

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: October 18, 2021  
Reviewed by: NA

**SUBJECT:** PA21-002 Design Review, Density Bonus & Street Tree Removal  
for a New Mixed-Use Development at 540 San Pablo Avenue

**REPORT BY:** Carla Violet, Contract Planner  
Anne Hersch, AICP, Planning Manager

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**SUMMARY**

The applicant is seeking Design Review, Density Bonus, and street tree removal approval for a new 207 unit rental housing mixed-use project with 5,750 sq. ft. of ground floor retail at 540 San Pablo Avenue. The subject site is 2.18 acres with 37,700 sq. ft. of commercial space which is proposed to be demolished. The proposed project includes a mix of studio, loft, one-bedroom, and two-bedroom apartments and 9 three-bedroom townhomes. Building A will have 121 units and will be 69' in height. Building B will have 77 units and will be 71' in height. The project is proposed to have 172 off-street parking spaces. Three Density Bonus concessions are requested for the open space requirement, Planned Unit Development (PUD), and ground floor commercial frontage requirements. Existing street trees are proposed to be removed and replanted. The project is Categorically Exempt from California Environmental Quality Act Guidelines.

The project as proposed is the largest housing development in the City of Albany in nearly 50 years. It is entirely privately financed and marks one of the largest private investment/development projects on San Pablo Avenue. The site is also the northern gateway to the City and is identified in Policy LU-3.15: "Northern Gateway" of the Albany General Plan. (See Attachment 14)

**PLANNING & ZONING COMMISSION RECOMMENDATION**

The Planning & Zoning Commission adopted Resolution No. 2021-02 (5-0 vote) and 2021-03 (4-1 vote) on September 29, 2021, forwarding a recommendation to the City Council to determine the project is categorically exempt from CEQA and forwarding a recommendation to approve the Density Bonus and Design Review project entitlements.

**PARKS, RECREATION & OPEN SPACE COMMISSION RECOMMENDATION**

The Parks, Recreation, and Open Space Commission with a 5-0 vote forwards a recommendation to the City Council to approve the street removal request.

## **STAFF RECOMMENDATION**

That the Council adopt:

1. Resolution No. 2021-106, determining the project is categorically exempt from the California Environmental Quality Act Guidelines
2. Resolution No. 2021-107, approving Design Review, Density Bonus and Street Tree Removal for the 540 San Pablo Avenue mixed-use development.

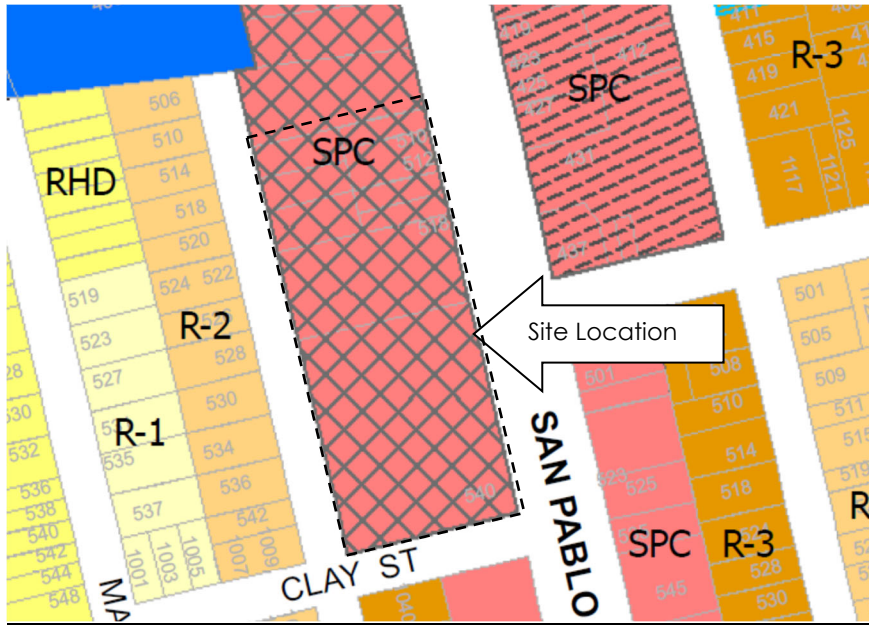
## **SITE LOCATION**

The project site is bounded by San Pablo Avenue to the east, Clay Street to the south, Adams Street to the west, and a surface parking lot for Sutter East Bay Medical Foundation Care Center to the north. It is surrounded by commercial space to the north and east, multi-family and single-family housing to the west, and a mix of single-family housing and commercial to the south, including Albany Square shopping center.



