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**ORDINANCE #2011-07**  
**AN ORDINANCE OF THE CITY OF ALBANY CITY COUNCIL**  
**APPROVING UNIVERSITY VILLAGE MIXED USE PROJECT**  
**ZONING MAP AMENDMENT**

WHEREAS, Planning and Zoning Code Section 20.100.070 (Amendments) prescribes procedures by which amendments may be made to Planning and Zoning Code, including changes to the text and changes to the boundaries of any zoning district.

WHEREAS, the City of Albany General Plan was adopted by the City Council on December 7, 1992; and

WHEREAS, the General Plan includes, as required by State law, a Land Use Element that designates the general location and extent of uses of land for housing, business, open space and other categories of use or public and private land, and provides standards of population density and building intensity for various locations; and

WHEREAS, Chapter 20 of the Albany Municipal Code, Planning and Zoning, also known as the Zoning Ordinance, was adopted its current form 2005 and has been amended from time-to-time through 2009; and

WHEREAS, Chapter 20 of the Albany Municipal Code, Planning and Zoning, also known as the Zoning Ordinance, is concurrently proposed to be amended to create a “University Village/San Pablo Avenue Overlay District”; and

WHEREAS, on October 31, 2007, the Regents of the University of California, owner of property affected by the proposed amendment, submitted an application to rezone the property currently designated “Medium Density Residential” (R-2) to “San Pablo Commercial” (SPC) zoning designation.

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WHEREAS, attached is a scaled drawing of the proposed change to the zoning map (Attachment 1).

WHEREAS, City of Albany General Plan polices related to the proposed rezoning includes the land use designation “Residential Commercial” (RC), which is described as “Medium residential densities at a maximum of 34 units per acres is allowed. Retail and office commercial development at a maximum FAR of 0.95 is allowed.” (pg. 31)

WHEREAS, the currently adopted City of Albany Housing Element states:

- “Although redevelopment of the San Pablo frontage could be exclusively for residential uses, the City would favor commercial/residential mixed use . . .” (pg. 65)
- “Encourage higher density residential development of under-utilized University of California property away from the San Pablo Buchanan frontage.” (pg. 70)

WHEREAS, the current draft Housing Element designates the subject site for a minimum of 138 units of housing.

WHEREAS, the residential density of the proposed project is 27.8 units per acre, which is based on 175 residential units proposed by the project, divided by gross project area of 6.3 acres.

WHEREAS, the commercial density of the proposed project is 0.31 FAR, which is based on 85,000 square feet of commercial area, divided by 274,300 gross area.

WHEREAS, the proposed rezoning from R-2 to SPC will allow commercial uses to a maximum FAR of 0.95, which are not presently allowed in an area with the R-2 zoning designation.

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WHEREAS, the proposed rezoning from R-2 to SPC will allow residential to a maximum density of 63 units per acre compared to the density of 35 units per acre allowed in the R-2 zoning district.

WHEREAS, the proposed rezoning to from R-2 to SPC will allow a maximum building height of 38 feet compared to a maximum building height of 35 feet allowed in the R-2 zoning district.

WHEREAS, impacts on public health, safety and general welfare have been evaluated by the Planning and Zoning Commission, including review of the Final Environmental Impact Report.

WHEREAS, the Albany Planning and Zoning Commission, on September 13, 2011 and September 27, 2011, after due public notice, held a public hearing on the proposed amendments to Chapter XX to add an additional Overlay District to the Code, and

WHEREAS, the Albany Planning and Zoning Commission, on September 27, 2011, approved a report to the City Council pursuant to Government Code section 65855 recommending approval of the proposed rezoning, and

WHEREAS, public hearings on the proposed project and Report to the City Council was held on October 17, 2011, January 17, 2012, and July 9, 2012 pursuant to California Government Code Section 65090 and 65091.

