

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: May 24, 2011  
Prepared by: JB

**ITEM/ 6b**

**SUBJECT: 1030-1130 San Pablo Avenue (University Village). Planning Application #07-100. Rezoning and Planned Unit Development.** A request for rezoning and planned unit development approval for exceptions to zoning district height requirements, open space, and parking and loading standards for a new grocery store and mixed-use senior housing and development at a site owned by the University of California.

**APPLICANT/  
OWNER: University of California**

**ZONING: SPC (San Pablo Commercial) & R-2 (Residential)**

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**STAFF RECOMMENDATION**

Study Session only. No action by the Commission will be taken at this meeting

**BACKGROUND/PROJECT DESCRIPTION**

The approximately 6.3-acre project site consists of two lots located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection. The applicant would like to construct grocery store of a size up to 55,000 square feet on the north side of Monroe and a mixed-use development at the south end of the lot, which includes approximately 30,000 square foot of retail space and approximately 175 independent/assisted living senior housing units (see Attachment 1 CEQA project description).

Because the uses are not related to the educational function of the University, city land use policies apply to the proposed project. The properties currently have two zonings, San Pablo Commercial for the first 100' along the eastern side of San Pablo Avenue and Medium Density Residential for the rest of the property. A rezone to San Pablo Commercial for the entire area would be required to consider a project with commercial uses. A planned unit development is requested to allow an increase in height and allow exceptions to zoning district open space, parking, and loading standards.

**REVIEW PROCESS**

Ultimately, consideration of the proposed project will involve a series of Commission and City Council actions, including, in anticipated sequence:

1. Certification of CEQA Final Environmental Impact Report (EIR) (by City Council)
2. Rezoning (by City Council ordinance)
3. Planned Unit Development (by Planning and Zoning Commission)
4. Subdivision (by City Council)
5. Design Review (by Planning and Zoning Commission)
6. Parking Exceptions (by Planning and Zoning Commission)
7. Conditional Use Permits (by Planning and Zoning Commission)
8. Affordable Housing Agreement (by City Council)

As soon as possible, the applicant is requesting action on the first three items; CEQA EIR certification, rezoning, and PUD. Once these policy level decisions are made, the applicant could then enter into agreements with developers, who would presumably apply for the remaining approvals.

For the May 24 meeting, staff recommends the Commission open the public hearing and invite the applicant to make a comprehensive presentation on the project. In addition, the Commission should take public testimony on the project.

Following the public hearing, staff would appreciate feedback on:

- findings for approval of the rezoning;
- findings and conditions of approval for a Planned Unit Development;
- the completeness of the application;
- further staff analysis or applicant information on specific issues or elements of the project;
- desirability of a site tour; and
- schedule for making a recommendation on the EIR and rezoning to the City Council.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The project is required to be reviewed for environmental effects under the California Environmental Quality Act (CEQA). The basic purpose of CEQA is to inform decision makers and the public about the potential environmental effects of proposed projects. Because of the complexity of CEQA Guidelines and the need for various technical studies, the City relies on outside consultants to prepare the CEQA document. In this case, the consulting firm of LSA Associates prepared the analysis.

Both the Draft EIR and the Final EIR are available on the City's web page. The Final EIR was made available to the public and posted on the City web page on May 19, 2011. Although the Commission can accept comments at any time, staff would recommend that substantive discussion of the EIR be held at a future meeting. This will provide time for members of the public to review the document. In addition, the consultant that prepared the analysis can attend to respond to questions.

## REZONING

In order to approve a rezoning, the City Council must make findings that the proposed project is consistent with the General Plan. In 1992, the City adopted a General Plan that designated the project area as "Residential/ Commercial." In addition to the land use designation, the General Plan states (Attachment 2):

- Medium residential densities at a maximum of 34 units per acre is allowed. Retail and office commercial development at a maximum FAR of 0.95 is allowed.
- Designate the UC lands along the San Pablo Avenue frontage and a portion of Buchanan Street at the intersection of San Pablo for commercial uses. Incorporate the recommendations in the San Pablo Design Guideline and Public Improvement Study as part of this effort.
- In addition, consider preserving a portion of the Gill Tract, particularly those portions with important and significant stands of trees, as open space when any re-use of the this area is proposed.
- Protect and enhance creeks running through and adjacent to the UC Village property
- Protect and preserve the important stands of trees on the site.

As part of implementation of the General Plan, the City's zoning map was amended in 2004. Within the footprint of this project, the zoning map was amended to change the zoning along San Pablo Avenue from R-2 to San Pablo Commercial. The area changed was from San Pablo Avenue westward 100 feet into the middle of the block. The application under consideration is to extend further the San Pablo Commercial designation westward to 10th street. (Specifically, the district would extend 358 feet westward on the portion of the project north of Monroe and 220 feet westward on the portion of the project south of Monroe.)

Rezoning is a major policy decision. In addition to consideration of the policies in the General Plan, the Commission should consider larger planning and urban design context associated with this area of the City. For example, this site is located at the southern gateway to the City on an arterial street. Thus, it is one of the few sites in Albany that might be suitable for larger scale activities. In addition, the project could serve as a catalyst for long-term upgrades and improvements in other nearby portions of San Pablo Avenue. The project also could be expected to help connect University Village into the fabric of the remaining City, both in terms of urban design and in terms of pedestrian, auto and bike access. Furthermore, it has been identified in the draft update to the Housing Element portion of the General Plan as a housing development site. Finally, there are expected to be significant fiscal benefits to the project.

It is important to acknowledge that the future of the adjacent Gill Tract has been raised as a land use issue for many in the community, particularly with respect to supporting its use in some form of community-based urban agriculture. The University's master plan for the Gill Tract calls for its use as "Recreation and Open Space." This designation could include a wide range of activities ranging from urban agriculture to future relocation of University Village recreation

facilities now located on Jackson near Monroe. The University has not incorporated the Gill Tract, nor other portions of the University Village such as the Little League fields, into the scope of this particular application, and thus the City's legal authority to link the current application to the future of the Gill Tract is limited.

The City Council must approve the rezoning by adoption of an ordinance. The proposed rezoning will run with the land, and does not carry with it conditions of approval. Thus, the size and function of a future project could change, subject to standard Planning and Zoning Code requirements. It is also important to understand that if the property is sold or leased, the future applicant for future approvals could be a separate entity with no commitment to current policy discussions with the City.

### **PLANNED UNIT DEVELOPMENT**

Attached is a preliminary draft resolution of findings and conditions of approval for the Planned Unit Development (PUD) portion of the project approvals (Attachment 3). The PUD identifies a series of modifications to City standards that have been requested as part of this project (beginning on page 5). In addition, the PUD specifies a series of amenities discussed with the University as the basis for granting the PUD (on page 3). Detailed plans illustrating the project and associated PUD are available on the City's web page.

In summary, proposed modifications include:

- On the parcel south of Monroe, beginning from a setback line 55 feet from San Pablo Avenue westerly to the boundary of the San Pablo Commercial Zoning District, building height would be allowed to increase to 62 feet above grade. The standard requirement is a building height of 38 feet.
- Reduction in minimum common useable open space to 140 square feet per unit. The standard is 200 square feet per unit.
- A series of modifications to reduce the amount of landscaping in surface parking lots, reduce parking required for the non-grocery retail portion of the project, provide flexibility in meeting loading area requirements, and reduce the dimensions of the parking stalls.

The amenities discussed as potential support for the PUD include:

- Reduction in maximum building height along San Pablo Avenue from 38 feet to 24 feet;
- Incorporation of "complete streets" design principles for development of Parcel A and Parcel B;
- Preparation and implementation of a stream management plan for the portion of Village Creek abutting the proposed project.

- Good faith participation in the implementation of the approved Codornices Creek Restoration project abutting the proposed project;
- Good faith participation in the implementation of improvements at the Buchanan/Marin/San Pablo intersection and Buchanan/Jackson intersection improvement projects.