## **ZONING MAP**

The project site is designated San Pablo Mixed Use in the General Plan and located in the San Pablo Commercial (SPC) zoning district within a Planned Residential/Commercial (PRC) Overlay district. The subject site measures 95,156 sq. ft. (approximately 2.18 acres). The lot contains three one-story commercial buildings including the former Albany Bowl bowling alley, a Metro PCS store, and A&M Glass Residential & Commercial Glass Repair store. The project site is also located within one-half mile of the El Cerrito Plaza BART Station.



## **BACKGROUND**

### **Proposed Project Scope**

The existing site is comprised of nine (9) separate parcels. A lot line adjustment will be required to merge the nine parcels that comprise the site into one parcel. The project proposes 198 residential units in Buildings A and B, nine (9) townhouses, and three separate commercial spaces on the ground floor. Building A is located on the southern half of the site closest to Clay Street and is five and six stories (69') in height with 121 units. Building B is located on the northeastern portion of the site fronting San Pablo Avenue and is six stories (71') in height with 77 units. The nine townhouses are located on the northwestern portion of the site fronting Adams Street. The project includes:

- 235,996 sq. ft. of residential space
- 39,761 sq. ft. of covered parking associated with the residential development
- 5,750 sq. ft. of commercial development
- 282 bicycle parking spaces
- 134 covered vehicle parking spaces in the parking garages
- 18 covered vehicle parking spaces for the townhouses

- 18 outdoor surface parking spaces
- 21 very low-income units

	<b>Studio Units</b>	<b>Loft Units</b>	<b>One Bedroom Units</b>	<b>Two Bedroom Units</b>	<b>Three Bedroom Units</b>	
Building A	10	0	67	40	4	121
Building B	10	10	8	40	9	77
Townhouses	0	0	0	0	9	9
<b>Total</b>	<b>20</b>	<b>10</b>	<b>75</b>	<b>80</b>	<b>22</b>	<b>207 Units</b>

**Table 1. Unit Count/Type**

### **Planning & Zoning Commission Review**

**Preliminary Meeting: March 23, 2021-** The Planning & Zoning Commission reviewed a preliminary version of the project. In general, there was support for the building massing and residential density. However, there were a range of concerns about the lack of common open space and ground-level public space as well as the need to provide an active frontage along Adams Street and greater articulation and distinction between both building facades.

**Meeting 1: August 4, 2021-** The Planning & Zoning Commission was pleased with the design and façade revisions and the addition of nine townhomes and community gathering spaces (in place of the large surface parking lot). There were additional comments including the need to add more retail space, activate blank portions of Building A facades, improve access to the bike room in Building A, and add greater variation to the townhome design.

**Meeting 2: September 29, 2021-** The Planning & Zoning Commission was again pleased with revisions to the project including more facade articulation and transparency, new design features for the townhomes, and the redesigned parklet on Adams Street to include more play features for kids. Five conditions of approval were added to the resolution with additional refinements; however, the Commission recommended that the City Council approve the project in a 4-1 vote. Attachment 15 includes a summary list of comments and changes from each meeting.

Since the September 29, 2021 meeting, the applicant has further refined their design in response to the Planning & Zoning Commission motion. The attached plans reflect Commission comments (See Attachment 2d). Table 1 provides a summary of the Planning & Zoning Commission motion.

1. Eliminate 6 parking spaces and enlarge the park by the commensurate amount of square footage.	Eliminated 6 parking spaces to enlarge Adams Street parklet by the commensurate amount of square footage.	Change Incorporated/Satisfied
2. Redesign bicycle room door access to allow for ease of maneuvering cargo bikes.	Increased width of the travel path to the bicycle room in Building A garage. Revised parking layout by removing the vehicle parking in front of the door to the bicycle room to allow cargo bikes to maneuver more easily.	Change Incorporated/Satisfied
3. Encourage developer to relocate MEP spaces and replace with commercial space in Building B along San Pablo Avenue.	Replaced one MEP space with a pet spa that fronts San Pablo Avenue in Building B.	Change Incorporated/Satisfied
4. Encourage developer chooses to require the art requirement on site and incorporate bowling alley signage into the on-site art. Either way salvage the signage as a requirement.	Condition #30 requires compliance with the Art In Public Places Ordinance. Public art requirement is still under discussion.	Special Condition 1 requires the existing signage to be salvaged.
5. Clarify the General Plan findings in the resolution to note that there are some provisions of our General Plan and ordinances not in compliance because they are trumped by State law.	See Planning & Zoning Commission Resolution No. 2021-03.	Change Incorporated/Satisfied

**Table 2: Planning & Zoning Commission COAs and Subsequent Plan Modifications**  
**9/29/21**

## **ANALYSIS**

This project is subject to several state laws that limit the City's land use authority. This includes SB 330, State Density Bonus law, and the Housing Accountability Act.