WHEREAS, on \_\_\_\_, the City Council approved resolution #\_\_ certifying the Final Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act

1 NOW THEREFORE, the Albany City Council does ordain and makes all of the  
2 following findings required for the proposed amendment to rezone the property  
3 currently designated “Medium Density Residential” (R-2) to “San Pablo  
4 Commercial” (SPC) zoning designation with the addition of the “University  
5 Village/San Pablo Avenue Overlay District” based on substantial evidence contained  
6 in the administrative record:

- 7
- 8 1. That the proposed amendment is consistent with the General Plan because the  
9 proposed uses and densities are consistent with the RC land use designation,  
10 as well as current and draft proposed Housing Element policies.  
11
- 12 2. The proposed amendment to the zoning map was reviewed consistent with the  
13 procedures contained in Planning and Zoning Code Section 20.100, and  
14 Government Code Sections 65853 *et seq.*, including numerous public hearings  
15 beginning November 13, 2007.  
16
- 17 3. That the adoption of the proposed amendment would not adversely affect the  
18 public health, safety and general welfare because the amendment will allow  
19 development, the size, intensity and location of the which, will be necessary  
20 and desirable for, and compatible with, the neighborhood and the community  
21 for reasons including, but not limited to, the following:
  - 22 a. The City Council finds that the programs and activities of the mixed  
23 use development at University Village provide numerous economic,  
24 social, environmental and other benefits to the City of Albany. The  
25 proposed amendment facilitates the University Village Mixed Use  
26 project and promotes development that fulfills the goals of the General  
27 Plan, including upgrading commercial development along San Pablo  
28 Avenue in order to expand the City’s economic base. It fulfills the  
29 General Plan goal that future redevelopment of the University of  
30 California lands is compatible with the City’s long-term land use  
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1 goals, including mixed use development along the San Pablo Avenue  
2 Commercial Corridor.

3 b. The proposed amendment and project is consistent with the Housing  
4 Element goal to expand housing opportunities for the elderly, disabled,  
5 and other persons with special housing needs. The amendment will  
6 allow for a project that proposes to provide 175 housing units, which  
7 would make progress towards Albany's Fair Share of Alameda's  
8 Regional Housing Needs Allocation as identified by ABAG for 2007-  
9 2014.

10 c. The nature of the proposed site to which the amendment is being  
11 applied, including its size and shape, and the proposed size, shape and  
12 arrangement of proposed structures for the project facilitated by the  
13 amendment is designed to complement existing creeks and improve  
14 the streetscape appearance of San Pablo Avenue. The accessibility  
15 and traffic patterns for persons and vehicles, the type and volume of  
16 such traffic, and the adequacy of proposed off-street parking and  
17 loading for the proposed project is organized around existing  
18 roadways. In addition, the project will be required to be constructed  
19 consistent with modern building codes which provide the safeguards  
20 afforded to prevent noxious or offensive emissions such as noise,  
21 glare, dust and odor. Further, the project proposes to use below grade  
22 parking where possible and complete street and green street design  
23 principles at grade circulation areas as well as treatment given, as  
24 appropriate, to such aspects as landscaping, screening, open spaces,  
25 parking and loading areas, service areas, lighting and signs.

26 d. While the University Village Mixed Use Project facilitated by the  
27 proposed amendment cannot fully resolve the transportation and  
28 circulation impacts of growth and development for the project area,  
29 with adoption of the mitigation measures outlined in the project EIR,  
30 these adverse impacts can be reduced. Furthermore, several of the  
31 intersections identified in the EIR as significantly impacted are not

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within the City of Albany’s jurisdiction. Implementation of the University Village Mixed Use Project, including the proposed amendment, in combination with the adoption of the mitigation measures outlined in the EIR, will contribute to the physical and economic revitalization of this site, which is currently vacant and underutilized land. Specifically, the University Village Mixed Use project will produce sales tax revenue that will benefit the City, will create employment opportunities for Albany residents, and will be an aesthetic improvement to the currently vacant site.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the City Council approved rezoning with the addition of the “University Village/San Pablo Avenue Overlay District.”

This ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 7 days from the passage thereof shall be published at least once in the West County Times, a newspaper of general circulation, published and circulated in the Counties of Contra Costa and Alameda and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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