to facilitate building electrification; and
24

25 **WHEREAS,** City records for the last three years indicate a rapid rate of adoption of
26 Heat Pump technology for heating, ventilation, cooling (HVAC) and water heating
27 equipment; and
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29

1 **WHEREAS**, current location and setback requirements for mechanical equipment
2 are difficult to meet on smaller lots in the City; and

3
4 **WHEREAS**, staff has identified zoning amendments that would:

- 5 • Lower barriers to building electrification by increasing permissible yard locations,
6 reducing setback and screening requirements for HP mechanical equipment while
7 ensuring safety and performance standards are met; and
- 8 • Simplify and clarify the proposed provisions that regulate the location, installation,
9 and performance of mechanical equipment; and

10
11 **WHEREAS**, at a duly noticed public hearing held on January 8, 2025, the Planning
12 and Zoning Commission considered the amendments and voted 3-1-0-0 to adopt a Planning &
13 Zoning resolution recommending to the City Council to amend the Zoning Ordinance; and

14
15 **WHEREAS**, consideration of the ordinance is categorically exempt from the
16 California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the CEQA
17 Guidelines because the scope of this ordinance is limited to reducing barriers to building
18 electrification to further the City's efforts to reach its climate action and adaptation goals, and
19 it can be seen with certainty that there is no possibility the adoption of the ordinance
20 amendments may have a significant effect on the environment, and pursuant to CEQA
21 Guidelines §15183 (consistent with a Community Plan, the General Plan and Zoning); and

22
23 **WHEREAS**, a public hearing notice was posted in three public places pursuant to
24 California Government Code Section on January 10, 2025; and

25
26 **WHEREAS**, the Albany City Council held a public hearing on January 21, 2025 to
27 discuss the proposed amendments, considered all public comments received, the presentation
28 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,**
4 **SUBSECTION 20.24.180 TITLED “MECHANICAL EQUIPMENT, RESIDENTIAL” IS**
5 **HEREBY REPEALED AND REPLACED AS SPECIFIED IN EXHIBIT A:**

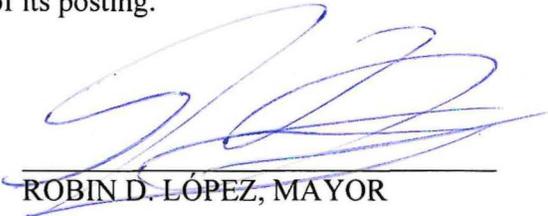
6
7 **SECTION 2: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE,**
8 **SUBSECTION 20.24.110 TITLED “FENCES, LANDSCAPING, SCREENING” IS**
9 **HEREBY AMENDED AS SPECIFIED IN EXHIBIT B:**

10
11 **SECTION 3: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE,**
12 **SUBSECTION 20.36.020 TITLED “STANDARDS” IS HEREBY AMENDED AS**
13 **SPECIFIED IN EXHIBIT C:**

14
15 **SECTION 4: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE,**
16 **SUBSECTION 20.24.060 TITLED “SETBACK AREAS, ENCROACHMENTS” IS**
17 **HEREBY AMENDED AS SPECIFIED IN EXHIBIT D:**

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19 **SECTION 5: PUBLICATION AND EFFECTIVE DATE.**

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

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23
24 
25 **ROBIN D. LÓPEZ, MAYOR**

26 **ATTACHMENTS:**

- 27 EXHIBIT A – Zoning Ordinance Repeal and Replace Code Subsection 20.24.180
28 EXHIBIT B – Zoning Ordinance Amendments AMC Subsection 20.24.110
29 EXHIBIT C – Zoning Ordinance Amendments AMC Subsection 20.36.020
EXHIBIT D – Zoning Ordinance Amendments AMC Subsection 20.24.060

§ 20.24.180 Mechanical Equipment. [Ord. No. 04-09]

- A. Purpose. The purpose of this section is to establish standards for mechanical equipment in order to reduce barriers to electrification and minimize potential nuisance effects on adjacent properties while ensuring that the location and operation of said equipment meets safety standards.
- B. Applicability. The standards of this section shall apply to any mechanical equipment including but not limited to: air conditioning and heating (HVAC) equipment such as compressors or heat pumps; water heaters; pumps and heaters associated with hot tubs, spas and swimming pools; and emergency power generators. This section shall not apply to renewable energy equipment (e.g. solar panels). [See subsection 20.24.130 for regulations applicable to ground mounted renewable energy mechanical equipment.]
- C. Setback Requirements. See Table 3B: Required Setbacks for exterior mechanical equipment:

Table 3.B Required Setback for Mechanical Equipment				
Height of Equipment (as measured from grade)	Minimum Distance from a Property Line			
	Front ⁽¹⁾	Rear	Interior Side	Exterior Side ^(1,2)
Up to 3 feet in height	10 feet	3 feet		3 feet
Up to 5 feet in height	Not permitted			5 feet
Greater than 5 feet in height (including rooftop equipment)				

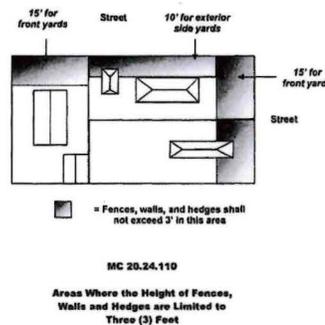
Notes, Table 3B:

1. Mechanical equipment located in a street-facing (i.e. front or exterior side) yard shall be screened in compliance with subsection 20.24.110.
 2. Mechanical equipment located in the street side yard, shall be oriented perpendicular to the property line so that fan exhaust is not directed to the adjacent right-of-way.
- D. Performance Standards. Mechanical equipment shall comply with all applicable performance standards in accordance with subsection 20.36.020. All mechanical equipment shall be relocated or otherwise modified to prevent impacts on abutting properties.
 - E. Compliance. The Community Development Director may require a property owner to provide acoustic testing of the equipment and/or install appropriate screening or other measures to ensure compliance with this ordinance.

EXHIBIT B

§ 20.24.110. Fences, Landscaping, Screening. [Ord. No. 04-09; Ord. No. 09-011 §§ 16, 17]

- A. Purpose. These regulations are intended to provide for security and privacy, to protect individual properties from traffic, noise, heat, glare, blown air and dustair contaminants, and to improve the appearance of neighborhoods in Albany by providing adequate landscaping and screening.
- B. Application. General landscaping which may be required by the Planning and Zoning Commission as part of the design review process provided for in subsection 20.100.050 shall meet the standards and requirements included in this subsection. Specific screening requirements are also included in this subsection.
- C. Fences, Walls and Hedges, General.
 - 1. Except as otherwise provided below, no fence, wall or hedge shall exceed six (6) feet in height in any R District, or eight (8) feet in height in any C District. In the case of a fence proposed at a property line where there exists a disparity of elevation of eighteen (18) inches or more between one property and another, the Community Development Director shall determine the base elevation for measuring the height of the fence.
 - 2. In any R District any fence, wall hedge, or other visual obstruction shall not exceed three (3) feet in height within any required front yard. A visual obstruction exceeding three (3) feet in height within ten (10) feet of any property line abutting a street shall be subject to administrative design review. No exceptions shall be made for residential structures with nonconforming front yard setbacks (see illustration below).



Exception to height limit in front yard: A structure designed to provide a decorative gateway, such as an arbor, trellis or pergola, may occupy an area not to exceed twenty (20) square feet, with a maximum horizontal dimension of six (6) feet and a maximum vertical dimension of ten (10) feet, subject to administrative design review approval based on all of the following findings:

- a. The structure is not attached to the principal structure or any other structure other than a fence.
- b. Structural bulk is minimized by the use of open materials such as lattice.
- c. The location of the structure does not create a sight distance problem with respect to driveways or street intersections.
- d. The design of the structure is appropriate to the main building and the landscaping

of the property.

3. In the street side yard of a corner lot, any fence, wall, hedge, or other visual obstruction, shall not exceed three (3) feet in height within ten (10) feet of the intersection of a street line with the outside line of any driveway, or within twenty-five (25) feet of the intersection of any two (2) street lines. See illustration above.
4. Trees on which branches are removed from the ground line to a point five (5) feet above the ground line are excluded from the restrictions in subparagraphs 1, 2 and 3 above. The Community Development Director may make an exception for a tree that has not reached maturity upon finding that the tree does not constitute a safety hazard by blocking a sight line.
5. Fences, walls, hedges or necessary retaining walls may occupy not more than one (1) foot of the width of a minimum required side yard.
6. The maximum height of fences, walls or hedges shall be eight (8) feet along interior lot lines which are adjacent to public recreational facilities such as parks, playgrounds and bicycle paths.
7. No fence, wall, gate, hedge or retaining wall, nor any portion of a tree or other vegetation having a vertical clearance of less than seven (7) feet, shall encroach upon any public right-of-way without an encroachment permit, nor, in any case, upon any sidewalk within a public right-of-way. All such structures or vegetation shall be maintained so as to avoid encroachment upon the public sidewalk. The Community Development Director may make an exception for a tree that has not reached maturity upon finding that the tree does not constitute a significant obstruction to use of the sidewalk.