### **Senate Bill 330**

Senate Bill 330 "The Housing Crisis Act of 2019" was signed into law on October 9, 2019 and became effective on January 1, 2020. This law allows a project sponsor to file a preliminary application that locks in development standards and fees from the date of submittal. A Preliminary Application pursuant to Senate Bill (SB) 330 was filed by the applicant on January 25, 2021. (See Attachment 2c) Among other provisions, once a

complete application is submitted, SB 330 limits project review to a maximum of five (5) meetings. (See Attachment 3)

To date, there have been three meetings under the law.

1. Planning & Zoning Commission: August 4, 2021
2. Planning & Zoning Commission: September 29, 2021
3. Parks, Recreation & Open Space Commission: September 29, 2021
4. **City Council: October 18, 2021**

### **State Density Bonus Law**

The proposed project is requested under State Density Bonus Law. (See Attachment 2g) California's "State Density Bonus Law" (Government Code Sections 65915 through 65918) gives housing developers the right to build additional dwelling units and obtain flexibility in local development requirements, in exchange for building affordable housing. Section 20.40.040 (Density Bonus) of Albany's Zoning Ordinance implements these State requirements.

Based on the SPC zoning district's density standard of 63 units/acre, the project site could accommodate up to 138 units. This represents the hypothetical "base" project shown on Sheet A0.1 of the plan set (Attachment 2d(i)). Under State Density Bonus Law, the project requests a 50% density bonus to achieve 207 units. In exchange, the project proposes to include twenty-one (21) units on site (15% of the base project), which would be affordable to very low-income (VLI) households (50% of Area Median Income).

Base # Units	% VLI Units	# VLI Units	Bonus %	# Density Bonus Units	Maximum Density Project
138	15%	21	50%	69	207

**Table 3. Base Unit Calculations**

### **Density Bonus Waivers & Concessions**

Flexibility is granted through two forms of relief, concessions and waivers.

- **Concession**
  - A reduction in site development standards or a modification of zoning code or architectural design requirements.
  - Other regulatory incentives which result in identifiable and actual cost reductions.
  - Examples: reduced parking requirement, reduced setbacks
  - **With the proposed affordability, the project is eligible for three (3) concessions.**

- **Waiver**
  - The City is not permitted to apply any development standard which physically precludes the construction of the project (including the density bonus and the granted concessions/incentives).
  - The applicant may request the City waive or reduce development standards that would prevent the density bonus project from physically being built.
    - Examples: height, floor area ratio (FAR)
  - **There is no limit on the number of development standard waivers that may be requested or granted.**

To achieve the total 207 units on the site, the project includes the following requests under State law:

#### Waivers Requested

1. Waiver to increase mixed-use development FAR from 2.25 to 2.96
2. Waiver to increase the building height from 38' to 71'
3. Waiver to project beyond daylight plane regulations for Adams Street

#### Concessions Requested

1. Concession to reduce the open space requirement from 41,400 sq. ft. to 22,390 sq. ft. for the project.
2. Concession to waive the PUD requirement contained in Section 20.24.030 (D)(1)<sup>1</sup>
3. Concession to waive the requirement for retail use only on the ground floor along San Pablo Avenue pursuant to Section 20.12.080 (B) (3) of the Albany Municipal Code.<sup>2</sup>

During the Planning & Zoning Commission review on September 29, 2021, concern was expressed about compliance with Section 20.12.080 (B) (3) which requires ground floor frontage on San Pablo Avenue to be commercial. After consultation with the City Attorney, it was determined that a concession could be used to grant relief from the requirements. The project plans have been modified based on the Commission comments. The revised project

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<sup>1</sup> The PRC Overlay District (see Section 20.24.030 (D)(1)) states development of sites within this overlay district are subject to the procedures and requirements of subsection 20.100.060, Planned Unit Development. However, the proposed project does not require additional flexibility of design beyond the waivers already requested under Government Code Sections 65915 through 65918. Thus, the applicant has requested a concession to waive this requirement.

<sup>2</sup> 20.12.080 (B) Overlay Districts

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

design provides bicycle rooms, a pet washing station, and a smaller utility room on the San Pablo Avenue frontage.

