



CITY OF ALBANY

MINUTES

SPECIAL MEETING OF THE ALBANY CITY COUNCIL COMMUNITY CENTER, 1249 MARIN AVENUE

MONDAY, JULY 9, 2012

7:30 p.m.

CALL TO ORDER

Mayor Javandel called the special meeting of the Albany City Council to order on the above date.

1. PLEDGE OF ALLEGIANCE

Mayor Javandel led the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel

Absent: None

Staff Present: Beth Pollard, City Manager; Todd Williams, Legal Counsel; Anne Hsu, Deputy City Clerk; Jeff Bond, Community Development Director.

3. PRESENTATION/PUBLIC HEARING/UNFINISHED BUSINESS

3-1. Ordinance No. 2012-05, amending Parkland Dedication Requirements for Senior Housing – First Reading.

Staff recommendation: Introduce Ordinance No. 2012-05, an ordinance of the Albany City Council amending Parkland Dedication Requirements for Senior Housing – First Reading.

Community Development Director Jeff Bond delivered the staff report. The proposed Ordinance adds an assisted living category that assumes 1.05 residents per unit, based on housing industry reference sources, equating to a dedication requirement of .00315 acres per unit. This will allow for the amount of parkland required to be dedicated, or fees paid in-lieu of dedication to be less than what is currently required. The Ordinance also amends the implementation language to

allow more flexibility in the form of agreement between the City and other public agencies or non profits in relation to open space commitments.

The public comment period for items 3-1 and 3-2 was combined - summarized under item 3-2.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to Introduce Ordinance No. 2012-05, an ordinance of the Albany City Council amending Parkland Dedication Requirements for Senior Housing – First Reading, waiving reading of entire ordinance.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel. ABSENT: None

NOES: None.

Motion carried and so ordered.

- 3-2.** 1030-1130 San Pablo Avenue (University Village Mixed Use Project). Planning Application #07-100. The applicant seeks approval to construct a new 55,000 sq. ft. grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe. Application includes approval of an Environmental Impact Report, Zoning Map Amendments, Subdivision Code Amendments, Planned Unit Development, Development Agreement, and Density Bonus.

Planning & Zoning Commission recommendation: Based on actions taken on September 27, 2011 and June 27, 2012, the Planning and Zoning Commission recommends that the City Council:

- a) Approve Resolution No. 2011-51 Certifying the Environmental Impact Report;
- b) Introduce Ordinance No. 2011-07, Rezoning the Property to San Pablo Commercial – First Reading;
- c) Introduce Ordinance No. 2011-06, adopting Overlay District – First Reading;
- d) Introduce Ordinance No. 2012-04, adopting a Development Agreement between the City of Albany and the University of California – First Reading;
- e) Approve Resolution No. 2011-52 adopting Planned Unit Development Standards and Conditions of Approval for the Proposed Project; and
- f) Approve Resolution No. 2012-45 approving Density Bonus Findings and Conditions of Approval.

Community Development Director Jeff Bond delivered the staff report. Bond provided an overview of required procedures for Council - pursuant to CEQA requirements, the initial

motion should be to certify the environmental impact report. If approved, the second motion should be the legislative policy decision to approve the ordinance rezoning the property. The next actions would be to consider approval of the ordinance to approve the Development Agreement. The remaining resolutions can be considered as a group if the draft forms of the resolutions are acceptable. If amendments to resolutions are desired, the record of action will be clearer if the actions can be taken individually.

The proposed project site consists of two lots totaling 6.3 acres and located to the northwest and southwest of the Monroe Street/San Pablo Avenue intersection. The applicant is seeking approvals to allow for construction of a grocery store of a size up to 55,000 square feet, and a mixed-use development which includes 30,000 square feet of retail space and 175 independent/assisted living senior housing units.

The application for the project was submitted in 2007. The proposed project has been reviewed by the City Council and various City Commissions/Committees on numerous occasions over the past five years, resulting in refinements to the project. On June 27, 2012, the City's Planning & Zoning Commission approved a recommendation that the City Council approve the proposed density bonus and development agreement.

Bond summarized the project review process and requested action including CEQA approval, rezoning, development agreement, planned unit development, density bonus, and parkland dedication.

