

1                                   **PLANNING & ZONING COMMISSION RESOLUTION 2021-03**

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3                                   **A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF**  
4                                   **ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FORWARDING A**  
5                                   **RECOMMENDATION TO CITY COUNCIL TO APPROVE DESIGN REVIEW AND A DENSITY**  
6                                   **BONUS APPLICATION FOR THE 207-UNIT MIXED USE APARTMENT PROJECT AT 540 SAN**  
7                                   **PABLO AVENUE**

8

9                   **WHEREAS**, On December 6, 2004, the City Council of the City of Albany adopted  
10                   Ordinance #04-09 establishing Chapter XX "Planning and Zoning" of the Albany  
11                   Municipal Code; and

12

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

15

16                   **WHEREAS**, the Albany City Council approved Resolution No. 2016-24 adopting the  
17                   Albany 2035 General Plan on April 18, 2016;

18

19                   **WHEREAS**, the Albany 2035 General Plan includes Policy LU1.1 "New Housing  
20                   Opportunities" that specifies: "create opportunities to meet the housing needs of current  
21                   and future Albany residents by zoning land for a variety of housing types, particularly on  
22                   underutilized commercial properties. To the extent possible, new development  
23                   throughout the city should be leveraged to create on-site and off-site opportunities for  
24                   housing serving very low, low, and moderate income households;" and

25

26                   **WHEREAS**, the Albany 2035 General Plan includes Policy LU-3.2: "San Pablo  
27                   Avenue" that specifies: "Continue to foster the transformation of San Pablo Avenue from  
28                   an auto-oriented commercial strip to a pedestrian- and transit-oriented retail boulevard.  
29                   San Pablo Avenue should be a source of community pride, with distinctive buildings, an  
30                   attractive streetscape, and a diverse mix of uses.;" and

31

1           **WHEREAS**, the Albany 2035 General Plan includes Policy LU-3.15: Northern  
2 Gateway that specifies" Ensure that any future development on the Albany Bowl site,  
3 and surrounding sites along San Pablo Avenue north of Clay Street, reflects the  
4 importance of this area and its function as a northern gateway to the City.;" and  
5

6           **WHEREAS**, on January 14, 2021, Trachtenberg Architects, serving as the architect  
7 for the site, submitted a pre-application for a mixed-use apartment building on the former  
8 Albany Bowl site located at 540 San Pablo Avenue that includes twenty-one (21) very low  
9 income on-site restricted units; and  
10

11           **WHEREAS**, on March 23, 2021, the Planning & Zoning Commission held a study  
12 session on the pre-application and provided feedback to the applicant; and  
13

14           **WHEREAS**, the formal design review application for an apartment development at  
15 540 San Pablo Avenue (the "project") was filed by the applicant on June 11, 2021; and  
16

17           **WHEREAS**, the application is for a mixed use residential apartment use in the San  
18 Pablo Commercial (SPC) Zoning District; and  
19

20           **WHEREAS**, Section 20.40.040 of the Albany Municipal Code identifies procedures  
21 for processing applications pursuant to Government Code Section 65915, State Density  
22 Bonus Law; and  
23

24           **WHEREAS**, the applicant seeks modification to development standards pursuant  
25 to State Density Bonus Law in exchange for the provision of affordable units; and  
26

27           **WHEREAS**, State Density Bonus law allows flexibility from local requirements  
28 including the City's Zoning Ordinance and General Plan, and results in projects which  
29 are not required to be in complete compliance with local policies in exchange for  
30 providing affordable housing units; and  
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1           **WHEREAS**, on July 28, 2021, the Community Development Department deemed  
2 the project complete; and

3  
4           **WHEREAS**, the project is categorically exempt from the California Environmental  
5 Quality Act ("CEQA"), Public Resources Code section 21000 et seq. pursuant to Section  
6 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development,  
7 and as determined in the CEQA exemption analysis: a) The project is consistent with the  
8 applicable general plan designation and all applicable general plan policies as well as  
9 with applicable zoning designation and regulations; b) The proposed development  
10 occurs within city limits on a project site of no more than five acres substantially  
11 surrounded by urban uses; c) The project site has no value, as habitat for endangered,  
12 rare or threatened species; d) Approval of the project would not result in any significant  
13 effects relating to traffic, noise, air quality, or water quality; e) The site can be adequately  
14 served by all required utilities and public services; and f) no unusual circumstances about  
15 the property are known that would have a significant effect on the environment; and

16  
17           **WHEREAS**, a public hearing notice was mailed to property owners within 300 ft. of  
18 the subject site and was posted in three public places on September 17, 2021 for the  
19 Planning & Zoning Commission hearing pursuant to Government Code Section 65090;  
20 and

21  
22           **WHEREAS**, on September 29, 2021 the Planning & Zoning Commission held a public  
23 hearing, considered all public comments received, the presentation by City staff, the  
24 staff report, and all other pertinent documents regarding the proposed request;