### **Housing Accountability Act**

The project is a housing development project composed of at least 2/3 residential uses and meets the City’s objective standards, as modified through waivers and concessions allowed by State Density Bonus Law. Therefore, the project complies with the State Housing Accountability Act (Gov. Code § 65589.5). Accordingly, the City may only reject the project if there is a preponderance of evidence that the project would have a significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.” Gov. Code §65589.5(j). (See Attachment 6)

### **Albany Inclusionary Housing Ordinance/Affordable Housing Agreement**

AMC 20.40.030 identifies requirements for on-site affordable housing units, as required by the City’s inclusionary housing ordinance. The requirement is to provide 15% of on-site income restricted units as calculated from the base project. An Affordability Agreement acted on by the City Council is required as part of project approval. With 138 new housing units proposed as the base project, the project is required to provide twenty-one (21) units affordable for low-income housing. The applicant is proposing to designate all twenty-one (21) units at a Very Low Income.

Unit Type	# VLI Unit
Studio	2
Loft	1
One Bedroom	8
Two-Bedroom	8
Three Bedroom	1
Three Bedroom Townhouse	1
21 Units	

**Table 4. Proposed Unit Mix for VLI Units**

“Very Low-Income Household” defined in Section 20.08.020 of the Albany Municipal Code.

#### **HOUSEHOLD, VERY-LOW-INCOME**

*Means a household whose gross income is no greater than fifty (50%) percent of the median income as established for Alameda County by the U.S. Department of Housing and Community Development. For purposes of Density Bonus projects, units targeted for very-low-income households shall be affordable at a rent that does not exceed thirty (30%) percent of fifty (50%) percent of the median income established for the County.*

The project sponsor manages the full affordable unit process on all their other projects and publish housing availability listings are posted and stipulate income requirements.



Applicants may submit and are screened to make sure they are income qualified. Qualified candidates are run through a lottery using a randomizer computer program.

Affordability levels are published through the Alameda County Housing & Community Development Department. The tables below reflect the income status and rental rates effective June 1, 2021.

<b>Persons in Household</b>	<b>Annual Very Low Income (50%)</b>
<b>1</b>	<b><u>\$47,950</u></b>
<b>2</b>	<b><u>\$54,800</u></b>
<b>3</b>	<b><u>\$61,650</u></b>
<b>4</b>	<b><u>\$68,500</u></b>
<b>5</b>	<b><u>\$74,000</u></b>

**Table 5. Annual Income/Household Size**

<b><u>Size/Type of Unit</u></b>	<b><u>Rent &amp; Utilities– Very Low</u></b>
<b><u>Studio</u></b>	<b><u>\$1,198</u></b>
<b><u>1 Bedroom</u></b>	<b><u>\$1,284</u></b>
<b><u>2 Bedroom</u></b>	<b><u>\$1,541</u></b>
<b><u>3 Bedroom</u></b>	<b><u>\$1,781</u></b>

**Table 5. Unit Size/VLI Rent**

Attachment #16 includes a draft Affordable Housing Agreement that requires the project sponsor to meet the requirements of the City’s Inclusionary Housing Ordinance and State Density Bonus Law requirements.

### **Site Plan and Access**

The site plan is formed by two buildings (A and B) on either side of a central driveway aisle leading to an outdoor courtyard parking area and garage entrance access to each building. There are two 600 sq. ft. plazas at the entrance of each building and a 3,068-sq. ft. parklet that faces Adams Street. Nine three-story townhomes with front patios face the residential buildings along Adams Street behind Building B. The existing drive aisle leading to the Sutter East Bay Medical Foundation along the northern site perimeter would be relocated to the rear of Building B, but no loss of parking spaces would occur.

Building A and B have second-level podium gardens totaling 5,505 sq. ft. and 3,581 sq. ft., respectively and 718-sq. ft. roof decks. A linear dog walk park area (1,645 sq. ft.) is proposed at the rear of Building A. The two plazas, parklet, and dog walk area are all open to the public.



Image 1. View from Adams St. facing into the property

The sidewalk on Clay Street is currently 5 ft. wide. The proposed plans show an additional 8 ft. setback from the property line to allow for a 6 ft. pedestrian zone, street trees, and sidewalk landscaping along the building.



Image 2. View from Clay Street

At San Pablo Avenue, the project is proposing to set the building back between 2 ft. to 5 ft. from the property line to widen the sidewalk and provide additional room for sidewalk seating and landscaping.



Image 3. View Facing North on San Pablo Avenue





Image 4. View Facing West to Adams Street

The applicant proposes the following building materials: brick veneer in dark grey and beige, integral stucco with hard trowel finish in beige, tan, and dark grey, dark grey metal panels, dark aluminum windows, and painted metal railings.

