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**NOTICE OF PUBLIC HEARING  
BY PLANNING AND ZONING COMMISSION**  
and  
**NOTICE OF INTENT TO ADOPT A  
NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE**  
Date of Notice: May 7, 2004

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**GENERAL PLAN AMENDMENTS AND  
ZONING ORDINANCE REVISION**

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FOR MORE INFORMATION , VISIT THE CITY WEBSITE:  
[www.albanyca.org](http://www.albanyca.org)

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**PUBLIC HEARING:**

The Albany Planning and Zoning Commission will hold a public hearing on a comprehensive revision of the Albany Zoning Ordinance and related amendments to the Albany General Plan. Following the public hearing the Commission will consider recommendations to the Albany City Council for action on the General Plan and Zoning changes.

**DATE AND TIME OF PUBLIC HEARING:** June 8, 2004, 7:30 P.M.  
**PLACE OF PUBLIC HEARING:** City Council Chamber, Albany City Hall  
1000 San Pablo Avenue, Albany

The scope of the proposed General Plan Amendments and Zoning Ordinance Revision is summarized in the "Project Description", below, in the section of this notice that deals with the Proposed Negative Declaration. Some properties are proposed to be subject to changes of Zoning District classification and/or General Plan land use category. Those changes are indicated in maps which are attached to this notice.

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**PROPOSED NEGATIVE DECLARATION:**

In compliance with the California Environmental Quality Act (CEQA), The City of Albany, has prepared an Initial Study to determine if the General Plan Amendments and Zoning Ordinance Revision may have a significant effect on the environment. Based on that study the City, acting as Lead Agency under CEQA, has prepared a Draft Negative Declaration.

**PUBLIC REVIEW PERIOD FOR THE DRAFT NEGATIVE DECLARATION:**  
Begins **May 10, 2004**  
Ends **June 8, 2004**, at 4:00 PM.

**Availability of Documents:** The Draft Negative Declaration, the supporting Initial Study and the draft text of the Proposed Zoning Ordinance Revision are available for review at:

- Community Development Department, 1000 San Pablo Avenue, during regular business hours:  
8:30 AM - 7:00 PM, Monday;  
8:30 AM - 5:00 PM Tuesday-Thursday;  
8:30 AM - 12:30 PM Friday.
- Albany Library, 1247 Marin Avenue (phone 526-3720 for hours.)

**Written comments may be addressed to:**  
Community Development Department, 1000 San Pablo Avenue, Albany CA 94610.  
E-mail address: [Cityhall@albanyca.org](mailto:Cityhall@albanyca.org).

**[For more information on the proposed Negative Declaration, see the following pages.]**

**Project name: General Plan Amendments and Zoning Ordinance Revision**

**Project sponsor:** City of Albany

**Location:** Entire City of Albany

**Project description:** The "Project" consists of certain amendments to the Land Use Element of the Albany General Plan, and a comprehensive revision of the Albany Zoning Ordinance.

History of the Project: The General Plan was adopted in 1992. The Zoning Ordinance was adopted in 1978 and various sections have been amended from time to time. Proposed revisions to the Zoning Ordinance, along with related revisions to the General Plan, were recommended in August 2003 by the Zoning Code Revision Committee (ZCRC). A Notice of Intent to Adopt a Negative Declaration on the ZCRC recommendations was circulated for public comment during a 30-day period beginning October 1, 2003. Subsequently, the review period was extended to December 31, 2003. In December 2003, the public review was put in suspense, with public notice, pending a re-assessment by the Planning and Zoning Commission (P&Z) of certain aspects of the Project. The Project described below incorporates modifications proposed by the P&Z Commission.

**A. General Plan:** The General Plan amendments are principally concerned with the implementation of City policies that favor mixed commercial/residential development, generally along major commercial streets and particularly at major intersections. In 1997 the City approved the "San Pablo Avenue Vision Plan". The Vision Plan, as compared to the General Plan, more specifically emphasizes the development of mixed-use, multistory buildings.

The following General Plan amendments are proposed:

1. Permit commercial, residential, or mixed use in areas designated by the General Plan as "General Commercial".
2. Amend the Land Use Plan Map to designate additional portions of Kains Avenue and Adams Street as "Residential High Density", consistent with General Plan text calling for land use designations based on the predominant existing land use:
  - Kains Avenue, west side: 800 block and portion of 700 block
  - Adams Street, east side: 800 block, portions of 900 block
3. Amend the Land Use Plan Map to designate the west frontage of San Pablo Avenue between Marin Avenue and the south city limit side as General Commercial.
4. Amend the Land Use Plan Map to remove the Planned Residential Commercial designation in the 1100 blocks of Kains and San Pablo Avenues.
5. Establish new floor/area ratio (FAR) standards for high-density residential and mixed-use development in commercial areas, including potential bonus increases through an incentive system.
6. Establish the concept of "Commercial Nodes", for the purposes of intensifying pedestrian-oriented retail and mixed-use activities around certain major intersections.
7. Delete language that permits an increase over the maximum allowed Commercial floor area ratio (FAR) based on a traffic analysis.
8. Add a "Residential Towers" residential use category, for the purpose of accommodating a prior existing residential development, "Gateview", 555 Pierce Street, which exceeds the maximum density allowed by the General Plan.

**B. Zoning Ordinance:** A comprehensive revision of the Zoning Ordinance was initiated by the Albany City Council in 1997. Between February 1999 and November 2002 an appointed Zoning Code Revision Committee (ZCRC) reviewed the existing Zoning Ordinance, a draft revised zoning ordinance, and other relevant documents including the San Pablo Avenue Vision Plan, in the preparation of recommendations for revisions to the existing ordinance. Both the Planning and Zoning Commission and the

City Council undertook preliminary reviews of the ZCRC draft during the period of December 2002 and July 2003. The proposed revisions affect all parts of the existing Zoning Ordinance, except ancillary sections on signs and tree removal. All material is set in a new format, which includes a table of contents and a new system of numbering sections and subsections within Chapter 20 of the Municipal Code. The language of the existing Zoning Ordinance is proposed to be retained in many instances. The Planning and Zoning Commission proposed changes to the draft revisions during early 2004.

Substantive new material is proposed in connection with mixed-use development, floor/area ratios (FAR), affordable housing, performance standards (e.g., standards for odors, glare, property maintenance), temporary uses, and wireless communications facilities. Substantial revisions are proposed in the provisions for off-street parking, secondary residential units, nonconformance, and permitting procedures.

No changes are proposed in the existing maximum residential densities. Building height limits are proposed to be reduced in commercial and multi-family districts in the San Pablo Avenue corridor. Proposed commercial floor/area ratios are consistent with the General Plan. Changes to the Zoning Map are limited to those that would implement the existing General Plan or the General Plan amendments that are included in this Project.