It should be noted that the PUD also approval runs with the land. Conditions of approval, however, can restrict the PUD to scope of project. The draft PUD uses the CEQA project description as the basis for the PUD. Commission feedback on the potential acceptability of the modifications, amenities, and findings for approval will be important. In addition, commission feedback on the conceptual design shown on the project plans would be helpful.

### **FURTHER ANALYSIS AND SCHEDULE**

Staff anticipates that one or more additional Commission meetings will be required in order to reach a conclusion about recommendations to the City Council. One of the key issues for bring the project forward is the level of detail the commission wishes to have in order to make a recommendation. It also should be noted that a fiscal impact analysis has been prepared and will be available shortly as a separate document. Unless directed otherwise, the next steps would be to make a determination that the application is complete and schedule the formal public hearings where the Commission could take action on recommendations.

### **Attachments:**

1. CEQA Project Description
2. Excerpts from the City's General Plan
3. Draft PUD

### **References to Documents on the City Web Page (please note large file size)**

- Draft and Final EIR
- Draft Plans

### III. PROJECT DESCRIPTION

This chapter describes the University Village at San Pablo Avenue Project (proposed project) that is evaluated in this Environmental Impact Report (EIR). A description of the proposed project's background, the project site, objectives, and project details are provided, in addition to a discussion of required approvals and entitlements.

#### A. PROJECT BACKGROUND

The project site is located within University Village, a 77-acre area owned by University of California and situated in the City of Albany. Approximately 62 acres of University Village are used for student family housing and associated facilities, and 10 acres are associated with agricultural research fields known as the Gill Tract. Figure III-1 shows the location of the project site and Figure III-2 shows the location of the project site within University Village.

Family student housing has been located at University Village since 1956. Today the village includes approximately 974 apartments and townhouses. University Village also contains other uses, including recreational facilities, a community center, a café, laundry rooms, and child care center. While seismic retrofit of Albany Civic Center is underway, the Albany Police Department and Albany Fire Department are temporarily located on Monroe Street in University Village.

In January 1998, the Regents of the University of California approved the *University Village & Albany/Northwest Berkeley Properties Draft Master Plan* and certified the Focused Environmental Impact Report (EIR)<sup>1</sup> that evaluated potential environmental effects caused by the Plan's implementation. This Plan identified the property along San Pablo Avenue frontage (including the project site) as an economic development opportunity.

In 2004, the University amended the Master Plan. These amendments focused on the second and third phases (referred to as "Steps") of construction of University Village; Step 1 was completed in 2000. Figure III-2 shows the proposed Steps of the 2004 Master Plan Amendments. The proposed amendments included demolition of older housing units, construction of new units, construction of community facilities, and construction of retail space. The 2004 Master Plan also expanded the area considered for commercial and mixed use to include more of the San Pablo Avenue frontage. In June 2004, the University of California Regents certified the EIR prepared for the 2004 Master Plan,<sup>2</sup> and approved construction of Step 2.

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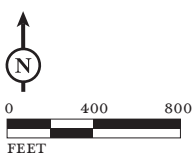
<sup>1</sup> EIP Associates, 1997. *Focused Draft Environmental Impact Report, University of California, Berkeley Draft Master Plan – University Village & Albany/Northwest Berkeley Properties, State Clearinghouse No. 97072039*. August 29

<sup>2</sup> LSA Associates, Inc., 2004. *Subsequent Focused EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, State Clearinghouse No. 1997072039*. January 30.



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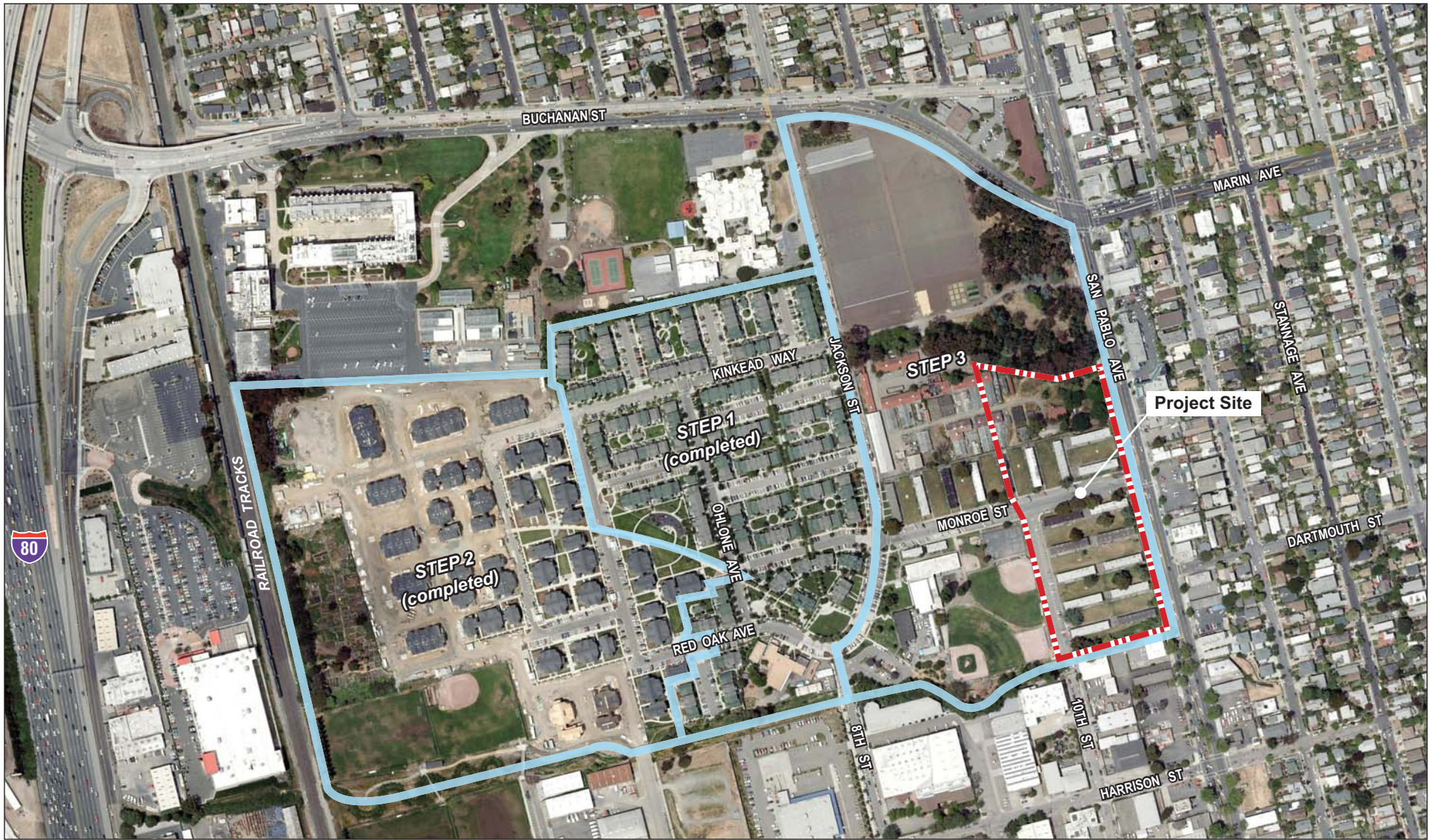
FIGURE III-1



 PROJECT SITE

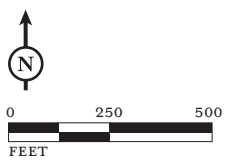
*University Village at San Pablo Avenue Project EIR  
Project Vicinity and  
Regional Location*

SOURCE: GOOGLE MAPS, 2008.



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FIGURE III-2



-  PROJECT SITE
-  PHASED STEPS OF CONSTRUCTION

*University Village at San Pablo Avenue Project EIR  
Phased Steps of 2004 Master Plan Construction*

SOURCE: GOOGLE EARTH, 2008.