D. Screening Requirements, General.

1. Five (5)-foot landscaped strips immediately behind all property lines shall be provided in Residential Districts for all uses other than residential uses.
2. Landscaped strips or other screening may be required by the Planning and Zoning Commission for any use in the PF, WF and all Commercial Districts.
3. Dense landscaping or a solid wall or fence shall be provided:
 - a. Along the rear and side property lines of any nonresidential use which abuts on a residential use;
 - b. To screen any open area used for the storage of goods, materials, or wastes from view from abutting properties and from public rights-of-way; all openings for access to such storage areas shall be provided with solid gates or other devices constructed of view-obscuring materials;
 - c. To screen any open area used to display goods or materials for sale from view from abutting properties;
 - d. To screen manufacturing activities from view ~~from~~ and to minimize potential negative impacts on adjoining properties or the public right-of-way;

- e. To provide relief from adjacent noise sources; a wall designed for acoustical attenuation may be required;
 - f. To screen all vertical sides of mechanical equipment within street facing (front or exterior side) yards and roof-top mechanical equipment and appurtenances on multi-family, mixed use, and commercial buildings from view from abutting properties and public rights-of-way. Roof-top equipment located on properties located in the Commercial Mixed Use (CMX) and Public Facilities (PF) zoning districts are exempt from screening requirements.
4. Conformity. The landscaping and screening requirements of this subsection shall be satisfied by all property owners, as applicable, within five (5) years of the date of adoption of this chapter.

E. Screening Standards, General.

1. Height.

- a. Minimum Height. ~~The~~Except as otherwise specified in subsection 20.24.110.C, the minimum height of required screening devices ~~required in paragraph C, 3 above~~ shall be six (6) feet, except that the Planning and Zoning Commission may reduce the required height.
 - b. Maximum Height. The maximum height of screening shall be as provided for in subsection 20.24.110.C.
 - c. Where a specific height of planting is required herein or by the Planning and Zoning Commission, such landscaping shall be not more than three (3) feet lower than the required height at the time of planting in the case of a prescribed height of five (5) feet or more, and shall not be more than two (2) feet lower than the required height at the time of planting in the case of a prescribed height of less than five (5) feet.
 - d. A landscaped earthen berm may count toward required heights of landscaping and screening.
2. Materials. Where trees are required, they shall be of a species, degree of maturity, and spacing acceptable to the Planning and Zoning Commission. Where dense landscaping to a specified height is prescribed for screening, the landscaping shall be of a type and spacing so that vision of objects on the opposite side is effectively eliminated up to the prescribed height.
3. Maintenance. All planting required by this chapter or by Planning and Zoning Commission action shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing, and regular watering or otherwise maintained as deemed necessary by the Community Development Manager. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. All screening shall be in sound functional condition, or whenever necessary, repaired and replaced.
4. Encroachments. In order to meet landscaping requirements, portable planter boxes or similar devices may encroach into the public right-of-way not to exceed two (2) feet in the SPC District and one (1) foot in the SC District. Such encroachments shall be subject

to standards established by the Community Development Director.

[...]

§ 20.36.020. Standards. [Ord. No. 04-09]

~~A. Odor, Particulate Matter and Odor.~~ Air Contaminants.

- A. No continuous, frequent or repetitive odors that are perceptible on or beyond property lines adjacent to the source are permitted. For purposes of this regulation, an odor shall not be deemed to be continuous, frequent or repetitive if it is detected no more than fifteen (15) minutes in any one day.
- B. Air Contaminants. ~~No dust or particulate matter or other~~ No air contaminant shall be emitted that is detectable at, on or beyond property lines adjacent to the source by a reasonable person without instruments.
- C. Blown Air. The effects of ~~exhaust air ducts~~ blown air shall be addressed in a manner to ~~prevent~~ mitigate adverse impact on abutting properties. Appropriate mitigation measures may include screening, location, and/or orientation of equipment installation.
- D. Electrical or Electromagnetic Disturbance. No uses, activities or processes shall cause electrical or electromagnetic disturbance, detected for more than fifteen (15) minutes in any one (1) day, that adversely affects the operation of any equipment, including radio and television receivers and other electronic devices, on any other property. This requirement shall not apply to uses that typically occur in a residential household, or to sources that are regulated by Federal law.