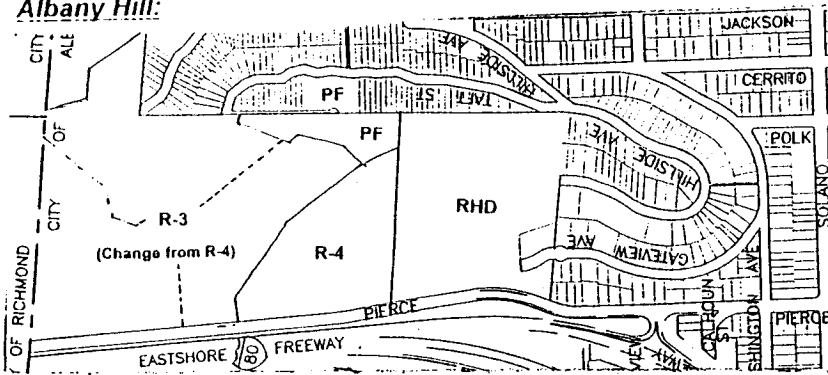
Two future map changes are included for discussion at this time but will be acted upon at a later date:

- Change of east side of Kains Avenue and west side of Adams Street from R-3, High Density Residential, to R-2, Medium Density Residential.
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These two changes involve a reduction in maximum residential density. Under State law, the City must, prior to considering reduction of the density of any multi-family property, amend the ordinance controlling non-conforming uses to allow rebuilding any multi-family building that is destroyed by fire or other catastrophe. Such an amendment is part of the general ordinance revisions currently proposed. Notice will be provided when a public hearing is scheduled for formal consideration of these rezonings.

# CITY OF ALBANY: PROPOSED ZONING MAP CHANGES, MAY, 2004

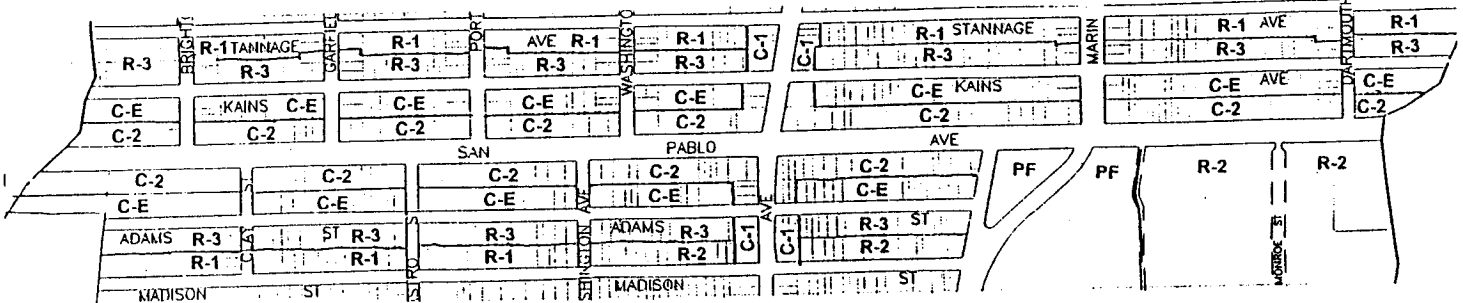
## Albany Hill:



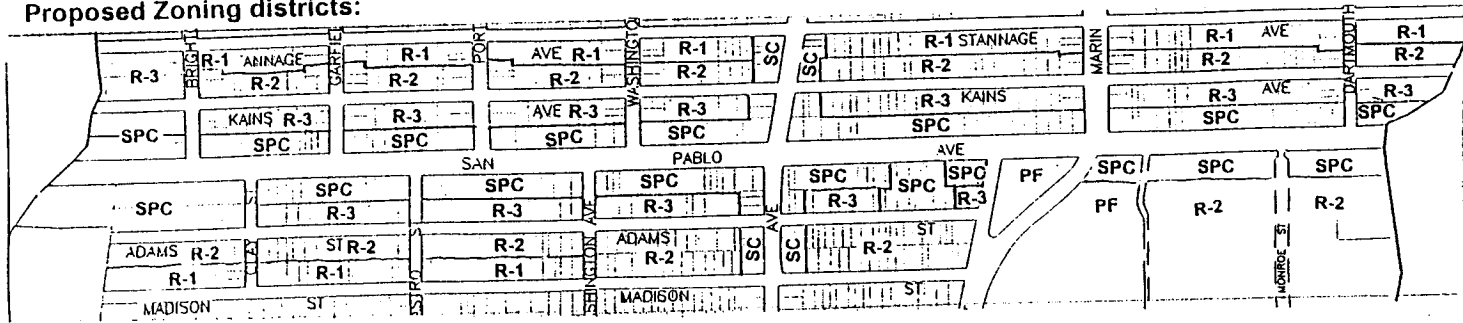
## ZONING DISTRICT SYMBOLS used on this map:

- R-1 = Residential Single Family
- R-2 = Residential Medium Density
- R-3 = Residential High Density
- C-1 = General commercial
- C-2 = Highway Commercial
- C-E = Commercial Expansion
- SC = Solano Commercial
- SPC = San Pablo Commercial
- :CN = Commercial Node Overlay
- :CE = Commercial Expansion Overlay
- :RCT = Residential-Commercial Transition Overlay
- :PRC = Planned Residential / Commercial Overlay

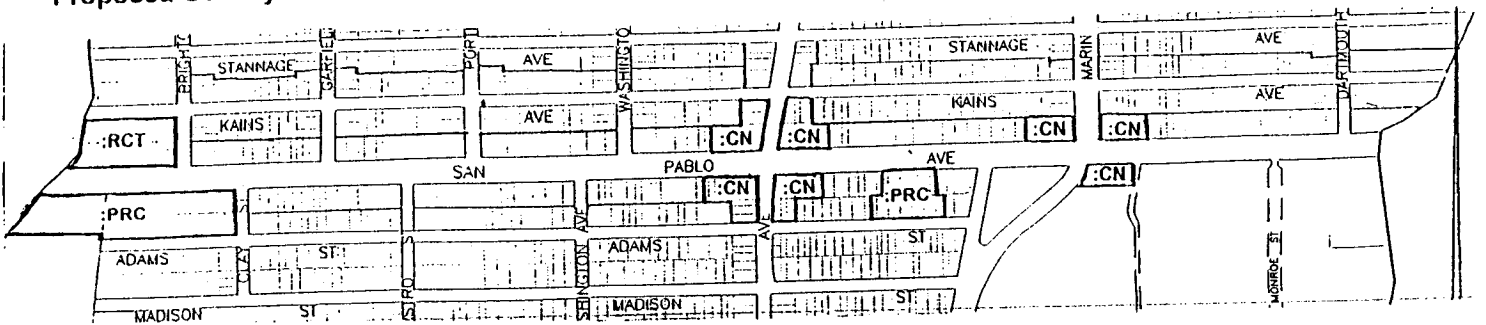
## San Pablo Avenue Corridor: Existing Zoning Districts:



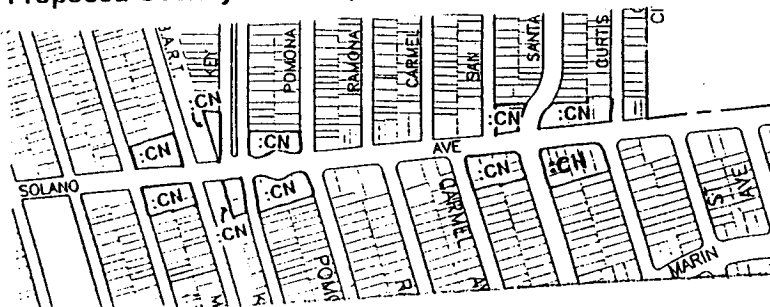
## Proposed Zoning districts:



## Proposed Overlay Districts, to be superimposed on proposed base districts:



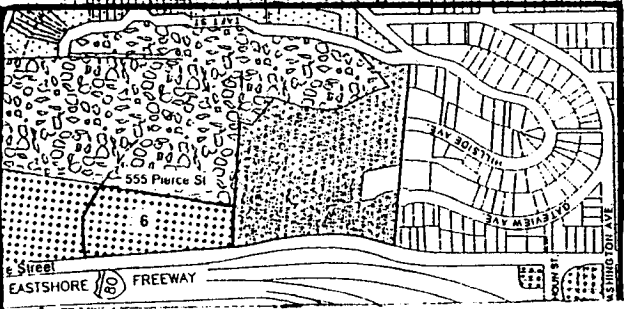
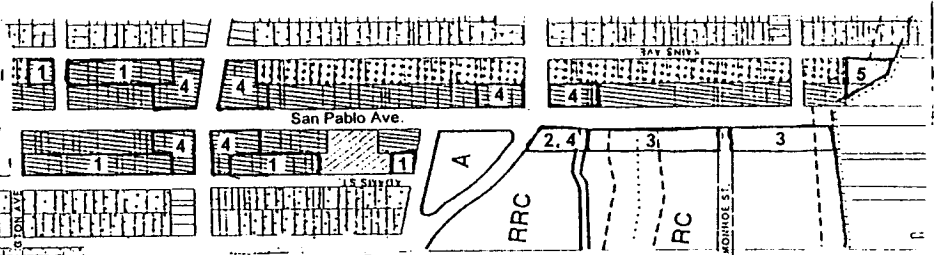
## Proposed Overlay Districts, Solano Avenue:



# CITY OF ALBANY: PROPOSED CHANGES TO GENERAL PLAN LAND USE MAP, MAY, 2004

**General Plan Land Use Map Amendments.**

1. Change from General Commercial to Residential High Density
2. Change from Residential/Recreational/Commercial to General Commercial
3. Change from Residential/Commercial to General Commercial
4. Add Commercial Node Overlay to General Commercial
5. Change from Planned Residential/Commercial to Residential High Density (Kains) and General Commercial (San Pablo)
6. Change from Residential High Density to Residential Towers



LAND USE DESIGNATIONS		
<b>RESIDENTIAL</b>	<b>COMMERCIAL</b>	<b>INSTITUTIONAL</b>
[Symbol] Low Density (1-17, Av. 12 du/acre)	[Symbol] General (FAR: 0.95)	[Symbol] Public/Quasi Public
[Symbol] Medium Density (18-34, Av. 27 du/acre)	[Symbol] Community (FAR: 1.25)	[Symbol] Research
[Symbol] High Density (35-63, Av. 39 du/acre)	[Symbol] Planned Residential/Commercial (63 dwelling units/acre, FAR: 1.5)	[Symbol] RRC Residential/Recreational/Commercial (18-34, Av. 27 du/acre, Far 0.95)
[Symbol] Planned Development (6 du/acre)	[Symbol] Commercial Recreation (FAR: 0.5)	[Symbol] RC Residential/Commercial
[Symbol] Planned Development (9 du/acre)	<b>INDUSTRIAL</b>	[Symbol] RR Residential/Recreational
<b>OPEN SPACE</b>	[Symbol] Commercial/Service/Light Industrial (FAR 0.5)	[Symbol] A City Property
[Symbol] Park and Recreation		[Symbol] C Churches
[Symbol] Creek Conservation Zone		

**CITY OF ALBANY COMMUNITY DEVELOPMENT DEPARTMENT**  
1000 SAN PABLO AVENUE, ALBANY CA 94706  
(510) 528-5760

**DRAFT MITIGATED NEGATIVE DECLARATION**

The following proposed project has been reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA) for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

**NAME OF PROJECT:** General Plan Amendments and Zoning Ordinance Revision

**DESCRIPTION OF PROJECT:** The "Project" consists of certain amendments to the Land Use Element of the Albany General Plan, and a comprehensive revision of the Albany Zoning Ordinance. The General Plan was adopted in 1992. The Zoning Ordinance was adopted in 1978 and various sections have been amended from time to time.

History of the Project: Proposed revisions to the Zoning Ordinance, along with related revisions to the General Plan, were recommended in August 2003 by the Zoning Code Revision Committee (ZCRC). A Notice of Intent to Adopt a Negative Declaration on the ZCRC recommendations was circulated for public comment during a 30-day period beginning October 1, 2003. Subsequently, the review period was extended to December 31, 2003. In December 2003, the public review was put in suspense, with public notice, pending a re-assessment by the Planning and Zoning Commission (P&Z) of certain aspects of the Project. The Project described below incorporates modifications proposed by the P&Z Commission.

**A. General Plan:** The General Plan amendments are principally concerned with the implementation of City policies that favor mixed commercial/residential development, generally along major commercial streets and particularly at major intersections. In 1997 the City approved the "San Pablo Avenue Vision Plan". The Vision Plan, as compared to the General Plan, more specifically emphasizes the development of mixed-use, multistory buildings. The following General Plan amendments are proposed:

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**B. Zoning Ordinance:** A comprehensive revision of the Zoning Ordinance was initiated by the Albany City Council in 1997. Between February 1999 and November 2002 an appointed Zoning Code Revision Committee (ZCRC) reviewed

the existing Zoning Ordinance, a draft revised zoning ordinance, and other relevant documents including the San Pablo Avenue Vision Plan, in the preparation of recommendations for revisions to the existing ordinance. Both the Planning and Zoning Commission and the City Council undertook preliminary reviews of the ZCRC draft during the period of December 2002 and July 2003. The proposed revisions affect all parts of the existing Zoning Ordinance, except ancillary sections on signs and tree removal. All material is set in a new format, which includes a table of contents and a new system of numbering sections and subsections within Chapter 20 of the Municipal Code. The language of the existing Zoning Ordinance is proposed to be retained in many instances. The Planning and Zoning Commission proposed changes to the draft revisions during early 2004.