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Back of III-2

The proposed project would fall within Step 3 of the 2004 Master Plan. In 2007, the University demolished the 1940's barrack-style student housing which was located on the entire parcel south of Monroe Street and a portion of the parcel north of Monroe Street. The portion of the northern parcel within the Gill Tract includes a former residence (Gill House) that has been used for office space, research buildings and greenhouses, and several trailers associated with the agricultural research facilities. All these structures are currently vacant and, with the exception of the Gill House, will be demolished during the summer of 2009.<sup>3</sup> The Gill House will be either relocated or demolished at a later date.

As an autonomous state institution, land use decisions of the University that support the University's educational mission are exempt from land use regulations of local jurisdictions. However, the proposed project would be developed by a third party and includes development of the grocery store, retail space, and senior housing (all of which are outside the scope of the University's educational mission). This project is therefore subject to the land use regulations of the City of Albany. The City of Albany is the lead agency for this Environmental Impact Report and the University of California is a responsible agency.

Some of the environmental conditions, as well as the proposed project, have changed since the 2004 EIR was certified, requiring new environmental review. Some portions of the 2004 EIR contains information that is useful for the current analysis of environmental impacts. If data from the previous EIR is used, it will be updated and expanded upon as needed and discussed in further detail in regards to its relation to the current proposal.

## **B. PROJECT SITE**

The following section describes the project site's location, surrounding land uses, site characteristics, and existing General Plan and zoning designations.

A Notice of Preparation (NOP) for this project was published on March 28, 2008. Since the release of the NOP, the site plans for the proposed project have been modified with the relocation of the grocery component north of Monroe Street. This change aims to improve the interface between the project and Codornices Creek.

### **1. Project Location**

The project site is located in the City of Albany in northern Alameda County, California. The site is within the University Village development and includes the area generally bounded by San Pablo Avenue, Codornices Creek, 10<sup>th</sup> Street, and Village Creek.

The approximately 5.3-acre project site consists of properties to the northwest (Block A) and southwest (Block B) of the Monroe Street/San Pablo Avenue intersection. The project would include improvements to the roadway segments of Monroe Street, between San Pablo Avenue and 10<sup>th</sup> Street, improvements to 10<sup>th</sup> Street between Codornices Creek and Village Creek, and a pedestrian/bicycle crossing of San Pablo Avenue at Dartmouth Street. Figure III-1 shows the project location.

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<sup>3</sup> McDougall, Jennifer Lawrence, 2009. Manager, Capital Projects, University of California, Berkeley. Personal communication with LSA Associates, Inc., June 15.

## 2. Site Characteristics

The discussion of the existing conditions of the project site is divided into three sections: Block A (parcel north of Monroe Street), Block B (parcel south of Monroe Street), and roadways.

**a. Block A.** Block A is approximately 2.8 acres and is located to the northwest of the San Pablo Avenue/Monroe Street intersection. This block is bounded by Village Creek to the north, San Pablo Avenue to the east, and Monroe Street to the south, and the Gill Tract.

A chainlink fence prevents access to the Gill Tract from San Pablo Avenue in the northern portion of Block A. Village Creek forms the northern boundary of the project site. There are several vacant structures within this portion of the site including the Gill House (shown in Photo 1), research buildings and greenhouses, and vacant trailers. Concrete foundations of demolished buildings associated with the Gill House and agricultural research buildings are also located within the project site. With the exception of the Gill House, all other structures within the project site will be demolished during the summer of 2009.<sup>4</sup> The Gill House will be relocated or demolished prior to initiation of the proposed project. There is a paved driveway within the project site with an entrance onto San Pablo Avenue and internal roadways/driveways within this portion of the Gill Tract. This San Pablo Avenue entrance is currently gated. Trees are located throughout this portion of the site.

The southern portion of Block A is a vacant lot. An approximately 8-foot fence bisects Block A, creating a separation of the vacant lot from the Gill Tract portion of Block A. A chainlink fence is located along the eastern boundary of the block. A chainlink fence enclosure on the southeast corner of the site contains water piping equipment. While there are mature trees located on the project site along Monroe Street and San Pablo Avenue, the southern portion of Block A contains only grass and weeds. Photo 2 is a representative photo of the conditions on the southern portion of Block A.

**b. Block B.** Block B is approximately 2.5 acres and is located southwest of the San Pablo Avenue/Monroe Street intersection. This block is bounded by San Pablo Avenue to the east, Codornices Creek to the south, 10<sup>th</sup> Street to the west, and Monroe Street to the north.



*Photo 1: View looking west of the Gill House and a driveway.*



*Photo 2: View looking northwest of southern portion of Block A*



*Photo 3: View looking north of Block B*

<sup>4</sup> Impacts related to the demolition of the structures on the Gill Tract (including the Gill House and structures associated with the UC Agricultural Research Experiment Station) were evaluated in Subsequent Focused Draft EIR for the University Village and Albany/Northwest Berkeley properties Master Plan Amendment prepared in 2004. Demolition of these structures is not considered part of this project and is not evaluated in this EIR.

This block is vacant and contains limited grassy vegetation and scattered mature trees within and on the boundary of the block. An ivy covered chain link fence prevents access to Codornices Creek from the block. This fence also extends across 10<sup>th</sup> Street blocking vehicle access. A chain link fence is also located along the San Pablo Avenue frontage. Overhead telephone and electric wires and poles are located on the property along Monroe Street. Photo 3 is a representative photo of the conditions of Block B.

**c. Roadways.** The proposed project would include changes and improvements to three roadways: San Pablo Avenue; Monroe Street and 10<sup>th</sup> Street. A description of the existing conditions of these roadways is presented below.

**(1) San Pablo Avenue (State Highway 123).** Adjacent to the project site, San Pablo Avenue has four travel lanes and a center lane for left turns. The San Pablo Avenue/Monroe Street intersection is a signalized intersection with a northbound left turning lane into University Village and one pedestrian crosswalk across San Pablo Avenue at the southern portion of the intersection. Sidewalks are located on both sides of San Pablo Avenue, and an AC Transit bus stop is located to the southwest of the intersection.

**(2) Monroe Street.** Adjacent to the project site (between San Pablo Avenue and 10<sup>th</sup> Street) Monroe Street is a two lane roadway with angled parking spaces and sidewalks location along both sides of the street. Monroe Street can be seen in Photo 4. Monroe Street is owned and maintained by the University.



*Photo 4: View looking east on Monroe Street*

**(3) 10<sup>th</sup> Street.** Adjacent to the project site (between Codornices Creek and Monroe Street), 10<sup>th</sup> Street is a two lane street with parking spaces provided on the east side of the street. Currently, 10<sup>th</sup> Street is gated and does not allow pedestrian or vehicle access on the street between the City of Berkeley (to the south) and University Village. Tenth Street is owned and maintained by the University.

**d. Land Use Designations.** The City of Albany General Plan identifies the two land use designation for the project site: Residential/Commercial (RC) and Creek Conservation Zone. The RC designation is a specific land use designation for land at University Village. This designation allows for a medium residential density of 34 units per acre and commercial development with a maximum floor area ratio (FAR) of 0.95.

The City of Albany Zoning Ordinance identifies three zoning designations on the project site: San Pablo Commercial (SPC); Residential Medium Density (R-2); and Watercourse Overlay District (WC). The SPC designation accommodates commercial and retail businesses serving a citywide or larger regional market in a boulevard environment and also provides opportunities for office development and high-density residential development, which may be in mixed-use settings. The R-2 designation provides for residential living at moderate densities. The Watercourse Overlay District is intended to promote preservation and restoration of areas adjacent to creeks and to regulate development in flood prone areas.

The *University Village & Albany/Northwest Berkeley Properties Master Plan*, a University of California planning document, provides guidance for the redevelopment of University Village. This Master Plan identifies the project site as Commercial or Mixed-Use. The Master Plan identifies this designation as land that will be made available for lease to generate income to subsidize new housing.