~~B. Glare or Heat.~~

E. Illumination and Glare.

- 1. All exterior lighting, reflective surfaces or any other sources of natural or artificial illumination, including security lighting shall be designed, located, fitted, aimed, and maintained in a manner that minimizes and/or avoids glare ~~on~~ and overspill onto any public right- of-way or on any other parcel.
- 2. No lighting fixture shall be mounted higher than (16) feet above grade unless a greater height is approved through a minor use permit procedure in accordance with subsection 20.100.030.
- 3. All outdoor lighting fixtures, including fixtures installed under outdoor canopies, shall be shielded in such a manner that no light is emitted above an angle of eighty- five (85°) degrees from the light source, measured from the vertical axis of the light source, so that direct light is not emitted in a horizontal plane from the source.
- 4. Exterior lighting shall have intensities and uniformity ratios in accordance with the current recommended practices, as may be amended from time to time, of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting handbook.
- 5. Exterior lighting originating on any property shall not exceed a maximum of 0.5 horizontal footcandles when measured with a standard light meter at a distance of twenty-five (25) feet beyond the property lines of the originating property.

~~1. Heat and Humidity.~~ Uses, activities and processes shall not produce any unreasonable,

- F. disturbing, or unnecessary emissions of heat or humidity at any property line of the site on which they are situated, that cause material distress, discomfort, or injury to a reasonable person.
- G. Noise. No person, animal, use or activity shall produce noise in excess of the standards for interior and exterior noise set forth in ~~Section 8-1~~Section 8-1 of the Albany Municipal Code, nor shall other provisions of said chapter be violated.
- H. Vibration. No use shall create vibration discernible by a reasonable person without instruments at the property line nearest the source of such vibration.
- I. Physical Hazards.
 - 1. Fire. The storage, use, transportation or production of products that, either in the raw or finished state, constitute a flammable or explosive material shall be subject to the fire codes and approval of the Albany Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited.
 - 2. Wastes. The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws including the Alameda County Hazardous Waste Management Plan. Discharge at any point into a public or private sewage disposal system, watercourse or the ground, of any material of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous, offensive or toxic elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the applicable local and state agencies having jurisdiction over such activities. As part of an application for a use permit for any use or activity that uses or generates hazardous materials, the applicant shall provide a plan for the on-site handling of such materials; the plan shall also address consideration of recycling waste materials as an alternative to disposal.

~~C.—Screening.~~

- ~~1.—Operations. Any operation or activity, including, but not limited to, assembly processes, handling or storage of materials, parts or waste materials, shall be screened in order to avoid direct visibility from adjoining properties or public ways.~~
- ~~2.—Mechanical Equipment. All exterior mechanical equipment shall be screened from public view from all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, duct work, water tanks, and transformers. Screening materials may be solid concrete, wood or other opaque material and shall effectively screen mechanical equipment so that it is not visible from a street or adjoining lot.~~

- ~~D.—Maintenance of Property. Each person, company or corporation residing in and/or utilizing a property in the City of Albany shall, at all times, maintain such property in good order and at a level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the~~

- J. exterior portions of the structure and premises, in conformance with accepted community standards as interpreted by the Community Development Director. Responsibilities in this regard shall include, but not be limited to, repair and maintenance of all structures, fences, signs, walks, driveways, retaining walls, lawns, landscaping, painted surfaces, and removal of litter and debris.

EXHIBIT D

§ 20.24.060. Setback Areas, Encroachments. [Ord. No. 04-09; amended 9-6-2022 by Ord. No. 2022-03]

See Table 3: Setback Areas, Encroachments.

Table 3: Setback Areas, Encroachments (20.24.060)						
Type of Projection	Limitations	Maximum Projection into Required Setback Area	Minimum Distance from a Property Line for any Projection			
			Required Front Yard	Required Rear Yard	Required Interior Side Yard	Required Exterior Side Yard
Chimneys		3 feet (any required setback)			3 ft.	3 ft.
Open Stairways or landings	May be covered but not enclosed by walls on more than two (2) sides	2 ft. (side yard) 6 ft. (front or rear yard) Except, no maximum projection within San Pablo Avenue Specific Plan planning area			3 ft.	3 ft.
Balconies, Porches and Decks		No projection permitted (side yard) 6 ft. (front or rear yard)				
Cornices, Eaves and Permanent Decorative Ornaments	Minimum seven (7) feet above grade				2 ft. 6 in.	2 ft. 6 in.
Canopies and Awnings	Minimum seven (7) feet above grade		6 ft.	6 ft.	2 ft. 6 in.	2 ft. 6 in.
Projecting Bays	Maximum width equal to 25 percent of the wall plane from which bay projects	2 ft. 6 in. (any required setback)			3 ft.	3 ft.
Projecting mechanical equipment		No projection permitted— (Front or side yard) 3 ft. (rear yard)	Not permitted		Not permitted	Not permitted



City of Albany

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

ORDINANCE NO. 2025-02

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

The 3rd day of February, 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 4th

day of February, 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.*