

1 **RESOLUTION NO. 2022-87**

2 **A RESOLUTION OF THE ALBANY CITY COUNCIL**
3 **TO ADOPT AMENDMENTS TO THE GENERAL PLAN AND AN ADDENDUM**
4 **TO THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT**

5
6 **WHEREAS**, the California Government Code Section 65300 et. seq. requires every city
7 and county in California to adopt a General Plan for its long-range development, and further, to
8 periodically update that Plan to reflect current conditions and issues; and

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10 **WHEREAS**, the Albany General Plan was adopted by the City Council on April, 18 2016,
11 Resolution No. 2016-24; and

12
13 **WHEREAS**, through various actions in recent years, the State Legislature has declared
14 that the availability of housing is of vital statewide importance and the governments have a
15 responsibility to use the powers vested in them to facilitate the improvement and development of
16 housing for all segments of the community; and

17
18 **WHEREAS**, Senate Bill 2 was part of a 15-bill housing package adopted in 2017 aimed
19 at addressing the state's housing shortage and high housing costs by making funding available to
20 all local governments in California for the preparation, adoption and implementation of plans that
21 streamline housing approvals and accelerate housing production; and

22
23 **WHEREAS**, on May 6, 2019, the City Council approved Resolution 2019-29 authorizing
24 staff to prepare an application to the State Department of Housing & Community Development for
25 Senate Bill 2 grant funds, directing that the grant application language to be broad enough to
26 include creation of a specific plan; and

27
28 **WHEREAS**, on September 3, 2019 the City Council reviewed the proposed scope of work
29 and provided direction to incorporate the preparation of General Plan amendments, Zoning Code

1 amendments, and objective design standards into the framework of preparing the San Pablo
2 Avenue Specific Plan; and

3
4 **WHEREAS**, the City retained Lexington Planning and Urban Field Studio to prepare the
5 Specific Plan; and

6
7 **WHEREAS**, the Specific Plan has an overarching goal to of addressing housing needs and
8 creating a walkable, transit-oriented, mixed-use urban boulevard within the Specific Plan Area;
9 and

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11 **WHEREAS**, the Specific Plan allows for greater residential development in a
12 commercial/mixed-use development type that will allow existing and future residents better
13 walking access to basic goods, services, dining and some employment options within the Specific
14 Plan Area; and

15
16 **WHEREAS**, the City has completed a 2.5-year process of collecting and analyzing data
17 about the Specific Plan Area, and preparing Specific Plan policies, implementing actions, and
18 maps looking ahead to the Year 2040; and

19
20 **WHEREAS**, the public has participated in this process through nine publicly noticed
21 Planning and Zoning Commission Study Sessions, one City Council study session, and a study
22 session of the Transportation Commission; and

23
24 **WHEREAS**, further opportunities for public input were provided through a project
25 website and extended virtual open house; and

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27 **WHEREAS**, the proposed Specific Plan reflects input from the Planning & Zoning
28 Commission, City Council, and community members who participated and incorporates current
29 priorities and a vision for the Specific Plan Area; and

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WHEREAS, the General Plan amendments associated with the San Pablo Avenue Specific Plan (the “Specific Plan”) apply within the 81 acres generally bound by Adams Street, Kains Avenue, and the City boundaries to the north and south (the “Specific Plan Area”); and

WHEREAS, the Specific Plan identified changes to the regulatory framework of policies and actions needed to incentivize residential mixed-use development in the Specific Plan area; and

WHEREAS, the City desires to make amendments to the General Plan to incorporate the policies and strategies identified in the Specific Plan; and

WHEREAS, the General Plan Amendments are attached as Exhibit A and incorporated herein by reference, and are also on file with the Community Development Department; and

WHEREAS, the Albany General Plan Environmental Impact Report, including Findings and a Mitigation Monitoring and Reporting Program was adopted by the City Council on April, 18 2016, Resolution No. 2016-23; and

WHEREAS, the California Environmental Quality Act (“CEQA”), in conjunction with the State CEQA Guidelines, requires that certain projects be reviewed for environmental impacts; and

WHEREAS, State CEQA Guidelines Section 15162 requires that when an EIR (Environmental Impact Report) has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the conditions described in CEQA Guidelines Section 15162 exists; and

1 **WHEREAS**, State CEQA Guidelines Section 15164(a) states that the lead agency shall
2 prepare an Addendum to a previously certified EIR if some changes are necessary but none of the
3 conditions described in CEQA Guidelines Section 15162, calling for the preparation of a
4 subsequent EIR, have occurred; and

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6 **WHEREAS**, the City retained Lexington Planning, W-Trans, and Rincon Consultants to
7 study the potential environmental impacts caused by the Project; and

8
9 **WHEREAS**, in accordance with CEQA, the City prepared an Addendum to the General
10 Plan EIR to analyze the environmental effects of the Project to determine if additional
11 environmental review was required; and