### 3. Surrounding Land Use

The land uses surrounding the project site are described below.

- a. North.** Village Creek forms the northern boundary of the project site. The agricultural research station on the Gill Tract is located adjacent to Village Creek. Ocean View Elementary School is located northwest of the project site. Uses further north of the site include the City of Albany municipal offices, commercial and office uses along San Pablo Avenue, and residential areas.
- b. East.** San Pablo Avenue forms the eastern boundary of the project site. The opposite side of San Pablo Avenue across from the project site includes a rental car parking lot and a variety of commercial and retail structures. Residential uses are located to the east of San Pablo Avenue.
- c. South.** Codornices Creek forms the southern boundary of the project site. In this area of Albany, Codornices Creek forms the boundary between the Cities of Albany and Berkeley. Mixed-use and light industrial uses are located to the south of the project site and south of Codornices Creek.
- d. West.** University Village is located to the west of the project site. University Village includes residential and recreational uses. The Union Pacific Railroad, I-580/I-80, and Golden Gate Fields are located further west of the project site.

## C. PROJECT OBJECTIVES

The following are objectives of the proposed project:

- Locate a mixed-use project on the San Pablo Avenue corridor within Block B of the project site.
- Build a grocery store within the San Pablo Avenue frontage of University Village located within Block A of the project site.
- Offer retail space and outdoor seating as a local amenity designed to connect with the surroundings and serve local residents and new residents of the project.
- Facilitate pedestrian/bicycle movement across San Pablo Avenue.
- Improve the visual quality of the site.
- Provide senior housing.
- Within the project site, provide a pedestrian/bicycle path along Codornices Creek.

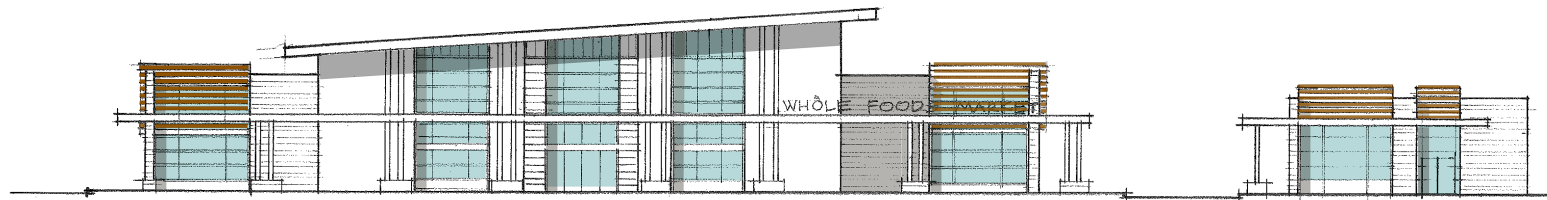
The University of California's objectives are detailed in the University Village Master Plan.

## D. PROPOSED PROJECT

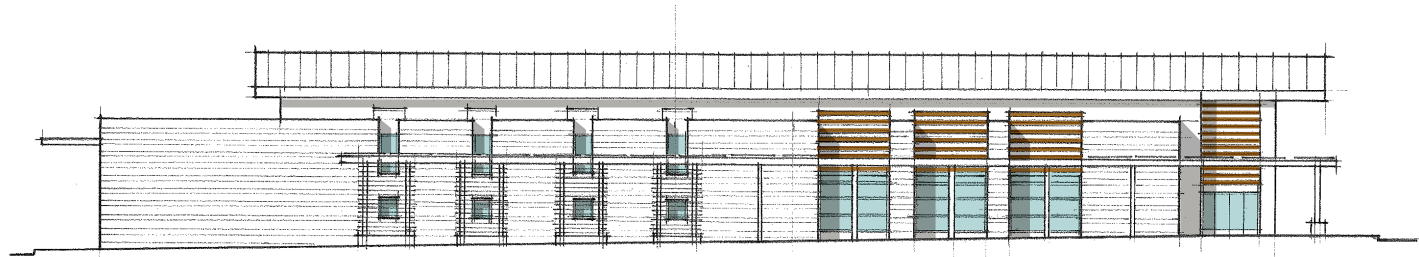
The proposed project would include: construction of a Whole Foods Market, the Creekside Retail building, and parking area located on Block A of the project site; retail space and senior housing located on Block B of the project site; roadway improvements surrounding the project site, pedestrian/bike improvements; and site drainage facilities. Figure III-3 shows a conceptual site plan of the project, and Figures III-4 and III-5 shows conceptual elevations and conceptual modeling of the



Back of III-3



EAST ELEVATION



SOUTH ELEVATION

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FIGURE III-4

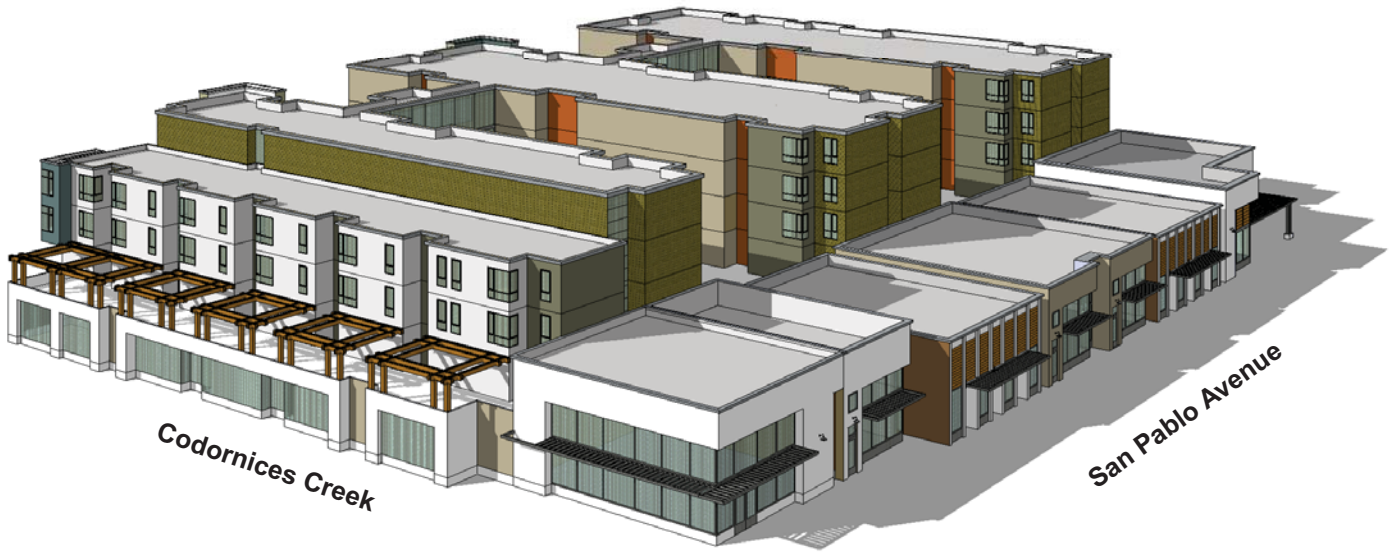
NOT TO SCALE

*University Village at San Pablo Avenue Project EIR*  
Conceptual Elevations of  
Whole Foods Market and Creekside Retail