### **Bicycle Parking**

The project proposes a total of 282 bicycle parking facilities where 211 spaces are required. The project proposes double stacked racks as well as 37 spaces for cargo bicycles. There are 141 protected bike spaces within a room accessible from San Pablo Avenue in Building A. In Building B there are 93 protected bike spaces within a room off the lobby. Each of the nine townhouses will have 4 bicycle spaces for a total of 36 spaces. There are 12 outdoor bicycle racks located at the front of the site along San Pablo Avenue (4 existing and 8 proposed bicycle racks). The project sponsor has provided a manufacturer cutsheet of the proposed interior and exterior bicycle racks. (See Attachment 2e)

In response to Planning Commission comments, the applicant increased the width of the path of travel to the bicycle room in the garage in Building A. The vehicle parking layout has been modified by eliminating the vehicle parking in front of the door to the bicycle room to allow cargo bikes to maneuver more easily.

#### **BICYCLE PARKING**

	REQUIRED			PROVIDED				
	UNITS OR SF	RATIO PER	ZONING REQ.	PROVIDED	BLDG A	BLDG B	OUTDOOR	TH
RESIDENTIAL	207	1.0	207	270	141	93	0	36
COMMERCIAL	5,750	1/1500	4	12			12	0
TOTAL			211	282	141	93	12	36
			CARGO BIKES	37	21	7		9

**Table 6. Proposed Bicycle Parking**

## **Bicycle Infrastructure**

As the project has been under review, staff has reviewed the potential for bicycle infrastructure around the subject site. The applicant has adjusted the building siting to create wider sidewalks around the perimeter which creates an opportunity for a future cycle track on Clay Street. Additionally, they are willing to make an elective contribution for future bicycle project.

There is the potential for a future cycle track in front of the project site on San Pablo Avenue. However, this requires external coordination with Caltrans and AC Transit as this effort would require a potential bus stop relocation. However, any bicycle projects on Clay Street or San Pablo Avenue will be City sponsored and be reviewed through the Transportation Commission and will be pursued separately from this project.

## **Vehicle Parking**

Proposed vehicle parking is in compliance with State and local requirements and does not require any exceptions to the prescribed standards. The project proposes 172 off-street parking spaces where 114 are required. The parking spaces will be provided through a mix of standard spaces and double lift parking stackers

### *Residential Parking*

The project is within one-half mile of a major transit stop (El Cerrito Plaza BART Station) and provides at least 11 percent very low-income units. Pursuant to Section 65915 (p) (2) of Density Bonus law, the project is eligible for a parking maximum of 0.5 parking spaces/unit. The applicant is proposing to park at the project at a ratio of .75 spaces per unit.

	<b>Units</b>	<b>Ratio</b>	<b>Requirement</b>	<b>Provided</b>
Building A	121	0.5	61 parking spaces	81 parking spaces
Building B	77	0.5	39 parking spaces	55 parking spaces
Townhouses	9	0.5	5 parking spaces	18 parking spaces
	<b>207 Units total</b>		<b>105 spaces</b>	<b>**154 parking spaces**</b> (+49 spaces)

**Table 7. Proposed Residential Parking**

### *Commercial Parking*

The project scope also includes 5,750 sq. ft. of ground floor commercial. Pursuant to Section 20.28.040 (B) (2) (a), new construction of ground floor building area in the San Pablo Commercial Zoning District allows for a reduction of 2,000 sq. ft. of gross building floor area.

<b>Proposed Area</b>	<b>Required Ratio</b>	<b>With Reduction</b>	<b>Requirement</b>	<b>Provided</b>
5,750 sq. ft.	1/400	3,750 sq. ft.	9 parking spaces	<b>18 parking spaces</b>

**Table 8. Proposed Commercial Parking**

### **Units and Massing**

Buildings A and B are generally rectilinear and contain a total of 20 studios, 10 lofts, 75 one-bedroom units, 80 two-bedroom units, and 12 three-bedroom units. The townhouses will contain nine three-bedroom units. Generally, studios measure 500 sq. ft., lofts measure 660 sq. ft., one-bedroom units measure 700 sq. ft., two-bedroom units measure 1,000 sq. ft., and three-bedroom units measure 1,330 sq. ft. The three-bedroom townhomes have 1,800 sq. ft. of living space

There are six (6) units at the rear of Building A on the second level facing Adams Street. The project also provides private patios for twenty (20) units in Building A and nine (9) units in Building B on the second level. Each of the nine townhouses also have private patios. Buildings A and B each have one large community room on the second level (the height of two floors) as well as amenity rooms on the sixth level. Building A has a family center and fitness room.

### **Green Building/Local Green Building Requirements**

The applicant has completed a Green Point Checklist (Attachment 2f) which targets 115 points, an equivalent to Gold certification level.