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26           **NOW, THEREFORE, THE CITY OF ALBANY PLANNING & ZONING COMMISSION DOES**  
27 **HEREBY RESOLVE AS FOLLOWS:**

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29           **Section 1**

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31           **The Planning & Zoning Commission finds and determines the foregoing recitals to**  
32 **be true and correct and hereby makes them a part of this Resolution.**

1  
2 **Section 2**

3  
4 **A. FINDINGS FOR APPROVAL CONSISTENT WITH SECTION 20.100.050 "DESIGN**  
5 **REVIEW" OF THE ALBANY MUNICIPAL CODE:**  
6

- 7 **1. Finding Required for Approval:** The project conforms to the General Plan, any  
8 applicable specific plan, applicable design guidelines adopted by the City of  
9 Albany, and all applicable provisions of this Chapter.  
10

11 **Evidence:** The City's General Plan ("General Plan") designates the property as San  
12 Pablo Mixed Use. The Property is currently zoned San Pablo Commercial (SPC) with  
13 Planned Residential/Commercial Overlay District. The proposed residential project  
14 meets City zoning standards for location, intensity and type of development.  
15

- 16 **2. Finding Required for Approval:** Approval of the project design is consistent with the  
17 purpose and intent of this section, which states "designs of projects...will result in  
18 improvements that are visually and functionally appropriate to their site conditions  
19 and harmonious with their surroundings, including natural landforms and  
20 vegetation. Additional purposes of design review include (but are not limited to):  
21 that retention and maintenance of existing buildings and landscape features are  
22 considered; and that site access and vehicular parking are sufficient."  
23

24 **Evidence:** The five- and six-story/approximately 69- to 71-foot-high mixed use  
25 development project would generally be in scale and harmony with existing  
26 development immediately adjacent to the site, which is composed of a range of  
27 one-, two-, three-story buildings, including other apartments and commercial uses.  
28 The configuration of two mixed-use apartment buildings on one site, separated by  
29 a driveway, two public plazas, and a mini park, contributes to the variety of  
30 building types adjacent to the project site, which include detached single-family  
31 homes, small apartments with limited front setbacks, and detached single-family  
32 homes with front stoops and garages fronting the public street, and commercial

buildings with large storefront windows. Buildings A and B are generally rectilinear and articulation is provided by recessed metal panels and the fenestration pattern. The architectural style, design and building materials are of high quality and appropriate for the setting: integral stucco, brick veneer, metal infill paneling, decorative metal balconies, and aluminum windows, which are compatible with materials found in the surrounding neighborhood. Given the project is located within 0.5-mile of a major transit stop (El Cerrito Plaza BART Station) and provides at least 11 percent very low-income units, the vehicular parking is in compliance with State and local requirements. The project would have site access via multiple modes of transportation: pedestrian and bicycle facilities on surrounding streets, bus and BART access at El Cerrito Plaza, and on San Pablo Avenue.

3. **Finding Required for Approval:** Approval of the project is in the interest of the public health, safety and general welfare.

**Evidence:** The proposed project would result in the development of underutilized land on a site envisioned for transit-oriented development in the General Plan. The project represents an economic investment in that it would increase the residential population that would take advantage of goods and services along the San Pablo Avenue corridor. The project would improve the visual appearance of project frontage by installing new landscaping and creating two new public plazas and a mini park for residents and the surrounding community. The project would also improve the appearance and walkability of Clay Street, by setting back Building A from the southern property line to accommodate an 8 ft.-wide sidewalk as well as new street trees. In addition, the new residents would support the health, safety, convenience and welfare of those that reside in the area.

4. **Finding Required for Approval:** The project is in substantial compliance with applicable general and specific Standards for Review stated in subsection 20.100.050D.

**Evidence:** As detailed in the accompanying staff report, the project is in substantial compliance with the standards as stated. It is consistent with applicable General Plan and Zoning Ordinance, and includes a functional site plan, frontage improvements, pedestrian improvements, and sufficient bicycle parking that allow for safe and convenient access to the site. The project meets parking requirements. The project includes quality architectural design that is harmonious with the surrounding neighborhood and internally consistent within the existing and proposed buildings. The proposal includes a complementary landscape design and covered space for refuse containers. The grading and off-haul proposed are sufficiently conditioned to reduce potential air quality and traffic impacts. The size and off-set of windows and landscaping reduce sufficiently reduce privacy impacts to nearby residents.

**NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the City of Albany hereby forward a recommendation to the City Council approving Design Review and the Density Bonus application for the commercial mixed use 207-unit apartment development at 540 San Pablo Avenue subject to Exhibit A Conditions of Approval, Exhibit B Project Plans.**

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

AYES: Macleod, Momin, Pilch, Watty

NOES: Donaldson

ABSENT:

ABSTAIN:



Planning Commission Chairperson Watty

ATTEST: \_\_\_\_\_