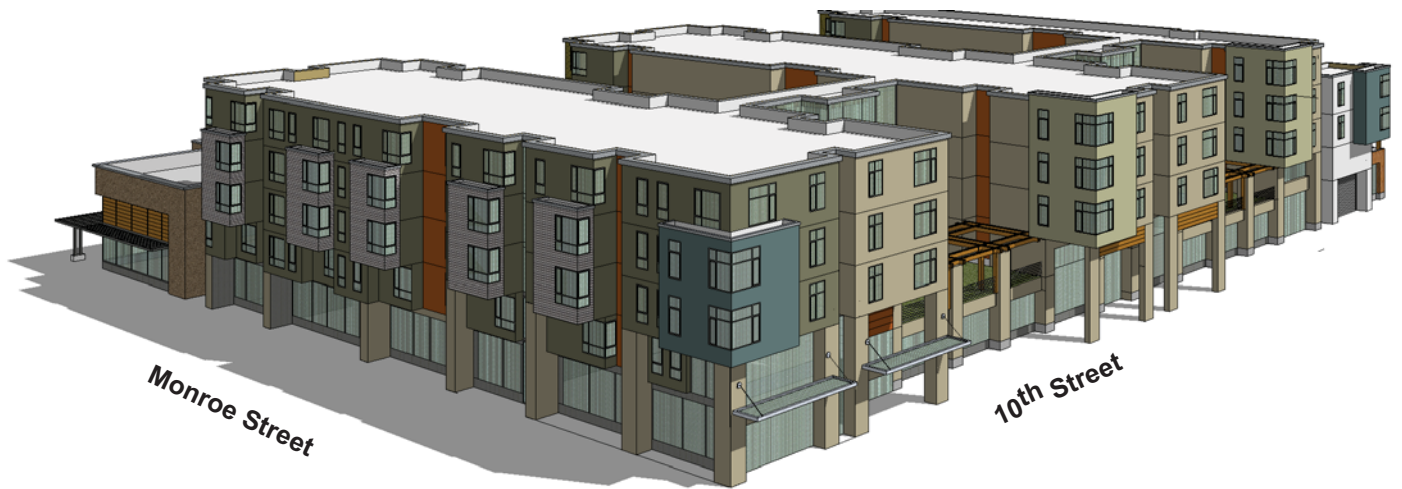
SOURCE: PYATOK ARCHITECTS, INC., 2008.

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*View of Southeast Corner of Block B Building*



*View of Northwest Corner of Block B Building*

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FIGURE III-5

*University Village at San Pablo Avenue Project EIR  
Conceptual Modeling of Block B Building*

project. The components of the proposed project are described below. The proposed project does not include any changes to the University Village Community Center, Little League field, or Gill Tract agricultural field.

## 1. Block A

Development on Block A would consist of five components: a grocery store (Whole Foods Market is the proposed operator), the Creekside Retail building, a parking lot, a pedestrian path along Village Creek, and storm drainage facilities. These components are described below.

**a. Whole Foods Market.** The Whole Foods Market would be located on southern portion of Block A, and would front on San Pablo Avenue. The Whole Foods Market would have a 44,000 square foot ground floor and a 11,000 square foot mezzanine area, for a total of 55,000 square feet. Approximately 114 underground parking spaces would be provided via a ramp at the rear of the building. This ramp and the loading dock area could be accessed off 10<sup>th</sup> Street.

The building would be approximately 30 feet in height. Two entrances to the building would be provided along the San Pablo frontage, and one would be provided along the north side of the building. The exterior of Whole Foods Market would be a textured block wall with alternating color banding. The exterior would also include metal and wood trellis, and wood screen details. A conceptual elevation view of the Whole Foods Market is shown in Figure III-4.

**b. Creekside Retail.** A Creekside Retail building would be constructed at the northeast corner on Block A and would front on San Pablo Avenue. This retail space would be approximately 2,000 square feet and include an outdoor sitting area west of the building. This structure would be approximately 20 feet tall, and would be constructed of similar building materials and in a similar style as the Whole Foods Market. A conceptual elevation view of the Creekside Retail building can be seen in Figure III-4.

**c. Parking Lot.** An at-grade parking lot is proposed north of the Whole Foods Market and south of Village Creek. Circulation within the parking lot would be two-way. This parking lot would include porous pavers and parking spaces would be oriented at 90-degree angles. The parking lot would be accessed by a driveway on San Pablo Avenue and from Monroe Street. Entry onto San Pablo Avenue would be right turn only. The parking spaces in this lot would total approximately 112 spaces. Landscaping, tree plantings, pedestrian walkways and safety lighting would be included in the parking lot design.

**d. Village Creek Pedestrian Path.** An approximately six foot wide decomposed granite path would be located along Village Creek. This path would follow Village Creek from San Pablo Avenue to the extension of 10<sup>th</sup> Street. An outdoor seating area, situated between the path and the parking lot, would be located on Block A.

**e. Site Drainage Facilities.** A storm water detention swale would be installed along the western boundary of Block A, which would drain into a retention area in the northwest corner of the block. At least two outfalls into Village Creek would be installed to drain the new swale and for drainage under the permeable paving and the building foundation drainage.

## 2. Block B

Block B would be developed with a mixed-use structure that includes retail space and senior housing. Approximately 28,000 square feet of retail space would be provided on the San Pablo Avenue and Monroe Street frontages. The retail component of the building would have a maximum height of 28 feet on San Pablo Avenue.

The retail components of the Block B building would be one story, and would be designed to allow for multiple smaller retail stores along the San Pablo Avenue frontage. The southern portion of the building frontage would have an additional setback to allow for possible outdoor seating.

The senior housing would be a multi-care facility including approximately 100 senior residential units and 75 assisted living units. The senior housing would be located behind the retail component and would be oriented towards 10<sup>th</sup> Street. This component would be five stories and 52 feet tall on Monroe Street. The five-story component would be set back approximately 75 feet from San Pablo Avenue.

A two-way drop-off driveway with turn-around area for the senior housing would be located on 10<sup>th</sup> Street. Below grade parking, which would be accessed off of 10<sup>th</sup> Street, would be included under the senior housing and would provide approximately 86 parking spaces. There would be approximately 14 surface parking spaces provided on 10<sup>th</sup> Street within Block B. Landscaping would be installed around the perimeter of the building.

A drainage swale would be located along the western boundary of Block B. At least two new outfalls would be installed into Codornices Creek to drain the swale and the permeable paving and building foundation drainage.

## 3. Proposed Bicycle, Pedestrian, and Roadway Improvements

As part of the project, roadway improvements and alterations would be made to San Pablo Avenue, Monroe Street, and 10<sup>th</sup> Street, and a bike/pedestrian path would be installed along Codornices Creek, Village Creek and a portion of 10<sup>th</sup> Street. These improvements are described below.

**a. San Pablo Avenue.** A driveway is proposed to be installed on San Pablo Avenue (north of the Monroe Street/San Pablo Avenue intersection) to allow for access to the Whole Foods Market parking lot. This driveway would be a right-in/right-out driveway. The pedestrian crosswalks of San Pablo Avenue/Monroe Street intersection would remain on the west and south sides of the intersection. Additional street trees would be installed on San Pablo Avenue.

A pedestrian crossing of the San Pablo Avenue at Dartmouth Street is also proposed as part of the project. While the specific design for the crossing is under evaluation, four potential means of crossing were evaluated in this document.<sup>5</sup> These include:

- A high-intensity activated crosswalk (HAWK) traffic signal on San Pablo Avenue at Dartmouth Street.

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<sup>5</sup> As San Pablo Avenue is a State of California facility, CalTrans would need to provide approval for the pedestrian/bicycle crossing of San Pablo Avenue.

- A signal at the San Pablo/Dartmouth Street intersection, pedestrian countdown signal and high-visibility crosswalk on both north and south approaches of San Pablo Avenue.
- A two-stage signalized crossing with a six-foot wide median refuge on San Pablo Avenue between Codornices Creek and Dartmouth Street.
- A two-stage unsignalized crossing with a median refuge on San Pablo Avenue.

More details regarding these potential crossing configurations are described in Section IV.A, Transportation, Circulation and Parking.

**b. Monroe Street.** Monroe Street, at the San Pablo Avenue intersection, would be configured to allow for one west bound lane and two east bound lanes. Approximately 30 back-in diagonal parking spaces would be provided on Monroe Street between San Pablo Avenue and 10<sup>th</sup> Street. New landscaping and sidewalks would be installed between San Pablo Avenue and 10<sup>th</sup> Street. Back-in diagonal parking is proposed to address bike safety along Monroe Street.