The project is subject to the Albany Green Building Ordinance adopted earlier this year. The ordinance applies to building permit phase and the project is evaluated for compliance at the time building permit submittal. The applicant will be required to submit a checklist demonstrating compliance as part of the permit submittal. Requirement highlights include:

- **Electric Vehicle (EV) Chargers-** 20% of the parking spaces are required to have chargers (34 spaces)
- **EV Ready-** the remaining vehicle spaces are required to be EV ready.
- **Clean Air Vehicle Parking (Commercial only)-** 12% of commercial parking spaces are required to be designated for Clean Air Vehicle parking
- **Low Flow Plumbing Fixtures-** this applies to both commercial and residential spaces

Though not required, the applicant has indicated that all apartment units will have electric appliances in an effort to promote more electricity usage.

## **Usable Open Space and Landscape Design**

The two entry plazas feature built-in wooden benches against 30-inch corten steel walls, and a reflecting pool as well as bistro tables and movable chairs. Each area would have a shade structure with lighting and heaters. A unique concrete paver is also used for the plazas and drive aisle to distinguish this area from the surface parking lot. The project is also required to meet the requirements of the Regional Water quality Control Board to incorporate green infrastructure measures to filter contaminants out of stormwater.

The parklet along Adams Street features low canopy trees, communal seating areas, a large grassy area, tiered seating made out of reclaimed bowling alley wood, and a bowling ball fountain in the lawn area. The parklet would also feature boulder and grassy mound play areas and a tricycle path. The dog walking area behind Building A along Adams Street will feature eucalyptus timber walls and benches.

The second-level podium gardens in Buildings A and B feature built-in wood benches, decorative concrete masonry unit (CMU) planter walls, seating areas with movable furniture, an outdoor living room with a firepit, decorative concrete pavers, and glass guardrails. The two rooftop decks include on Buildings A and B include an outdoor living room with firepit, shade arbor, dining tables, grills, concrete pavers, glass guardrails, and prefab metal planters with small trees.

The Planning & Zoning Commission requested a peer review of the proposed landscape plan. A memo was prepared and included as part of their review on September 29, 2021. (See Attachment 13)

The Zoning Ordinance requires 200 sq. ft. of common open space per unit or 100 sq. ft. of private open space per unit (or some combination of the two). The project proposes 100 sq. ft. per unit through private patios for 38 units, and 13,570 sq. ft. of common usable open space through the podium gardens, roof decks, plazas, and parklet. However, while the project proposes 22,390 sq. ft. of common usable open space, 41,400 sq. ft. are required. Therefore, the applicant requests a concession to reduce the requirement.

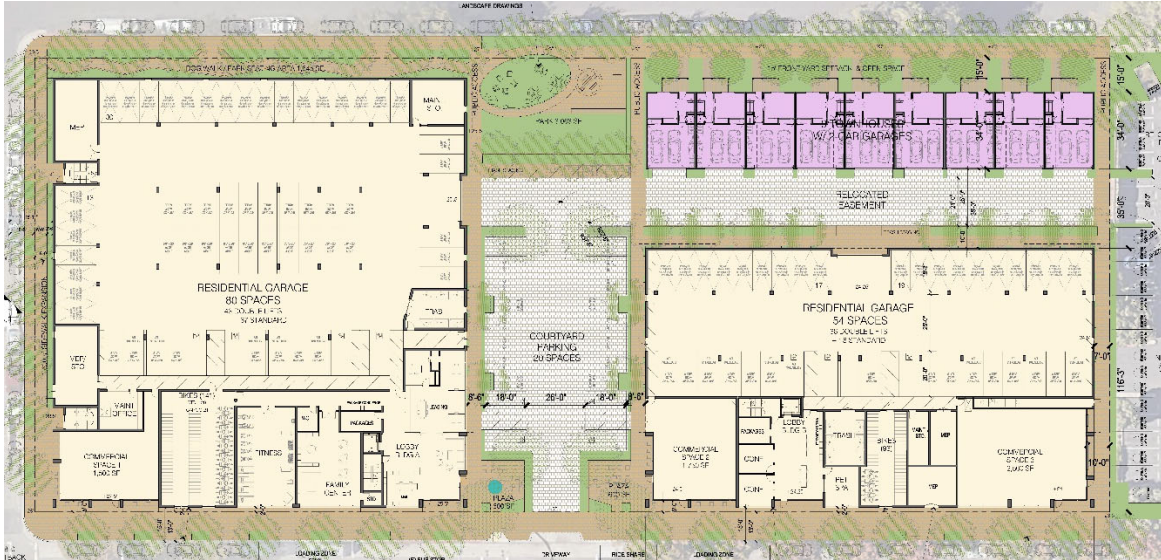


Image 5. Site Plan

### **Street Tree Removal**

The applicant filed a street tree removal application to remove twenty-seven (27) existing street trees. A tree preservation and removal plan are contained in Attachment 2d-Part 3. This includes an index of existing street trees and identify thirty-seven (37) existing street trees on Adams Street and San Pablo Avenue. There are no existing street trees on Clay Street.