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Two future map changes are included for discussion at this time but will be acted upon at a later date:

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These two changes involve a reduction in maximum residential density. Under State law, the City must, prior to considering reduction of the density of any multi-family property, amend the ordinance controlling non-conforming uses to allow rebuilding any multi-family building that is destroyed by fire or other catastrophe. Such an amendment is part of the general ordinance revisions currently proposed. Notice will be provided when a public hearing is scheduled for formal consideration of these re-zonings.

**LOCATION OF PROJECT:** Entire area of the City of Albany in Alameda County, bounded by the Cities of Richmond, El Cerrito, Berkeley, an unincorporated portion of Contra Costa County, and San Francisco Bay.

**COUNTY ASSESSOR PARCEL NO.:** Generally affects all parcels within City limits.

**NAME OF APPLICANT:** City of Albany

**MAILING ADDRESS OF APPLICANT:** 1000 San Pablo Avenue, Albany CA 94706, Attention: Ann Chaney, Community Development Director, (510) 528-5760, FAX (510) 524-9359, e-mail: [Cityhall@albanyca.org](mailto:Cityhall@albanyca.org)

**TYPE OF ENTITLEMENT SOUGHT:** Planning and Zoning Commission recommendation and City Council adoption of amendments to General Plan and Zoning Ordinance.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:**

**B-1.** Where any site development of the Gill Tract grove falls within City authority for environmental review and/or design review, and construction work will affect the grove during a period of September-March, the City will require pre-construction surveys by a qualified biologist to determine if Monarch butterflies are utilizing any trees as a winter colony. If evidence of any colony is found, construction in the vicinity of such trees shall be avoided and removal of trees around the colony shall be avoided or postponed until after butterflies have departed. Extent and details of any buffer zones shall be determined by the biologist.

**L-1.** Proposed Zoning Subsection 20.24.040. establishes overlay zones with standards for development of commercial frontage along Kains Avenue and Adams Street. Proposed standards include control of commercial access, setbacks and height to match adjacent residential zoning, landscaping and screening of parking areas, consistent with General Plan Policy LU 3.2.

**L-2.** Proposed Zoning Subsection 20.24.170 adds an angled "daylight plane" to the basic setback requirement where commercial use abuts residential use, to require greater setback for upper portions of taller buildings. A similar requirement also applies to locations where a residential zone is across a street from commercial use, with a 15' front setback plus daylight plane.

L-3. Proposed Zoning Subsection 20.100.050, Design Review, provides design standards to address compatibility with surroundings, and requires a finding that a development project is in conformance with the City-adopted San Pablo Avenue Design Guidelines, which specify building setbacks and landscaping and setbacks for parking lots.

L-4. Proposed Zoning Subsection 20.24.020.B, note 7, establishes a maximum building setback of four feet, requiring buildings to be set at or near the edge of San Pablo Avenue rather than toward the rear of the site adjacent to residential uses.

L-5. Proposed Zoning Subsection 20.24.090.C establishes limits on maximum increases in FAR, lists development features that would qualify for bonus incentives, and sets a point system for qualifying features.

L-6. Proposed Zoning Subsection 20.24.040.D requires findings regarding compliance with stated standards and the appropriateness of an FAR bonus to the particular circumstances of the project.

**EXPLANATION OF REASONS FOR THE FINDING:** A finding is made that this project will not have a significant effect on the environment, provided the mitigation measures stipulated in this declaration are incorporated into the project. The Initial Study has not revealed any potentially significant impacts for which there are no available mitigation measures. The project establishes standards for development that would be administered by the Community Development Director and the Planning and Zoning Commission, with potential appeal to the City Council.

Any comments as to whether the draft negative declaration should become final or whether an EIR should be prepared for the project must be submitted within 30 days of the posting of this draft negative declaration.

Draft Negative Declaration Posted within the City of Albany on May 10, 2004

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Statement of Negative Declaration was reviewed and finally adopted on \_\_\_\_\_.

By approving Agency: \_\_\_\_\_

Signed \_\_\_\_\_

Notice of Determination to be sent to:

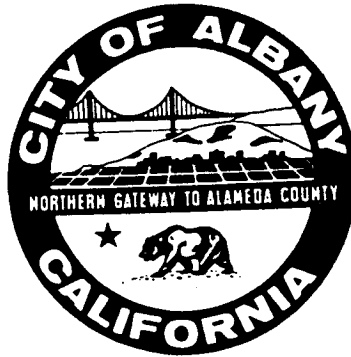
- |                                     |   |                                     |                      |
|-------------------------------------|---|-------------------------------------|----------------------|
| <input checked="" type="checkbox"/> | Posting of Notice                       | <input checked="" type="checkbox"/> | County Clerk         |
| <input type="checkbox"/>            | Mailed to owners of contiguous property | <input checked="" type="checkbox"/> | State Clearing House |
| <input type="checkbox"/>            | Publish notice                          |                                     |                      |

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**IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:**

Ann Chaney	Community Development Director	(510) 528-5760
NAME	TITLE	PHONE NUMBER





**CITY OF ALBANY  
COMMUNITY DEVELOPMENT DEPARTMENT**  
1000 San Pablo Avenue, Albany CA 94706

**INITIAL STUDY**  
(Revised and Re-circulated)

Project Name:  
**General Plan Amendments and Zoning Code Revision**

**Contents:**

	Page:
Project Data and Description	2
Determination	4
Summary of Mitigation Measures	5
Checklist: Evaluation of Potential Environmental Effects	6
Source References	23

**Attachments:**

Location Map

Attachment A, Recommended Amendments to the Land Use Element of The Albany General Plan

Attachment B, Recommended Amendments to the City of Albany Zoning Ordinance, Summary By Sections

**Introduction**

This Initial Study of the City of Albany's proposed General Plan Amendments and Zoning Code Revision (the Project) was originally prepared in August 2003 and was circulated with a proposed Negative Declaration for a 30-day public review period ending October 31, 2003. The period was extended to December 31, 2003. Public comments raised a number of issues, particularly relative to zoning and General Plan designations along the "San Pablo Avenue Corridor". In December 2003, the review of the proposed Negative Declaration was put in suspense, pending a re-assessment of certain aspects of the Project. After additional public hearings by the Albany Planning and Zoning Commission, the City has drafted a number of revisions to the Project. The revisions are reflected in this updated version of the Initial Study and a revised proposed Negative Declaration. A notice of a new public review period will be published.