**c. 10<sup>th</sup> Street.** Tenth Street, between Codornices Creek and Monroe Street, would be reconfigured. While 14 street parking spaces would remain, the existing 45 spaces of street parking along 10th Street would be removed.

**d. Pedestrian/Bicycle Path.** A pedestrian/bicycle path would be installed on the project site along Codornices Creek and along the western boundary of the project site. This approximately 10-foot path would connect from San Pablo Avenue and facilitate pedestrian/bicycle access from San Pablo Avenue to the interior of University Village. The City would work with the applicant to ensure that final design of the path along Codornices Creek would be consistent with the Lower Codornices Creek Improvement Plan. Restoration work to Codornices Creek is not proposed as part of this project.

#### **4. Infrastructure and Utilities**

The East Bay Municipal Utility District (EBMUD) supplies water to University Village and the City of Albany. The water system within University Village generally follows the street plan, and a water main runs along San Pablo Avenue and delivers water to University Village at the Marin Avenue/San Pablo Avenue intersection and at the Monroe Street/San Pablo Avenue intersection. The proposed project would connect to the existing water system within University Village.

EBMUD, the City of Albany, and University of California are responsible for portions of wastewater conveyance at University Village. Wastewater is transported from University Village through two mainlines: one is located on the west side of the University Village parallel the railroad tracks, and the other is located on the east side of the property along San Pablo Avenue. The proposed project would connect to the existing wastewater system within University Village.

Ten foot wide drainage swales along the western side of 10th Street and outfalls into the Village and Codornices Creeks would be installed. Additionally, a large drainage detention swale would be located north of the 10<sup>th</sup> Street extension.

## 5. Landscaping

Many of the existing trees on site would need to be removed to accommodate building, circulation and utility facilities of the proposed project. Additionally, removal of some trees is recommended due to their poor health or risk of collapse. While the landscape plan has not been finalized, currently the applicant is proposing to preserve approximately 20 trees on site; transplant approximately 3 trees; and remove approximately 64 trees. Approximately 5 trees within the Village Creek creekbank would be removed. An arborist's report, provided by the applicant, has been included in Appendix F.

## 6. Demolition, Phasing and Construction Schedule

Demolition of the existing structures located on the Gill Tract, and the relocation or demolition of the Gill House, would occur independently of the project. It is estimated that the construction of the proposed project would take approximately 1.5 to 2 years. The project applicant has not proposed specific phasing for construction of the project.

## E. USES OF THIS EIR

A number of permits and approvals would be required before the development of the project could proceed. As lead agency for the proposed project, the City of Albany would be responsible for the majority of approvals required for development. The University of California, as owner of the property, would be considered a responsible agency. Other agencies may have some authority related to the project and its approvals. A list of required permits and approvals that may be required by the City and other agencies is provided in Table III-1.

**Table III-1: Required Permits and Approvals**

Lead Agency	Permit/Approval
City of Albany Planning Commission City Council	<ul style="list-style-type: none"> <li>• Rezone</li> <li>• Planned Unit Development</li> <li>• Design Review</li> <li>• Parking Exception</li> <li>• Affordable Housing Agreement</li> <li>• Use Permit</li> </ul>
<b>Responsible/Trustee Agencies</b>	
University of California	<ul style="list-style-type: none"> <li>• Approval of project</li> <li>• Action on land lease</li> </ul>
East Bay Municipal Utility District (EBMUD)	<ul style="list-style-type: none"> <li>• Approval of water lines, water hookups and review of water needs</li> </ul>
California Department of Transportation (Caltrans)	<ul style="list-style-type: none"> <li>• Approval of plans and encroachment permit for improvements located within the State right-of-way along San Pablo Avenue (State Highway 123); improvements within public right-of-way</li> </ul>
California Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> <li>• National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge; Section 401 Water Quality Certification; Section 404 Permit</li> </ul>
California Department of Fish and Game	<ul style="list-style-type: none"> <li>• Lake and Streambed Alteration Agreement</li> </ul>
Army Corps of Engineers	<ul style="list-style-type: none"> <li>• Nationwide Permit 7; Nationwide Permit 33</li> </ul>
NOAA Fisheries	<ul style="list-style-type: none"> <li>• Biological Opinion</li> </ul>
<b>Other Agencies</b>	
AT&T	<ul style="list-style-type: none"> <li>• Approval of communication line improvements and connection permits</li> </ul>
Pacific Gas & Electric (PG&E)	<ul style="list-style-type: none"> <li>• Approval of natural gas and connection permits</li> </ul>

Source: LSA Associates, Inc., 2009.

land and the redevelopment of improved property at an FAR of 0.50 will yield approximately 990,000 square feet of building square footage in the area.

## LIGHT INDUSTRIAL LAND USE GOALS AND POLICIES

**Goal LU 6: Increase the economic vitality of the City's industrial use areas.**

### Policy:

LU 6.1. Identify appropriate locations for automobile retail and service uses in the areas zoned for Commercial/Service/Light Industrial uses. Develop appropriate informational materials to encourage San Pablo Avenue auto dealerships and auto-related businesses to consider these locations.

## PUBLIC LAND USE

### Public / Quasi Public Land Use

The Land Use Plan identifies City of Albany lands, schools, churches, and public utilities. The Plan recommends an FAR of 0.95 as a maximum building intensity for public lands. This section discusses the two large tracts in public ownership: the University of California lands and the US Department of Agriculture facility. A detailed discussion of the City of Albany's Community Services and Facilities can be found after the discussion of Open Space in this Element.

### University of California Land

The University of California provides married student family housing at University Village in the City of Albany. University Village land uses presently include multi-family housing,

park and open space, a community center, and the Natural Resources Research fields and laboratories.

The University has initiated a planning process for the redevelopment of this 73-acre property. U.C. officials have indicated that they are going to replace the existing 920 housing units in phases, given current financial constraints.

The U.C. master planning process presents a significant opportunity to better integrate this large, isolated tract with the rest of Albany. Accordingly, a series of goals and policies have been included in the General Plan that set forth the City's expectations.

In addition, land use categories which reflect the goals of the City of Albany, and the intentions of the University have been designated in the Land Use Plan. These three land use designations are:

- 1) Residential, Recreation (RR): Medium residential densities, at a maximum of 34 units per acre are allowed. Recreational facilities including park and open space, community centers, and sports fields are allowed under this land use designation. A maximum FAR of 0.95 for recreational buildings has been assigned.
- 2) Residential, Recreation, Commercial (RRC): Medium residential densities at a maximum of 34 units per acre are allowed. Recreation facilities including park and open space, community centers, and sports fields are allowed. A maximum FAR of 0.95 for recreational buildings, retail and office development has been assigned for this land use designation.
- 3) Residential, Commercial (RC): Medium residential densities at a maximum of 34 units per acre is allowed. Retail and office commercial development at a maximum FAR of 0.95 is allowed.

Approximately 47 acres of the UC lands are devoted to the 920 student housing units. The Plan assumes continuation of this density during the 20-year plan period.

### **The United States Department of Agriculture Facility**

The United States Department of Agriculture has 300,000 square feet of research facilities on 12 acres of land just east of the Buchanan Street/I-80 interchange. The USDA facilities include two separate research departments aimed at reducing losses in, and improving the market quality of agricultural produce. These departments comprise the Western Regional Research Center, employing 250 scientists and support staff, and the Plant Gene Expression Center, employing 102 individuals. The Plant Gene Expression Center conducts genetic engineering in compliance with National Institute for Health recombinant DNA research guidelines. The Administrative Director of Agricultural Research for the Pacific - West Area also works from this site.

The USDA Pacific Southwest Forest and Range Experimentation Station is expected to move to this location from Berkeley, bringing 100 employees. Following this addition to the site, no change in land use is planned through the year 2010.