The Parks, Recreation & Open Space Commission reviewed the street removal application on September 29, 2021 and voted 5-0 to approve the request.

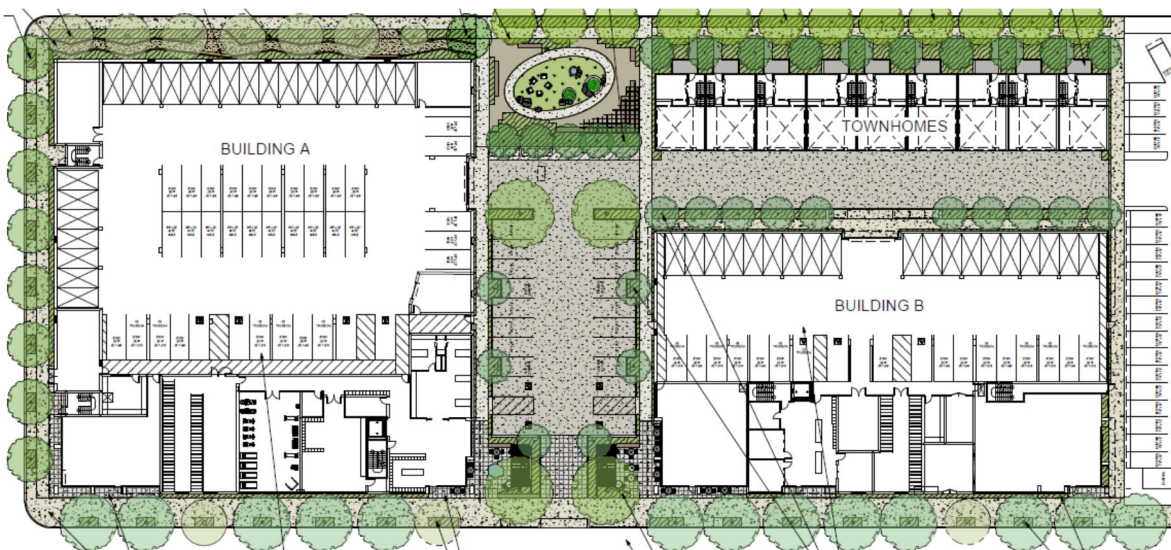


Image 6. Street Trees



<b>Location</b>	<b>Species</b>	<b>Proposed to be Removed</b>
San Pablo Avenue	American Sweetgum	10
Adams Street	Flowering Cherry (7) Australian Willow (8) Maple (2)	17
		<b>27 Trees Total</b>

**Table 9. Proposed Tree Removal**

<b>Location</b>	<b>Species</b>	<b>Existing</b>	<b>New</b>
Dog Walking Area (adjacent to Building A)	Water Gum	7	0
San Pablo Avenue	Scarlet Oak	3	13
Adams Street (north of Building A)	African Sumac	0	12
Clay Street	Ghost Gum	0	8
		<b>Preserved: 10 trees</b>	<b>New: 33 Trees</b>
			<b>Total: 43 Trees (+ 5 trees)</b>

**Table 10. Proposed Street Trees**

### **Public Art**

Pursuant to AMC Section 20.58 “Art in Public Places Program” the project is subject to the public art requirement. The applicant has the option to incorporate art into the project and provide it on-site subject to a separate Design Review process. Alternatively, the applicant may pay an in-lieu fee at the time of building permit submittal. Condition 30 in the Conditions of Approval specifies the requirements for compliance with Section 20.58 of the Albany Municipal Code.

### **Life/Safety**

New construction requires compliance with the Fire Code. This project will include elevators and fire sprinklers. The project will also provide firefighter access to the roof via stairwells. Community Development staff and Fire Department staff have had regular meetings to review the project at each design stage. The Fire Department is actively engaged in the review of this project.

## **ENVIRONMENTAL REVIEW**

Rincon Consultants, the City's on-call environmental consultants, were retained to prepare an analysis to support the determination that the proposed project be considered categorically exempt from the requirements of CEQA per Section 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development. The report and findings are included in Attachment 17 with Exhibit A and provides supporting analysis of this CEQA determination. Class 32 consists of projects characterized as in-fill development meeting the conditions below.