Kevin Hufford, Project Planner from UC provided a presentation regarding the project, identifying changes to the project that had been made as a result of public meetings.

Public comment periods for items 3-1 and 3-2 were combined.

The following people spoke: Maureen Crawley, Kristen – Natural Grocery Company, Ed Fields, Jackie Hermes-Fletcher, Tina Klickman, Colleen O'Neal, David Krebs, Signe Madison, Clay Larson, Joanna Manqueros, Christophe Cantor, Matthew Dial, Daniel Orangestrom, Rita Wilson, Kelly – Occupy the Farm, Lisa Bernard, Judith Gibbs, Susie Spangenberg, Kirk Lumpkin, Ellen Toomey, Miriam Walden, BeBo Charmon, Members of the Albany Farm Alliance and Occupy the Farm; Mara Duncan, John Dalrymple, Deborah & Ari Halberstadt, Dave Price; Gary Class, Chris Treswilliams, Members of the Albany Little League, Ingrid Brostrum, Preston Jordan – Carbon Neutral Albany, Caryl O'Keefe, Rebecca Tarlow, Amy Smolens – Albany Strollers & Rollers, Chris Belvedere, Tod Abbott, Asa Dodsworth, Sherry Spellwoman, Jack Miller – President Albany Little League, Peggy McQuaid, Franchesco Papalia, Ulan McKnight, Pablo Valenzuela, Eric & Tarina Larsen, David Sanger, Allan Maris, Paul O'Curry, Effie Rawlings, Sally Summers.

A summary of comments is as follows:

Interest in alternative project with a smaller grocery store, request to obtain agreements in writing regarding the agro-ecological usage of the Gill Tract, interest in protecting the ancestral lands of the Ohlone Indians, concern regarding impacts and environmental issues such as air quality, noise, greenhouse gas emissions, radiation, creeks and habitat, concern that the FEIR includes outdated data and does not analyze all potential issues,

interest in holding UC accountable, interest in farm at the Gill Tract for the community at large, interest in and support for senior housing, general support for the project as a benefit to the community, Gill Tract discussion is a separate item from the proposed project and future usage of the Gill Tract has not undergone a public discussion process as of yet; Albany Little League and University have a collaborative relationship, request clarifying language to the mitigation measures to reduce ambiguity; interest in ensuring safe bicycle access for all types of bicyclists, request requirement regarding installation of solar panels, Albany residents and Village have a good relationship, interest in enhancing connectivity with UC Village to the larger community.

A summary of Council comments is as follows:

Interest in amending the development agreement to defer to the City's Ordinance regarding public art, and interest in requiring an easement for the Gill Tract property that codifies UC's master plan and preserves the Gill Tract as open space, expressed support for union workers, clarification regarding concerns with FEIR, mitigation language, zoning, height limits and density bonus, interest in continuing to work with UC regarding urban agriculture at the Gill Tract via the process that has been established with the Council subcommittee, expressed support for reduced parking, consider traffic on San Pablo Avenue a regional issue, clarified that senior housing counts towards the housing requirements for the City, interest in keeping UC as a partner, interest in adding clarifying language of the mitigation measures, general support for project as beneficial to the City.

Todd Williams, Legal Counsel, addressed EIR analysis regarding the project, and further response to concerns regarding the EIR was provided by David Clore, Managing Principal of LSA Associates responded to questions raised regarding EIR.

LSA Associates prepared the environmental review for the City. The response to comments portion of the EIR includes detail on all items of concern raised by the public. The proposed project does not include the Gill Tract, and only includes the property south of Village Creek. There is a section in the DEIR regarding air quality issues both during construction and long-term. Noise is also analyzed in the DEIR. The 2004 EIR is a programmatic document for the Master Plan of UC Village. The EIR for the UC Village project is project specific and addresses all site specific issues. The analysis for the EIR was conducted in 2008, prior to the City's Climate Action Plan and other guiding rules regarding climate change. The biology section of the EIR includes the requirement for pre-construction surveys to determine needs to protect any species on site, in addition there are specific mitigation measures to protect the streams.

