



1 and that the quality of buildings associated with the University of California should  
2 be directly related to the frontage of San Pablo Ave.; and

3  
4 **WHEREAS**, in 2007 the Regents of the University of California, serving as  
5 the master developer for the site, submitted an application for a mixed use  
6 development on the San Pablo Avenue frontage of University Village property  
7 located at the northwest and southwest corner of the intersection of San Pablo Avenue  
8 and Monroe Street; and

9  
10 **WHEREAS**, on July 16, 2012, the City Council approved a series of policy-  
11 level actions associated with the University Village Mixed Use project including  
12 zoning map amendments, zoning text amendments, planned unit development,  
13 density bonus to accommodate a senior housing project, grocery store, and retail  
14 space; and

15  
16 **WHEREAS**, formal applications for tentative parcel maps and design review  
17 for 1075/1096 Monroe Street and 1100 San Pablo Avenue, and a tentative parcel map  
18 for 1080 Monroe Street (collectively, “the applications”) were filed by the applicants  
19 on August 14, 2013; and

20  
21 **WHEREAS**, the applications are for retail and senior housing uses in the San  
22 Pablo Commercial Zoning District/University Village San Pablo Avenue Overlay  
23 District; and

24  
25 **WHEREAS**, beginning in 2013, the Commission held a series of study  
26 sessions on the Planning, Zoning and Subdivision actions associated with the  
27 applications; and

28  
29 **WHEREAS**, the Planning & Zoning Commission held public hearings on  
30 May 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013, and

1 November 20, 2013 and December 11, 2013 to discuss the design, scope, and  
2 improvements set forth in the applications; and

3  
4 **WHEREAS**, a public hearing notice was mailed to property owners within  
5 300 ft. of the subject site and was posted in three public places on Friday November  
6 8, 2013 and November 27, 2013 for the Planning Commission hearing pursuant to  
7 Government Code Section 65090; and

8  
9 **WHEREAS**, on December 11, 2013 the Planning & Zoning Commission held  
10 a public hearing, considered all public comments received, the presentation by City  
11 staff, the staff report, and all other pertinent documents regarding the applications;  
12 and

13  
14 **WHEREAS**, the Planning & Zoning Commission reviewed and approved the  
15 applications at its December 11, 2013 hearing, including tentative maps and design  
16 review for 1075/1096 Monroe Street and 1100 San Pablo Avenue, and a tentative  
17 map for 1080 Monroe Street; and

18  
19 **WHEREAS**, an appeal of the Planning & Zoning Commission decision was  
20 filed with the City on December 19, 2013 by Albany Housing Advocates and Amber  
21 Whitson c/o Naomi Young; and

22  
23 **WHEREAS**, the appellant, Albany Housing Advocates and Amber Whitson  
24 c/o Naomi Young, identified one (1) issue as the basis for the appeal:

- 25  
26 1. City lacks a valid Housing Element and therefore cannot make  
27 consistency findings regarding the General Plan

28  
29 **WHEREAS**, City staff scheduled the appeal hearing for City Council on  
30 March 5, 2014 pursuant to Section 20.100.080 (E) (1); and

31

1           **WHEREAS**, a public hearing notice was mailed to property owners within  
2 300 ft. of the subject site and was posted in three public places on February 21, 2014  
3 for the City Council appeal pursuant to Government Code Section 65090; and  
4

5           **WHEREAS**, on March 5, 2013 the City Council held a public hearing,  
6 considered all public comments received, the presentation by City staff, the staff  
7 report, and all other pertinent documents regarding the proposed request; and  
8

9           **WHEREAS**, Planning and Zoning Code Section 20.100.080.F establishes the  
10 following standards for review of appeals:  
11

12           *When reviewing any decision of the Planning and Zoning Commission on*  
13 *appeal, the City Council shall use the same standards for decision making and*  
14 *is required to make findings in accordance with the Municipal Code. The*  
15 *Council may adopt the Planning and Zoning Commission's decision and*  
16 *findings as its own. In either case, the City Council shall have the option to*  
17 *prepare a resolution stating the council's decision or shall render its decision*  
18 *by minute action.*  
19

20           **WHEREAS**, Attachment A responds to the issue filed by the appellant and  
21 provides analyses and findings in response to the appeal.  
22

23 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of  
24 Albany denies the appeal based on the analyses and findings in Attachment A.  
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28 **PASSED AND ADOPTED** by the City Council of the City of Albany on the 5<sup>th</sup> day  
29 of March 2014.

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AYES: *Council members: Atkinson, Barnes, Maass,  
Vice Mayor Wile + Mayor Thomsen*

NOES: *none*

ABSENT: *none*

ABSTAIN: *none*

  
\_\_\_\_\_  
MAYOR THOMSEN

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

Nicole Almaguer  
Albany City Clerk

**ATTACHMENT A – Response to Albany Housing Advocates and Amber Whitson c/o Naomi Young (filed 12/19/13)**

The appellant has identified one (1) item as the basis for the appeal. A summary response and complete analysis follow.

1. **City lacks a valid Housing Element and therefore cannot make consistency findings regarding the General Plan** - The appellant states that because the City lacks a housing element that substantially complies with State law, its General Plan was invalid on December 11, 2013, and thus the Planning & Zoning Commission was precluded from making consistency findings in the absence of a valid General Plan.

***Summary***

The City Council adopted the Housing Element on March 3, 2014 for the 2007-2014 planning period. Therefore, the assertion that the City lacks a valid Housing Element will no longer be germane. **Revised findings to reflect the March 3, 2014 action are proposed.**

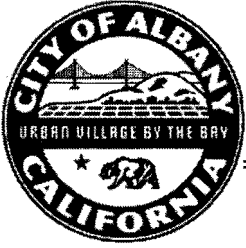
***Analysis***

The City initiated an update of its 2007-2014 Housing Element in 2007. A partial draft was completed and submitted to the State Department of Housing and Community Development (HCD) in July 2009. The State, in turn, provided technical assistance comments to the City on October 22, 2009. Revisions to the Element, including completion of policies and actions, were delayed in 2010-2012 due to staff reductions. In 2013, the City restarted work on the Element to pursue certification by the State. The Planning and Zoning Commission conducted five study sessions on the Housing Element in 2013 and 2014, including May 22, September 25, October 8, October 15, and January 22, 2014. In addition, a Town Hall style public meeting was held at City Hall on October 1, 2013 to discuss housing policy issues.

On October 25, 2013, the City of Albany submitted a draft of its Housing Element to HCD for review. Following a 60-day review period by the State, HCD provided feedback to the City in a letter dated December 26, 2013. City staff worked with HCD to respond to the issues raised in the letter, as well as other issues raised through public comments on the October draft and prepared a revised draft for public review.

The Planning and Zoning Commission reviewed the revised Draft Housing Element on January 22, 2014 and recommended adoption by the City Council. The City Council adopted the Housing Element on March 3, 2014, and thus the City can make findings that the project is consistent with the a valid Housing Element and General Plan.

The Housing Element includes the UC Village senior housing project in the site inventory as a site approved for market rate senior housing and thus appropriate for “Above Moderate Income” households. Thus, it is not included in the sites inventory for below market housing. Other sites in the Element allow the City to meet its fair share of the Regional Housing Needs Allocation for below market housing.



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

**RESOLUTION NO. 2014-21**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of March, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 6th  
day of March, 2014.

Eileen Harrington  
DEPUTY CITY CLERK