## **PUBLIC LAND USE GOALS AND POLICIES**

**Goal LU 7: Ensure that future redevelopment of the University of California lands is compatible with the City's long-term land use, public services, and public facilities goals.**

### **Policies:**

LU 7.1. Designate the UC lands along the San Pablo Avenue frontage and a portion of Buchanan Street at the intersection of San Pablo for commercial retail and compatible uses. Incorporate the recommendations in the San Pablo Avenue Design Guideline and Public Improvement Study as part of this effort. In addition, consider preserving a portion of the Gill Tract, particularly those portions with important and significant stands of trees, as open space when any re-use of this area is proposed.

LU 7.2. Participate actively in the UC Master Plan process for redevelopment of the Gill Tract and Albany Village. Specific concerns that must be addressed in this process include, but are not limited to:

- A. Coordinate planning efforts for the City's, University's, and Albany School District's park, recreation, and open space lands to improve public access, improve parking capacity, increase use, and improve overall traffic safety in the area for students, pedestrians, and automobiles.
- B. Protect and enhance the creeks running through and adjacent to the U.C. Village property.
- C. Protect and preserve the important stands of trees on the site.

- D. Specify and reach new agreements with the University for financial and/or in-kind support of City infrastructure, services, and capital facilities that are used by U.C. Village, including, but not limited to, sanitary and storm sewers, public safety services, public streets, and parks and open spaces.
- E. Focus on redeveloping the housing units at U.C. Village to meet the current and future needs of its residents for a family-oriented project with adequate community and recreational facilities that are better integrated with the City.
- F. Evaluate the overall parking capacity within the Village vs. the existing and future patterns of usage, and the use of on-street parking spaces outside the Village that are used by University students.

## OPEN SPACE

The City of Albany is primarily an urban environment, thus open space in the City consists largely of park lands. A more detailed discussion of these lands takes place in the Conservation, Recreation and Open Space Element. The following sections briefly describe the type, location, and area of open space lands in the City.

### Public Open Space

There are approximately 31 acres of existing park land in the City of Albany. This park land is distributed among seven City parks ranging in size from 0.10 to 7.5 acres, primarily located adjacent to schools and on Albany Hill. Additional future Waterfront park land is presently planned. This acreage includes the 32-acre Albany Point State Park, and the Albany Bay Shore "linkage," providing continuous shoreline public access along the Albany Waterfront from Buchanan Street to Berkeley.

Buildings are permitted on open space lands with the following intensity and coverage limits: a building intensity as defined by a height limit of 35 feet and a coverage up to 25%. Such facilities are approved on a case-by-case basis through a conditional use permit procedure.

### Private Open Space

Fifteen acres of private land on Albany Hill's northwest slope were set aside as permanent open space when the Gateview, Bridgewater, and Bayside Commons residential developments were approved. This land is contiguous to Albany Hill Park and remains in its natural state. The Plan recommends dedication of the remaining Albany Hill ridgetop area, presently in private ownership, for public use when that area is developed as part of the City's Parkland Dedication requirements.

The University of California also has two significant areas of open space: the 9.5-acre Natural Resources Research land, and the 5.8-acre Dowling Park which serves Albany Village residents. The Natural Resources land is used for agricultural research and thus is not available for active recreation but serves as a visual amenity. Dowling Park has play structures for children, an open lawn area, and land for Village residents' vegetable gardens.

## THE ALBANY WATERFRONT

The Albany Waterfront, roughly 160 acres in area, consists of the 32-acre Albany Landfill site, also known as the "bulb," and the remaining lands owned by Catellus Corporation. Catellus leases the major portion of their land for operation of the Golden Gate Fields Racetrack which was built in the 1930s. The City owns an 80-foot-wide easement across the northern portion of the site and over an area known as "the neck" located near Albany Point.





1           **WHEREAS**, an application for a planned unit development permit was made  
2 on \_\_\_\_.

3  
4           **WHEREAS**, plans illustrating the planned unit development requirements  
5 were submitted on April 4, 2011, and determined by the Community Development  
6 Department as complete, for purposes of action on a Planned Unit Development, on  
7 \_\_\_\_.

8  
9           **WHEREAS**, on tbd, the City Council approved a resolution certifying the  
10 Final Environmental Impact Report pursuant to the requirements of the California  
11 Environmental Quality Act

12  
13           **WHEREAS**, the Planned Unit Development has been presented to the  
14 Planning and Zoning Commission pursuant to the use permit procedures in subsection  
15 20.100.030, including:

16  
17                   The Planning and Zoning Commission held a public hearing on  
18 tbd.

19  
20                   Notice of the public hearing was provided on tbd according to  
21 subsection 20.100.010.E.

22  
23           **WHEREAS**, the Planning and Zoning Commission considered all written  
24 testimony and public comments;

25  
26           **WHEREAS**, the proposed residential and retail uses are permitted by the  
27 Albany General Plan as it applies to the proposed planned unit development site.

28  
29           **WHEREAS**, the residential density is 1,389 square feet of net area of the  
30 planned unit development, which exceeds the minimum requirement of 690 square  
31 feet minimum lot area per dwelling unit required in the district. The calculation is

1 based on 274,300 gross area of the planned unit development, subtracting the 31,300  
2 square feet of area for public street rights-of-way and private streets, and dividing the  
3 resulting 243,000 net area by the 175 residential units proposed by the project.  
4

5 **WHEREAS**, in granting the Planned Unit Development, the Planning and  
6 Zoning Commission has determined that the following exceptional amenities, which  
7 could not be achieved without the exceptions to the PUD, are provided by the  
8 development:  
9

- 10 1. Reduction in maximum building height along San Pablo Avenue from  
11 38 feet to 24 feet;
- 12
- 13 2. Incorporation of “complete streets” design principles for development  
14 of Parcel A and Parcel B;
- 15
- 16 3. Property owner and/or lessee of Parcel A will be responsible for  
17 preparation and implementation of a stream management plan for the  
18 portion of Village Creek abutting the proposed project.
- 19
- 20 4. Good faith participation of the property owner and/or lessee of Parcel  
21 B in the timely implementation of the approved Codornices Creek  
22 Restoration project abutting the proposed project;
- 23
- 24 5. Good faith participation of the property owner and/or lessee in the  
25 timely implementation of improvements at the Buchanan/Marin/San  
26 Pablo intersection and Buchanan/Jackson intersection improvement  
27 projects.
- 28

29 **NOW THEREFORE, BE IT RESOLVED**, that the Planning and Zoning  
30 Commission makes all of the following FINDINGS REQUIRED FOR  
31 CONDITIONAL USE PERMIT:

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1. Necessity, Desirability, Compatibility. That the size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community because \_\_(for discussion)\_\_;

2. Adverse Impacts. That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures because \_\_(for discussion)\_\_;

b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading because \_\_(for discussion)\_\_;

c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor because \_\_(for discussion)\_\_;

d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs because \_\_(for discussion)\_\_;and

3. Consistency with Zoning Ordinance, General Plan and Specific Plan. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and

1 standards of the General Plan and any applicable specific plan because \_\_(for  
2 discussion)\_\_\_.

3  
4 **NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planning  
5 and Zoning Commission makes all of the following FINDINGS:

6  
7 1. Necessity. The planned unit development demonstrates the  
8 advantages of modern, large-scale site planning to an extent that could not be  
9 achieved without the planned unit development procedure because \_\_(for  
10 discussion)\_\_\_;

11  
12 2. Exceptions Warranted. Any exceptions to the requirements of  
13 the applicable zoning district are warranted by an exceptional level or amenity  
14 or other benefits to the community, which could not be achieved without the  
15 exceptions because \_\_(for discussion)\_\_\_;

16  
17 3. Substantial Compliance. The degree and extent of any  
18 exceptions granted does not prevent the development from being in substantial  
19 compliance with the regulations of the applicable zoning district because  
20 \_\_(for discussion)\_\_\_;

21  
22 **NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planning  
23 and Zoning Commission approves the following PLANNED UNIT  
24 DEVELOPMENT STANDARDS:

25  
26 Modification #1: The requirements of Table 2.B. – Site Regulations by  
27 District: Nonresidential) are modified for Parcel B as follows:

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29 • Maximum Building Height: the maximum building height on Parcel B,  
30 within 55 feet of San Pablo Avenue, shall be 24 feet above grade to the

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highest point of the structure, subject to general exceptions and mechanical appurtenances described in Section 20.24.080.