12
13 **WHEREAS**, following an analysis of the proposed changes to land use policies and
14 regulations, no new significant environmental impacts have been identified, no substantial
15 increases in the severity of previously identified impacts were discovered, and the Project remains
16 subject to all previously adopted mitigation measures, as applicable; and

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18 **WHEREAS**, the Addendum to the EIR is dated July 2022 and is attached as Exhibit B and
19 incorporated herein by reference, and is also on file with the Community Development
20 Department; and

21
22 **WHEREAS**, the Albany Planning and Zoning Commission conducted a public hearing to
23 consider the General Plan Amendments and Addendum to General Plan EIR on June 22, 2022;
24 and

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26
27 **WHEREAS**, the Albany Planning and Zoning Commission adopted Resolution 2022-03
28 recommending that the City Council adopt General Plan Amendments and an Addendum to
29 General Plan EIR; and

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2 **WHEREAS**, the City published a public hearing notice in three public places and mailed
3 notices on July 8, 2022 as required for a public hearing before the City Council; and
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5 **WHEREAS**, the City Council held a public hearing on July 18, 2022 to consider the
6 General Plan Amendments and Addendum to General Plan EIR.
7

8 **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby:
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10 Section 1. The Albany City Council does hereby make the necessary findings for the
11 General Plan Amendments:
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- 13 1. *Reasons for Amendments.* As described in the Specific Plan, a General Plan Amendment
14 is required to amend the General Plan land use map, change land use designation on certain
15 properties, revising development standards in land use policies, and indicating that the land
16 within the Specific Plan boundary is governed by the Specific Plan.
17
- 18 2. *Findings Supporting the Amendments.* The General Plan amendments revise development
19 standards to enable residential mixed-use development and pedestrian- and transit-oriented
20 corridor envisioned General Plan. The Specific Plan allows for a range of housing types
21 and densities, creates a transition between higher density buildings along the San Pablo
22 Avenue corridor and lower density neighborhoods to east and west. Design guidelines and
23 standards aim to provide more consistency in the character of the district and façade design
24 of existing and future buildings. The land use plan also expands options for affordable
25 housing and commercial retail. The Specific Plan identifies financing mechanisms,
26 infrastructure needs, and implementation programs to bring private and public projects to
27 fruition. The Specific Plan also supports public spaces and plazas that support gathering in
28 nodes and contribute to the identity of the neighborhood. In these ways, the Specific Plan
29 is consistent with the General Plan, including the following General Plan policies:

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- Policy LU-1.1: New Housing Opportunities. Create opportunities to meet the housing needs of current and future Albany residents by zoning land for a variety of housing types, particularly on underutilized commercial properties. To the extent possible, new development throughout the city should be leveraged to create onsite and off-site opportunities for housing serving very low-, low-, and moderate-income households.
- Policy LU-1.3: Business Districts. Maintain and enhance San Pablo and Solano Avenues as Albany’s principal commercial streets. Encourage a vibrant mix of ground floor retail and service uses that meet the needs of Albany residents, enhance the local tax base, provide job opportunities, and provide a safe, walkable environment.
- Policy LU-1.8: Transit-Oriented Development. Encourage land use patterns that support transit use, including additional mixed-use (commercial and higher-density residential) development along the San Pablo and Solano Avenue corridors.
- Policy LU-1.9: Income Diversity. Recognize economic and income diversity as one of Albany’s greatest strengths. Ensure that future land use decisions contribute to this diversity by creating housing and employment opportunities for persons of all incomes and backgrounds.
- Policy LU-2.2: Mixed Density Areas. In areas designated for high and medium density residential uses, ensure that new development is designed to minimize sharp contrasts in height, prevent the loss of sunlight and privacy for adjacent homes, and provide buffering and screening from nearby lower density uses.
- Policy LU-2.3: Design Guidelines. Maintain residential design guidelines and design review procedures that promote the compatibility of residential alterations and additions with existing homes and that strive to reduce impacts on neighboring

1 properties. The guidelines should be used to encourage high-quality, visually
2 distinctive architecture, and the use of durable, attractive construction materials.