**PROJECT INFORMATION:**

1. **Project title:** General Plan Amendments and Zoning Code Revision
2. **Lead agency name and address:**  
City of Albany, 1000 San Pablo Avenue, Albany CA 94706.
3. **Contact person and phone number:**  
Ann Chaney, Community Development Director; (510) 528-5760,  
FAX (510) 524-9359, e-mail: achaney@albanyca.org
4. **Project location:**  
City of Albany, citywide
5. **Project sponsor's name and address:**  
City of Albany, 1000 San Pablo Avenue, Albany CA 94706
6. **General plan designation:** All land use designations.
7. **Zoning:** All zoning districts.
8. **Description of project:**  
The "Project" consists of certain amendments to the Land Use Element of the Albany General Plan, and a comprehensive revision of the Albany Zoning Ordinance. The General Plan was adopted in 1992. The Zoning Ordinance was adopted in 1978 and various sections have been amended from time to time.

**General Plan:** The General Plan amendments are principally concerned with the implementation of City policies that favor mixed commercial/residential development, generally along major commercial streets and particularly at major intersections. In 1997 the City approved the "San Pablo Avenue Vision Plan". The Vision Plan, as compared to the General Plan, more specifically emphasizes the development of mixed-use, multistory buildings.

The following General Plan amendments are proposed:

1. Permit commercial, residential, or mixed use in areas designated by the General Plan as "General Commercial".
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7. Delete language that permits an increase over the maximum allowed Commercial floor area ratio (FAR) based on a traffic analysis.

8. Add a "Residential Towers" residential use category, for the purpose of accommodating a prior existing residential development, "Gateview," that exceeds the maximum density allowed by the General Plan.

The purposes and language of the proposed General Plan amendments are presented in detail in the document "Recommended Amendments to the Land Use Element of the Albany General Plan", "Attachment A" to this checklist.

**Zoning Ordinance:** A comprehensive revision of the Zoning Ordinance was initiated by the Albany City Council in 1997. Between February, 1999 and November, 2002 an appointed Zoning Code Revision Committee (ZCRC) reviewed the existing Zoning Ordinance, a draft revised zoning ordinance, and other relevant documents including the San Pablo Avenue Vision Plan, in the preparation of recommendations for revisions to the existing ordinance. Both the Planning and Zoning Commission and the City Council undertook preliminary reviews of the ZCRC draft during the period of December, 2002 and July, 2003. The proposed revisions affect all parts of the existing Zoning Ordinance, except ancillary sections on signs and tree removal. All material is set in a new format, which includes a table of contents and a new system of numbering sections and subsections within Chapter 20 of the Municipal Code. The language of the existing Zoning Ordinance is proposed to be retained in many instances. The Planning and Zoning Commission proposed changes in the draft as a result of a re-assessment during January-April, 2004.

Substantive new material is proposed in connection with mixed-use development, floor/area ratios (FAR), affordable housing, performance standards (e.g., standards for odors, glare, property maintenance), temporary uses, and wireless communications facilities. Substantial revisions are proposed in the provisions for off-street parking, secondary residential units, nonconformance, and permitting procedures.

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A summary description of each section of the proposed Zoning Ordinance is presented in Attachment B, "Recommended Amendments to City of Albany Zoning Ordinance Zoning Ordinance".

**9. Surrounding land uses and setting:**

Affects all land uses in the city. The setting is a developed, inner suburban area on east side of San Francisco Bay, bounded by developed industrial, commercial and residential areas of Berkeley on the south and east; developed commercial and residential areas of Richmond and El Cerrito on the north; and San Francisco Bay on the west.

**10. Other public agencies whose approval is required: None.**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklists on the following pages.

	Aesthetics
<b>x</b>	Biological Resources
	Hazards & Hazardous Material
	Mineral Resources
	Public Services
	Utilities / Service Systems

	Agriculture Resources
	Cultural Resources
	Hydrology / Water Quality
	Noise
	Recreation
	Mandatory Findings of Significance

	Air Quality
	Geology / Soils
<b>x</b>	Land Use / Planning
	Population / Housing
	Transportation / Traffic

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<b>x</b>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: 

Date: 5/7/04

Printed Name: Ann Chaney, Community Development Director  
 For: City of Albany Community Development Department

## **SUMMARY OF MITIGATION MEASURES:**

The following measures, which are incorporated into the project, will mitigate potentially significant impacts that have been identified in this Initial Study:

**B-1.** Where any site development of the Gill Tract grove falls within City authority for environmental review and/or design review, and construction work will affect the grove during a period of September-March, the City will require pre-construction surveys by a qualified biologist to determine if Monarch butterflies are utilizing any trees as a winter colony. If evidence of any colony is found, construction in the vicinity of such trees shall be avoided and removal of trees around the colony shall be avoided or postponed until after butterflies have departed. Extent and details of any buffer zones shall be determined by the biologist.

**L-1.** Proposed Zoning Subsection 20.24.040. establishes overlay zones with standards for development of commercial frontage along Kains Avenue and Adams Street. Proposed standards include control of commercial access, setbacks and height to match adjacent residential zoning, landscaping and screening of parking areas, consistent with General Plan Policy LU 3.2.

**L-2.** Proposed Zoning Subsection 20.24.170 adds an angled "daylight plane" to the basic setback requirement where commercial use abuts residential use, to require greater setback for upper portions of taller buildings. A similar requirement also applies to locations where a residential zone is across a street from commercial use, with a 15' front setback plus daylight plane.

**L-3.** Proposed Zoning Subsection 20.100.050, Design Review, provides design standards to address compatibility with surroundings, and requires a finding that a development project is in conformance with the City-adopted San Pablo Avenue Design Guidelines, which specify building setbacks and landscaping and setbacks for parking lots.

**L-4.** Proposed Zoning Subsection 20.24.020.B, note 7, establishes a maximum building setback of four feet, requiring buildings to be set at or near the edge of San Pablo Avenue rather than toward the rear of the site adjacent to residential uses.

**L-5.** Proposed Zoning Subsection 20.24.090.C establishes limits on maximum increases in FAR, lists development features that would qualify for bonus incentives, and sets a point system for qualifying features.