- **Maximum Building Height:** the maximum building height on Parcel B, beginning from a setback line 55 feet from San Pablo Avenue westerly to the boundary of the San Pablo Commercial Zoning District, shall be 62 feet above grade to the highest point of the structure, subject to general exceptions and mechanical appurtenances described in Section 20.24.080.

Modification #2: The requirements of Section 20.24.090 (Usable open Space) are modified for Parcel B as follows:

- **Minimum Useable Open Space:** minimum of at least 140 square feet of common usable open space per unit.

Modification #3: The requirements of Planning and Zoning Code Section 20.24.110.F.2 and F.3 (Landscaping of Parking Facilities) are modified for Parcel A as follows:

- **No interior planting areas within the parking lot.**

Modification #4: The requirements of Planning and Zoning Code Section 20.24.110.F.2 and F.3 (Landscaping of Parking Facilities) are modified for Parcel A as follows:

- **Minimum one tree for eight parking spaces.**

Modification #5: The requirements of Planning and Zoning Code Section 20.28.030 (Parking Space Requirements) are modified for Parcel B as follows:

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- Allow one parking space per five hundred gross square feet of floor area for all types of restaurant, retail, professional office, and services.

Modification #6: The requirements of Planning and Zoning Code Section 20.28.030 (Parking Space Requirements) are modified for Parcel B as follows:

- Allow off-street non-residential parking for Parcel B to be met with parking spaces located on abutting Monroe Street.

Modification #7: The requirements of Planning and Zoning Code Section 20.28.060 (Off-Street Loading) are modified for Parcel A as follows:

- Allow 16 parking spaces to be utilized both as required parking spaces and as access to required loading berth (e.g., no parking during loading hours).

Modification #8: The requirements of Planning and Zoning Code Section 20.28.070 (Loading Space Requirements) are modified for Parcel B as follows:

- No off-street loading required for multi-tenant shopping center.

Modification #9: The requirements of Planning and Zoning Code Section 20.28.020.E. (Off-Street Parking: General Regulations) are modified for Parcel A as follows:

- Allow 16 required parking spaces to be inaccessible during specified business hours in order to allow truck access to required loading berth (e.g., no parking during loading hours).

1 Modification #10: The requirements of Planning and Zoning Code Section  
2 20.28.080.B.4 (Loading Area Standards) are modified for Parcel A as follows:

- 3
- 4 • Allow turning and maneuvering of vehicles to infringe on off-street  
5 parking spaces during specified hours of operation (e.g., no parking  
6 during loading hours).
- 7

8 Modification #11: The requirements of Planning and Zoning Code Section  
9 20.28.050.A.2 (Table 7) (Dimensions of Standard Parking Spaces) are  
10 modified for Parcel A, Parcel B, and Monroe Street as follows:

- 11
- 12 • Allow stall length of 18 feet for 90 degree angle parking
- 13 • Allow stall length of 18 feet for 60 degree angle parking
- 14 • Allow aisle width of 14 feet for 60 degree angle parking
- 15

16 **NOW THEREFORE, BE IT FURTHER RESOLVED**, that the Planning and  
17 Zoning Commission approves the following **CONDITIONS OF APPROVAL**  
18 associated with the Planned Unit Development approval:

- 19
- 20 1. Project Approval: except as may be modified by conditions herein, this PUD  
21 approval is for the Parcels shown and described on sheet A0.4 of plans  
22 prepared by Peter Waller (Pyatok Architects), date received April 4, 2011, as  
23 presented to the Planning and Zoning Commission on  tbd .
- 24
- 25 2. This PUD is granted for the project described in the Environmental Impact  
26 Report certified by the City Council on  tbd . Subsequent approvals  
27 relying on this PUD shall be in substantial compliance with the project  
28 described in this Environmental Impact Report.
- 29
- 30 3. This PUD is granted for the exceptions to standards of development  
31 specifically described in these findings and conditions of approval. Approval



1 of the PUD does not constitute an express or implied approval of other  
2 required actions, including but not limited to design review, conditional use  
3 permit, variances, subdivision, encroachment permits, stormwater  
4 management permits, grading permits, or building permits. The size and  
5 location of buildings and other on-site and off-site improvements may be  
6 required to be modified to comply with regulatory requirements that are part  
7 of subsequent applications.

- 8
- 9 4. The approval of this PUD does not constitute a development agreement as  
10 authorized by Government Code 65864 and does not represent a grant of a  
11 vested right to develop the proposed project. The City retains its authority to  
12 adopt policies rules, regulations, standards, and conditions of approval that  
13 may affect the proposed project until such time that the project approvals are  
14 vested by issuance and substantial reliance on a building permit.
- 15
- 16 5. Project Approval Expiration: This PUD approval shall expire one year from  
17 the date on which this approval becomes effective unless a building permit  
18 application has been submitted and diligently pursued. The approval may be  
19 extended by the Community Development Director for a period up to an  
20 additional two (2) years, provided that, at least ten (10) days before expiration  
21 of one (1) year from the date when the approval becomes effective, an  
22 application for renewal of the approval is filed with the Community  
23 Development Department. The Community Development Director may grant  
24 a renewal of an approval where there is no change in the original application,  
25 or there is no request to change any condition of approval.
- 26
- 27 6. Hold Harmless Agreement. Pursuant to Government Code Section 66474.9,  
28 the applicant (including any agent thereof) shall defend, indemnify, and hold  
29 harmless, the City of Albany and its agents, officers and employees, from any  
30 claim, action, or proceeding against the City or its agents, officers or  
31 employees to attack, set aside, void, or annul the City's approval concerning

1 this application, which action is brought within the time period provide for in  
2 Section 66499.37. The City will promptly notify the applicant of any such  
3 claim action or proceeding and cooperate fully in the defense.  
4

5 7. Exceptional Public Amenities: the owner and/or lessee shall submitted to the  
6 City all required plans and documentation required for implementation of the  
7 public amenities associated with the granting of this PUD. Required plans and  
8 documentation shall be reviewed and approved by the Planning and Zoning  
9 Commission and other relevant regulatory authorities prior to the issuance of  
10 any building permit or grading permit. Commission action on the required  
11 plans and documentation shall be subject to the Commission’s public hearing  
12 procedures established in Section 20.100 of the Planning and Zoning Code. .  
13 Required plans and documentation include:

- 14 a. “Complete Streets” design guidelines for development of Parcel A and  
15 Parcel B;
- 16 b. Design of Monroe Street bus stops, in a location that do not displace  
17 proposed on-street parking, in substantial compliance with AC Transit  
18 design guidelines;
- 19 c. A stream management plan for Village Creek;
- 20 d. Determination that the property owner and/or lessee of Parcel B is  
21 participating in good faith in the timely implementation of the  
22 approved Codornicies Creek Restoration project abutting the proposed  
23 project;
- 24 e. Determination that the property owner and/or lessee of Parcel A is  
25 participating in good faith in the timely implementation of the  
26 associated with improvements at the Buchanan/Marin/San Pablo  
27 intersection and Buchanan/Jackson intersection improvement projects.  
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29 8. Public Improvements Standards. Public improvements shall be designed and  
30 constructed in accordance with the City Engineer’s Standard Specifications  
31 and Standard Details, unless specifically waived in writing by the City

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Engineer. The granting of this PUD does not constitute approval by the City Engineer or an exception to the City Engineer’s Standard Specifications and Standard Details.

- 9. Appeals: The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

Preliminary Draft