- 3
4 • Policy LU-2.8: Kains Avenue and Adams Street. Maintain Kains Avenue and Adams
5 Street as predominantly residential streets. Land use regulations should limit the
6 encroachment of commercial uses onto parcels that are currently developed with
7 housing. Residential uses along these streets and in adjacent areas should be protected
8 from the potential adverse impacts of commercial uses through special setback
9 requirements. The use of these two streets for primary access to non-residential uses
10 shall be discouraged or prohibited as appropriate.
- 11
12 • Policy LU-3.1: Mixed-Use Development. Encourage mixed-use development
13 combining residential uses above ground floor commercial uses along the San Pablo
14 and Solano Avenue corridors. The City’s zoning regulations should continue to provide
15 floor area ratio (FAR) incentives for projects that include multi-family residential uses
16 on the upper stories. State density bonus provisions for affordable housing may be used
17 to allow floor area bonuses above and beyond those provided by the City of Albany,
18 up to a maximum FAR of 3.0 for parcels on San Pablo Avenue and 2.0 for parcels on
19 Solano Avenue. [NOTE: Amended per Exhibit A]
- 20
21 • Policy LU-3.2: San Pablo Avenue. Continue to foster the transformation of San Pablo
22 Avenue from an auto- oriented commercial strip to a pedestrian- and transit-oriented
23 retail boulevard. San Pablo Avenue should be a source of community pride, with
24 distinctive buildings, an attractive streetscape, and a diverse mix of uses.
- 25
26 • Policy LU-3.3: Solano Avenue. Enhance the pattern of tightly clustered retail
27 storefronts, active ground floor uses, and specialty shopping, dining, and personal
28 services along the Solano Avenue corridor. Any future infill development on Solano
29 Avenue should maintain and enhance this pattern.

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- Policy LU-3.4: Solano/San Pablo. Enhance the intersection of Solano and San Pablo Avenues as the “center” of Albany and a major activity node. Land use regulations and design guidelines should reinforce the identity of this area as a hub of pedestrian traffic, distinctive architecture, and active ground floor uses.
- Policy LU-3.8: Buffering. Require buffering of residential uses, particularly along Kains Avenue, Adams Street, and the perpendicular side streets that intersect Solano Avenue, from the potentially adverse impacts created by nearby commercial activities. This should include special setback and daylight plane regulations to be applied where commercial zones abut lower density zones. It may also include special use, design, and noise standards. [NOTE: Amended per Exhibit A]
- Policy LU-3.12: Lot Consolidation. Support the consolidation of underutilized parcels on the Solano and San Pablo corridors to create sites that are more viable for future mixed-use development, including on-site parking. Development on larger sites should be designed to respect the fine-grained character of nearby properties, and should be articulated into multiple smaller storefronts rather than long, unbroken facades.
- Policy LU-3.15: Northern Gateway. Ensure that any future development on the Albany Bowl site, and surrounding sites along San Pablo Avenue north of Clay Street, reflects the importance of this area and its function as a northern gateway to the City.
- Action LU-3.B: Major Activity Nodes. Develop land use and design regulations that reinforce key areas along San Pablo and Solano Avenues as major activity nodes, particularly around the intersection of these two streets.
- Subsequent planning studies should identify the desired character, activities, and development standards at the San Pablo-Solano node, the Northern Gateway node, and

1 other nodes that may be identified in the future. The purpose of a node is to intensify
2 pedestrian-oriented retail, commercial and mixed-use activities at key locations. The
3 City will work with property owners and neighbors in these areas to explore incentives,
4 facilitate lot consolidation, and create more viable development opportunities.

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- 6 • Action LU-3.D: San Pablo Avenue Design Guidelines. Update the San Pablo Avenue
7 Design Guidelines. In addition to providing direction on building scale, commercial
8 facades, landscaping, and public improvements, the guidelines should consider the
9 segmentation of the corridor into “districts” which are different in their function and
10 character. If such districts are identified, zoning code amendments should be
11 considered to reinforce the desired character.

- 12
- 13 3. *Relationship of the Amendment to Applicable Plan.* The amendment of the General Plan
14 text and land use map are necessary to implement the goals of the Specific Plan and the
15 policies of General Plan.

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17 Section 2. The Albany City Council hereby makes the following necessary findings and
18 determinations regarding the Project, based on the following findings and considering the staff
19 report, the Addendum and the whole of the record related to the Project:

- 20
- 21 1. Pursuant to CEQA and the CEQA Guidelines, the City Council finds, on the basis of
22 substantial evidence set forth in the record, including but not limited to, the General EIR,
23 the Addendum, and all related information presented to the City Council, that the
24 environmental effects of the proposed Project were sufficiently analyzed and that an
25 Addendum to the EIR is the appropriate environmental document for the Project.
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- 27 2. The City Council further finds that none of the circumstances described in the CEQA
28 Guidelines requiring preparation of a subsequent or supplemental EIR exist, as described
29 in Exhibit B.

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3. Having considered the Addendum, the administrative record, the EIR and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the Project were addressed within the EIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the EIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the Council.

BE IT FURTHER RESOLVED, that the Albany City Council adopts the proposed Amendments to the Albany General Plan (Exhibit A) and Addendum to the General Plan EIR (Exhibit B).


PRESTON JORDAN, MAYOR



City of Albany

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RESOLUTION NO. 2022-87

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

The 18th day of July, 2022, by the following votes:

AYES: Council Members Gary, McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

19th day of July, 2022.

Anne Hsu
CITY CLERK