**L-6.** Proposed Zoning Subsection 20.24.040.D requires findings regarding compliance with stated standards and the appropriateness of an FAR bonus to the particular circumstances of the project.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

**I. AESTHETICS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?			x	
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			x	
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			x	
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

**Explanation:**

a. Scenic vistas, including views of San Francisco Bay, Albany Hill and the Berkeley Hills, are enjoyed from various locations in the city and adjacent areas. No proposed changes would directly affect such vistas. Building height limits would not be increased, and in some instances would be reduced. Proposed Subsection 20.24.020 adds floor-area ratio limits to control building bulk. Proposed Subsection 20.24.170 would introduce daylight planes to mitigate building bulk in some cases. Proposed Subsection 20.20.090 would control placement of wireless communication facilities, including towers. [Sources: 1, 3, 4 ]

b. Scenic resources include portions of Albany Hill, open creek corridors and the waterfront of San Francisco Bay. The zoning revisions do not change existing polices for preservation and enhancement of these resources. [Sources: 1, 3, 4 ]

c. Visual character: Potential development of the Southwest quadrant of the intersection of San Pablo and Marin Avenues, a portion of the Gill Tract, whether as part of a commercial node or as a result of University of California plans, could alter the visual character of the intersection, which is now distinguished by a grove of large trees. However, development would not require removal of all trees; significant, healthy specimens can be retained and be compatible with development. In protecting visual character the City can employ the design review process, required for all private development, and otherwise urge the University to retain perimeter trees for their visual value. See additional discussion in the Biological Resources section below. [Sources 3, 4, 13 ]

d. Glare: Building materials and site lighting associated with new construction will be similar to existing facilities and will not produce substantial glare. Proposed Performance Standards, Section 20.28, address potential glare issues. [Source: 4, 5 ]

**II. AGRICULTURE RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				x

**Explanation:** The project site (the city) is an urbanized area, essentially built-up with residential, commercial and industrial land uses. The area does not contain farmland or otherwise relate to agricultural resources. [Source: 1 ]

III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?				x
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				x
d.	Expose sensitive receptors to substantial pollutant concentrations?				x
e.	Create objectionable odors affecting a substantial number of people?				x

**Explanation:**

a., c. Air Quality Plans: The proposed zoning revisions do not conflict with the Bay Area Air Quality Management District (BAAQMD) plan for air quality. The proposed revisions do not include significant changes in density or intensity of land use as compared with the adopted Albany General Plan. No significant changes in traffic congestion would result from implementation of the revised zoning ordinance. The revisions provide encouragement for mixed-use development that would locate new housing units along transit corridors. [Sources: 1, 2, 3, 4 ]

b. Construction period activities could, if unregulated, generate excessive equipment exhaust emissions and dust emissions. The City has adopted permit and review procedures for monitoring of construction activities and enforcement of code requirements. No further mitigation measures are required. [Sources: 5 ]

d. Sensitive Receptors: No zoning revisions are proposed that would place sensitive receptors in situations of exposure. Proposed section 20.28, Performance Standards, adds standards for avoidance of dust and particulate matter. [Sources 4, 5]

e. Odors: No zoning revisions are proposed that would create objectionable odors. Proposed section 20.28, Performance Standards, adds standards for avoidance of odors. [Source: 3, 4 ]

**IV. BIOLOGICAL RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				x
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		x		
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				x
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				x

**Explanation:**

a. through c.; e., f.: Biological resources in Albany are principally associated with Albany Hill, the Waterfront, and creek corridors. The proposed revisions would have no effect on policies and regulations governing these areas, as contained in the General Plan and the Zoning Ordinance that are currently in effect. [Sources: 1, 2, 3, 4 ]

a, d. Special or migratory species: The western frontage of San Pablo Avenue, from Marin Avenue to the south city limits, would be designated in the General Plan for "General Commercial" use. The corresponding zoning is proposed to be SPC (San Pablo Commercial). Permitted uses would include retail sales and services and high density residential. The area subject to change of land use designation and zoning extends approximately 1200 feet along, and 100 feet west of, San Pablo Avenue, encompassing about 2.75 acres. A "Commercial Node" zoning overlay would apply to an area of about 0.5 acre at the San Pablo/Marin intersection. An area of about 1.4 acres, within about 600 feet of Marin Avenue, is part of the "Gill Tract" of the University of California. Historically the Gill Tract was used as a horticultural nursery and later for agricultural research, and much of the subject 1.4 acre area has been planted with non-native ornamental trees including Monterey pine, deodar cedar, date palm and other species. The area is transected by Village Creek at a point about 400 feet south of Marin Avenue. Vegetation along the creek is of the aforementioned non-native species, with ivy and nastursium comprising the



understory. South of the 1.4 acre area, the balance of the area proposed for change of zoning is developed with student housing and residentially-oriented landscaped areas.

The current General Plan includes the subject 1.4 acres in larger areas designated partially for a combination of "Residential/Recreational/Commercial" uses, and partially for a combination of "Residential/Commercial" uses. Thus a change of designation to General Commercial, which permits both commercial and residential uses, as well as recreation facilities, is not a significant change. The University of California currently proposes to replace old housing in the area south of Village Creek with mixed-use buildings to include retail uses and student housing.

The Albany General Plan establishes Creek Conservation Zones (100 feet either side of the center line of a Creek.) See Policy CROS 1.4 and Conservation/Open Space Plan map. The conservation zone would be applicable to both sides of Village Creek and the north side of Codornices Creek at the south edge of the 1.4 acre area.

No winter nesting of Monarch butterflies has been observed on the subject site, though such does occur nearby on Albany Hill. The condition of many of the trees on the Gill Tract suggests that future clearing of a large area of Monterey pines is likely. General Plan Policy CROS 4.3 promotes preservation of trees and requires an inventory of significant site vegetation prior to development application review. Policy CROS 3.2 requires consideration of Monarch roosting sites relative to development, The policy can be applied to the Gill Tract. [Sources: 1, 2, 3, 4, 13.]

*Mitigation Measure:* The project includes the following provisions that will mitigate such effects to a less than significant level:

**B-1.** Where any site development of the Gill Tract grove falls within City authority for environmental review and/or design review, and construction work will affect the grove during a period of September-March, the City will require pre-construction surveys by a qualified biologist to determine if Monarch butterflies are utilizing any trees as a winter colony. If evidence of any colony is found, construction in the vicinity of such trees shall be avoided and removal of trees around the colony shall be avoided or postponed until after butterflies have departed. Extent and details of any buffer zones shall be determined by the biologist.