- a. *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

**Finding:** The proposed project is consistent with the General Plan land use designation of San Pablo Mixed Use (SPMX) and the Zoning Designation of San Pablo Commercial (SPC).

- b. *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

**Finding:** The subject site is 2.18 acres and is surrounded by developed property and urban uses.

- c. *The project site has no value, as habitat for endangered, rare or threatened species.*

**Finding:** The existing subject site is developed with 37,700 sq. ft. of commercial space and a surface parking lot. There are no known habitats or endangered species on the subject site.

- d. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

**Finding:** The subject site is located .4 miles from the El Cerrito Plaza BART Station. Pursuant to CEQA Guidelines section 15064.3(b)(1), the project is presumed to cause a less than significant transportation impact. Supporting analysis has been prepared for noise and air/water quality.

- e. *The site can be adequately served by all required utilities and public services.*

**Finding:** The subject site is currently served existing utility services including PG&E, EBMUD, Waste Management and will continue to be served by these utility/service providers.

- f. *No unusual circumstances about the property are known that would have a significant effect on the environment.*

**Finding:** There are no unique circumstances present on the property that would result in a significant impact.

Pursuant to CEQA Guidelines Section 15064.3(b)(1), land use projects which are located within one-half mile of either an existing major transit stop or a stop along an existing high

quality transit corridor are presumed to cause a less than significant impact. The project site is located within a half mile of the El Cerrito Plaza Bart Station.

*(b) Criteria for Analyzing Transportation Impacts*

*(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.*

“Major Transit Stop” is defined in California Resources Code Section 21064.3 and contains the following definition:

*(a) An existing rail or bus rapid transit station.*

*(b) A ferry terminal served by either a bus or rail transit service.*

*(c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.*

## **SUSTAINABILITY CONSIDERATIONS**

If approved, the project will provide new housing opportunities with access to transit and retail options within walking distance. Additionally, Action 1.1 from the City’s Climate Action Plan encourages density-through in-fill development.

## **SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS**

The proposed mix of studio, loft, one-, two- and three-bedroom rental units will create opportunities for future residents of Albany. Additionally, the project will provide housing for twenty-one (21) very low-income households. These units expand the opportunity for low- and moderate-income residents to live in Albany, which is considered a high resource community.

A wide range of planning and economic research has been conducted in recent years regarding the impact of market rate housing development on rental rates in urban areas. The consensus conclusion from this research is that an increase in supply of market rate housing results in a decrease in rents in nearby older housing stock. Although the market rate units in this project may not be affordable to many Bay Area households, the impact of the project on the overall rental housing market helps create opportunities to attract and retain households that may not be able to find or afford to rent housing in Albany today.

## **FINANCIAL CONSIDERATIONS**

The project is entirely privately financed. The City and the Albany Unified School District will receive a portion of the property taxes generated by this project.

### **Attachments**

1. Analysis of Zoning Requirements
2. Project Application and Plans
  - a. Project Application
  - b. Project Applicant Statement
  - c. SB 330 Application
  - d. Project Plans dated October 11, 2021
    - i. Part 1
    - ii. Part 2
    - iii. Part 3
  - e. Bike Rack Cut Sheets
  - f. Green Point Checklist
  - g. Density Bonus Application
  - h. Street Tree Removal Application
3. SB 330 Legal Analysis
4. Planned Residential/Commercial (PRC) Overlay Code Excerpt
5. Albany Active Transportation Plan (ATP) Excerpt
6. Housing Accountability Act Memo from HCD (California Department of Housing and Community Development Division)
7. Correspondence Received March, August, & September 2021
8. Planning & Zoning Commission Meeting Minutes 3/24/21
9. Planning & Zoning Commission Meeting Minutes 8/4/21
10. Planning & Zoning Commission and Parks, Recreation and Open Space Commission Meeting Minutes 9/29/21
11. Planning & Zoning Commission Resolution No. 2021-02 CEQA with Exhibit A CEQA Study
12. Planning & Zoning Commission Resolution No. 2021-03 DR DB with Exhibit A Conditions of Approval
13. Landscape Plan Review Memo dated September 23, 2021
14. Applicable General Plan Policies
15. Planning & Zoning Commission Summary Changes
16. Draft Affordable Housing Agreement
17. City Council Resolution No. 2021-106 CEQA with Exhibit A CEQA Study
18. City Council Resolution No. 2021-107 Design Review, Density Bonus, Street Tree Removal with Exhibit A Conditions of Approval and Exhibit B Project Plans