Bond responded to questions raised by Council regarding rezoning, overlay, and height limits. The first 100 feet is zoned as San Pablo Avenue Commercial, beyond is zoned as R-2 which allows for senior housing but not at the same density as being proposed by the applicant. The overlay area provides for expression of policy and intent of the Council to require housing at the site. The Development Agreement sets a maximum height to 58 feet.

Todd Williams, Legal Counsel provided additional detail regarding the density bonus law. The project includes senior housing units in excess of 35 units, therefore the project qualifies for a density bonus of a waiver in development standards such as parking ratios.

Items a) – f) were acted upon as follows:

- a) Approve Resolution No. 2011-51 Certifying the Environmental Impact Report
Bond provided edits to the mitigation language, eliminating the language “to the extent feasible” on page 18 - mitigation measure GG-C-1; page 18 adding “to the extent feasible” regarding construction and building materials; adding the language “or alternative measures” following the language regarding installation of solar panels; adding consistency regarding transportation portion of the mitigation measure, clarifying that the mitigation measure is subject to Trans-12; and the addition of one finding on page 20 that the change in the mitigation measure does not require recirculation of the EIR.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen to Approve Resolution No. 2011 – 51 Certifying the Environmental Impact Report with the changes addressed by Staff.

AYES: Council Members Lieber, Thomsen, Wile, Mayor Javandel.

ABSENT: None

NOES: Vice Mayor Atkinson.

Motion carried and so ordered.

- b) Introduce Ordinance No. 2011-07, Rezoning the Property to San Pablo Commercial – First Reading;

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to Introduce Ordinance No. 2011-07, Rezoning the Property to San Pablo Commercial – First Reading, waiving reading of entire ordinance.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.

ABSENT: None

NOES: None.

Motion carried and so ordered.

- c) Introduce Ordinance No. 2011-06, adopting Overlay District – First Reading;

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to Introduce Ordinance No. 2011-06, adopting Overlay District – First Reading, with the change in language from “encouraging” to “requiring” residential development, waiving reading of entire ordinance.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None
NOES: None.
Motion carried and so ordered.

- d) Introduce Ordinance No. 2012-04, adopting a Development Agreement between the City of Albany and the University of California – First Reading;

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to amend the Development Agreement to require that the University Village Master Plan be binding ensuring the Gill Tract is preserved as open space for use as fields and farming.

Bond clarified that the Development Agreement has a termination date of approximately five years. Council Member Lieber clarified the motion requiring an easement at the Gill Tract to preserve the land as open space.

Kevin Hufford, Project Planner for UC was asked by Council to respond to the request for an easement. Hufford indicated the proposed change would be difficult to accept as the development agreement is for a six-acre project on San Pablo Avenue and not the Gill Tract. The action runs counter to the history of collaborative work between the City and UC.

AYES: Council Members Lieber, Vice Mayor Atkinson.
ABSENT: None
NOES: Council Member Thomsen, Mayor Javandel
ABSTAIN: Council Member Wile
Motion failed.

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to strike item 5-3 from the development agreement to defer to the City's existing public arts ordinance.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None
NOES: None.
Motion carried and so ordered.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to Introduce Ordinance No. 2012-04, adopting a Development Agreement between the City of Albany and the University of California – First Reading, waiving entire reading of ordinance.

AYES: Council Members Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None
NOES: Council Member Lieber.
Motion carried and so ordered.

- e) Approve Resolution No. 2011-52 adopting Planned Unit Development Standards and Conditions of Approval for the Proposed Project; and

MOTION:

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to Approve Resolution No. 2011-52 adopting Planned Unit Development Standards and Conditions of Approval for the Proposed Project.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None

NOES: None.

Motion carried and so ordered.

- f) Approve Resolution No. 2012-45 approving Density Bonus Findings and Conditions of Approval.

MOTION:

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to Approve Resolution No. 2012-45 approving Density Bonus Findings and Conditions of Approval.

AYES: Council Members Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None

NOES: Council Member Lieber.

Motion carried and so ordered.


4. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

Council Member Lieber reported that he will be participating in the next Council meeting via telephone from a northern mountain location.

5. ADJOURNMENT


1:40 a.m. There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.



Farid Javandel
Mayor

Attest:



Nicole Almaguer
City Clerk