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A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF ALBANY,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FORWARDING A RECOMMENDATION TO
CITY COUNCIL TO DETERMINE THAT DESIGN REVIEW AND A DENSITY BONUS APPLICATION
REQUEST FOR A NEW 207-UNIT MIXED USE APARTMENT PROJECT AT 540 SAN PABLO AVENUE
IS CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
REVIEW PURSUANT TO SECTION 15332 "IN-FILL DEVELOPMENT PROJECTS" OF THE CEQA
GUIDELINES

WHEREAS, Chapter XX established development standards and review procedures for new residential construction; and

WHEREAS, on January 25, 2021, Trachtenberg Architects, serving as the architect for the project, submitted pre-application plans for Planning & Zoning Commission preliminary review for a new 207 unit mixed use apartment building at 540 San Pablo Avenue; and

WHEREAS, on March 23, 2021 the Planning & Zoning Commission held a study session on the pre-application plans and provided feedback to the applicant; and

1 **WHEREAS**, the formal design review application for an apartment development at
2 540 San Pablo Avenue (the "project") was filed by the applicant on June 11, 2021; and

3
4 **WHEREAS**, the application is for a mixed use residential apartment use in the San
5 Pablo Commercial (SPC) Zoning District; and

6
7 **WHEREAS**, Section 20.40.040 of the Albany Municipal Code identifies procedures
8 for processing applications pursuant to Government Code Section 65915, State Density
9 Bonus Law; and

10
11 **WHEREAS**, the applicant seeks modification to development standards pursuant
12 to State Density Bonus Law in exchange for the provision of affordable units; and

13
14 **WHEREAS**, the City of Albany retained the services of Rincon Consultants to
15 prepare supporting analysis consistent with Section 15332, "In-Fill Development" of the
16 CEQA Guidelines, which exempts in-fill development; and

17
18 **WHEREAS**, the project is categorically exempt from the California Environmental
19 Quality Act ("CEQA"), Public Resources Code section 21000 et seq. pursuant to Section
20 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development,
21 and as determined in the CEQA exemption analysis:

22 a) The project is consistent with the applicable general plan designation and all
23 applicable general plan policies as well as with applicable zoning designation and
24 regulations;

25 b) The proposed development occurs within city limits on a project site of no more
26 than five acres substantially surrounded by urban uses;

27 c) The project site has no value, as habitat for endangered, rare or threatened
28 species;

29 d) Approval of the project would not result in any significant effects relating to
30 traffic, noise, air quality, or water quality;

31 e) The site can be adequately served by all required utilities and public services;
32 and

1 f) no unusual circumstances about the property are known that would have a
2 significant effect on the environment; and
3

4 **WHEREAS**, a public hearing notice was mailed to property owners within 300 ft. of
5 the subject site and was posted in three public places on September 17, 2021 for the
6 Planning & Zoning Commission hearing pursuant to Government Code Section 65090;
7 and
8

9 **WHEREAS**, on September 29, 2021 the Planning & Zoning Commission held a public
10 hearing, considered all public comments received, the presentation by City staff, the
11 staff report, and all other pertinent documents regarding the proposed request;
12

13 **NOW, THEREFORE, THE CITY OF ALBANY PLANNING & ZONING COMMISSION DOES**
14 **HEREBY RESOLVE AS FOLLOWS:**
15

16 a) The project is consistent with the applicable general plan designation and all
17 applicable general plan policies as well as with applicable zoning designation
18 and regulations;

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

22 b) The proposed development occurs within city limits on a project site of no more
23 than five acres substantially surrounded by urban uses;

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

26 c) The project site has no value, as habitat for endangered, rare or threatened
27 species;

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

31 d) Approval of the project would not result in any significant effects relating to
32 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.

NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the City of Albany hereby recommends that the City Council determine the project is Categorically Exempt from CEQA pursuant to Section 15332 "In-Fill Development Projects" subject to Exhibit A "Supporting Documents."

PASSED AND ADOPTED by the Planning & Zoning Commission of the City of Albany on the 29th day of September 2021.

AYES: Donaldson, Macleod, Momin, Pilch, Watty

NOES:

ABSENT:

ABSTAIN:



Planning Commission Chairperson Watty