**V. CULTURAL RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				x
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				x
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x
d.	Disturb any human remains, including those interred outside of formal cemeteries?				x

**Explanation:**

a. through d. Cultural Resources: Known archaeological resources are located within City-owned parkland and are not affected by proposed revisions. There would be no direct effect on the single building, located in a single-family residential district, that is listed on the National Register of Historic Places. No unique paleontological or geologic features have been identified in the city. [Sources: 1, 2, 4 ]

**VI. GEOLOGY AND SOILS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
	ii) Strong seismic ground shaking?			x	
	iii) Seismic-related ground failure, including liquefaction?			x	
	iv) Landslides?			x	
b.	Result in substantial soil erosion or the loss of topsoil?			x	
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			x	
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				x

**Explanation:**

a. Seismic: The Hayward Fault is located approximately one mile to the east of the city's eastern boundary. The city is not located in an earthquake Special Studies Zone. However there is a general potential for seismic hazards, which would be addressed by application of appropriate building code provisions. The proposed revisions would not alter existing procedures for dealing with seismic issues. [Source: 2, 4 ]

b, c, d. Soils: Most developable land in the city has previously been graded and essentially covered with buildings, asphalt paving and landscape materials. New construction would not be expected to substantially alter grading or drainage patterns. The project does not propose to alter any provisions applicable to vacant land on Albany Hill. The City will require Best Management Practices in conformance with its clean water program. This procedure should prevent runoff impact upon the storm drain system, including related waterways, during and after actual construction activities. The EIR for the Albany General Plan identifies problematic soil conditions such as expansive soils, and appropriate mitigation measures have been adopted. As the proposed revisions do not propose changes that would exacerbate geologic issues, no additional mitigations are necessary. [Sources: 1, 2, 3, 4 ]

e. Wastewater: Not applicable. Sanitary sewer service is available throughout the city. [Source: 2 ]

**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

**Explanation:**

a. through h. Hazards: The proposed zoning revisions would not increase exposure to hazardous materials as anticipated in the Albany General Plan EIR. There are no airports or airstrips in the vicinity. The Albany Fire Department has classified the Albany Hill area, extending to the northern City limit, as a 'high fire hazard zone'. No changes in zoning regulations are proposed for Albany Hill. No additional mitigations are necessary. [Sources: 1, 2, ]

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				x

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				x
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				x
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				x
f.	Otherwise substantially degrade water quality?				x
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
j.	Inundation by seiche, tsunami, or mudflow?				x

**Explanation:**

a. through j. Hydrology: The proposed zoning revisions do not enable development that was not anticipated generally in the Albany General Plan. The effects listed above have been addressed in the EIR for the Albany General Plan, and no significant impacts were found. [Sources: 1, 2, 3, 4]

**IX. LAND USE AND PLANNING - Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Physically divide an established community?				x

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		x		
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

**Explanation:**

a. Physical Divide: No significant changes in land use that would physically divide a community are proposed. San Pablo Avenue is a wide and busy commercial corridor that tends to create a high degree of separation between residential neighborhoods to the east and west. Proposed General Plan and Zoning amendments are intended to encourage new development of the San Pablo Avenue corridor with a mix of residential and commercial land uses that will attract users from both sides of the San Pablo corridor to facilities on the Avenue, tending to unite the community rather than to divide it.

b. Land Use Plans and Regulations:

1. **Land Use Designations:** The Project would retain the High Density Residential designation of blocks along Kains Avenue and Adams Street, in accord with the existing General Plan, and, in addition would convert about 3.5 acres now designated Commercial to High Density Residential. All but about one acre of the land involved is currently in residential use. Significant change to higher density is not expected in the near term, only 20 units having been constructed in the subject area since adoption of the General Plan in 1992. These changes of land use designation are less than significant because high density residential is already a permitted use of commercially designated land, and the number of new units that might be produced is not expected to be affected.

About 3.0 acres of the frontage of the U.C. Village property would be added to the General Commercial category along San Pablo Avenue, with corresponding zoning. The total resulting commercial land in the San Pablo corridor would be about 28 acres, ample to accommodate the increase of 103,000 of commercial space projected by the 1992 General Plan. Therefore the above-noted change of 3.5 acres to residential zoning would not be a significant detriment to commercial development as projected in the General Plan. The General Plan currently designates the U.C. frontage for a mix of residential, commercial and recreational uses, anticipating that such development will occur on the University property. Current U.C. plans support such a mix.

*Potential impacts:* The changes of General Plan land use designation, and corresponding zoning revisions from commercial to high-density residential, with both uses occupying the same block in many cases, could create usage conflicts that would result in adverse effects on residential occupancy.

*Mitigation Measures:* The project includes the following provisions that will mitigate such effects to a less than significant level:

**L-1.** Proposed Zoning Subsection 20.24.040. establishes overlay zones with standards for development of commercial frontage along Kains Avenue and Adams Street. Proposed standards include control of commercial access, setbacks and height to match adjacent residential zoning, landscaping and screening of parking areas, consistent with General Plan Policy LU 3.2.

**L-1.** Proposed Zoning Subsection 20.24.040.C. establishes an overlay zone with standards for development of commercial frontages along Kains Avenue and Adams Street.

**L-2.** Proposed Zoning Subsection 20.24.170 adds an angled “daylight plane” to the basic setback requirement where commercial use abuts residential use, to require greater setback for upper portions of taller buildings. A similar requirement also applies to locations where a residential zone is across a street from commercial use, with a 15’ front setback plus daylight plane.

**L-3.** Proposed Zoning Subsection 20.100.050, Design Review, provides design standards to address compatibility with surroundings, and requires a finding that a development project is in conformance with the City-adopted San Pablo Avenue Design Guidelines, which specify building setbacks and landscaping and setbacks for parking lots.

**L-4.** Proposed Zoning Subsection 20.24.020.B, note 7, establishes a maximum building setback of four feet, requiring buildings to be set near the edge of San Pablo Avenue rather than toward the rear of the site

**2. Floor-area ratios and bonuses:** Basic floor area ratios are proposed to be established for multi-family housing, to supplement the density standard, which is stated in units per acre. No changes are proposed in the number of units per acre. More restrictive height limits are proposed. The FAR system would include the following provisions:

- In order to encourage high-density housing, especially as part of mixed-use projects, increases in floor-area ratio (FAR) would be permitted in the SPC District, for residential or mixed-use developments. Mixed use projects could be permitted at FAR 2.25 on San Pablo, provided the commercial component limited to 0.95 as provided in the General Plan. Residential-only projects could have a maximum 1.75. (Subsection 20.24.020.B)
- In the SC Solano Avenue District, FAR would be 1.25 for commercial, as provided in the General Plan. The same FAR would apply to residential and mixed uses. (Subsection 20.24.020.B)
- A bonus system, based on added amenities and other benefits, would permit maximum FARs to be increased to 2.0 on Solano and 3.0 on San Pablo. (Subsection 20.24.090.C)
- The General Plan would be amended to delete clauses in Polices LU 2.5 and LU 4.1 that allow increased commercial FAR based on traffic analysis. (See Transportation discussion below.)

*Potential impacts:* Larger buildings resulting from bonus FAR’s could have characteristics of scale or site planning that would be incompatible with neighboring smaller residential buildings.

*Mitigation Measures:* The project includes the following provisions that will mitigate such effects to a less than significant level:

**L-1, L-2, and L-3** (described above) are applicable.

**L-5.** Proposed Zoning Subsection 20.24.090.C establishes limits on maximum increases in FAR, lists development features that would qualify for bonus incentives, and sets a point system for qualifying features.

**3. Commercial Nodes:** To encourage pedestrian- or transit-oriented development, certain blocks on San Pablo and Solano Avenues would be designated for intensification of commercial and mixed-use development. A bonus over the base FAR could be permitted in compliance with stated standards and findings.

*Potential impacts:* Same as for FAR bonus generally.

*Mitigation Measures:* The project includes the following provisions that will mitigate such effects to a less than significant level:

**L-1, L-2, L-3 and L-5** are applicable.

**L-6.** Proposed Zoning Subsection 20.24.040.D requires findings regarding compliance with stated standards and the appropriateness of an FAR bonus to the particular circumstances of the project.

- 4. Gateview density:** The General Plan is proposed to be amended to create a new residential land use designation, Residential Towers, allowing up to 87 dwelling units per acre, in order to recognize the as-built (prior to General Plan adoption) condition of the Gateview condominium complex at 555 Pierce Street. The density would correspond to the density allowed in existing R-4 Residential Towers Zoning District. The specifications for the R-4 District are not proposed to be changed. However, the Zoning Map is proposed to be amended to limit the area of R-4 to the Gateview project only. The remaining properties would be re-zoned to R-3, with a maximum density of 63 units per acre. As built, the sites at 535 and 545 Pierce Street do not exceed approximately 35 units per acre. Re-zoning of the two sites to R-3 would not be a reduction of the residential density utilized by the State in determining compliance with the housing element law. The R-4 zoning density was not acknowledged in the General Plan or in the Housing Element, which was last approved by the State in 1992.

The Residential Towers designation would apply only to the Gateview site. No new impacts will result.

**c. Conservation Plans:** No habitat conservation plan or natural community conservation plan is applicable. The General Plan Conservation, Recreation and Open Space Element contains goals and policies for conservation. Proposed amendments to the Land Use Element and the Zoning Ordinance are not in conflict with conservation policies. The creek conservation zone for Village Creek would remain in effect; therefore the proposed commercial land use and zoning of the San Pablo frontage of U.C. Village would not have a significant effect.

[Sources: 1, 2, 3, 4 ]

**X. MINERAL RESOURCES -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				x

**Explanation:** No mineral resources are identified with the area. [Sources: 1,2 ]

**XI. NOISE -- Would the project result in:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				x
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				x

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				x
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				x
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

**Explanation:**

a. - d. Exposure: Any development and use pursuant to the proposed revisions would be subject to the noise standards set forth in Section 8-1 of the Albany Municipal Code, which is referenced in proposed Subsection 20.28.020, Performance Standards. The standards include limitations on construction activities. The zoning revisions would not affect the applicability of the Municipal Code section.

e., f. Airports: There are no airports or airstrips in or near the project area.

[Source: 3, 4 ]

**XII. POPULATION AND HOUSING -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			x	
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			x	
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			x	

**Explanation:**

a. Substantial growth: No substantial population growth is anticipated beyond what is projected by the General Plan. No changes in dwelling unit density are proposed for the General Plan or for the Zoning Ordinance, other than for consistency the General Plan. The addition of maximum FAR's for multi-family is proposed as a control on building bulk, and would be in addition to the reckoning of dwelling unit density by units per acre.

**1. Mixed-use in SPC District:** Proposed amendments to the General Plan would more specifically encourage residential use in commercial districts, and even offer floor area bonuses for residential development. The more flexible zoning on both sides of San Pablo Avenue could have a combination of two results: some commercial space (and/or commercial parking) extending back toward Kains and Adams in cases where



the full block depth is designated commercial, and more housing above commercial space on San Pablo Avenue. The combined result is likely to be a balanced redistribution of the quantities of commercial floor area and housing units that have been assumed by the General Plan, with no substantial change in growth expectations.

2. **Mixed-use on Solano Avenue:** Amendments to the General Plan and the Zoning Ordinance would more specifically encourage residential use in the Solano commercial district. The established character of Solano Avenue and the generally small lot areas make it unlikely that the incentives offered would contribute to any substantial volume of growth.
3. **Housing Provisions:** Zoning Ordinance Section 20.40 is a new section intended to advance the goals of the Housing Element of the General Plan. The section addresses inclusionary housing, development incentives, and transitional housing. These provisions generally seek more to encourage affordability than growth in numbers of dwellings. The section also establishes procedures for State-mandated density bonuses, which could cause some projects to exceed the density allowed by the Land Use Element. However, it is not anticipated that density bonuses would be requested on such a scale that substantial growth would occur during the 1990-2010 time frame of the General Plan. In any case the granting of density bonuses is not subject to limitations of the General Plan or the Zoning Ordinance.

b., c. Displacement: No significant displacement of housing units is anticipated as a result of General Plan and zoning amendments. Over time, some existing housing along Kains Avenue and Adams Street could be displaced by new residential construction, under either the existing commercial zoning or the proposed multi-family zoning.

[Sources: 1, 3, 4, 6 ]

### XIII. PUBLIC SERVICES

	Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			x	
Police protection?			x	
Schools?			x	
Parks?			x	
Other public facilities?			x	

**Explanation:**

a.1 Fire: No net increase in construction is anticipated to result from proposed amendments. The FEIR for the General Plan did not identify any significant impacts on fire protection. The revisions do not increase building height or otherwise have substantial fire safety implications.

a.2 Police: The FEIR for the General Plan did not identify any impacts on police protection. No specific significant impacts are attributed to the proposed amendments.

a.3 Schools: No specific significant impacts are attributed to the proposed amendments. The city collects a school impact fee on new development, on behalf of the Albany Unified School District. The fee is currently set by the District at \$1.93 per square foot of residential construction, and \$0.31 per square foot of commercial construction, at the maximum allowable rate permitted by the State.

a.4 Parks: No specific significant impacts are attributed to the proposed amendments. With residential subdivisions, including condominiums, the City requires dedication of land for park facilities, or a fee in lieu of dedication.

a.5 Other: Any new demand on public facilities is expected to be incidental. The City collects a storm drain impact fee of \$0.10 square foot of new development. The city also collects a Capital Facilities Impact Fee of \$.65 per square foot of new construction generally, or up to \$1365 for each new residential unit; proceeds may be allocated to various capital projects.

[Sources 1, 2, 4, 7, 8 ]

**XIV. RECREATION**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			x	
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			x	

**Explanation:**

a. Increased use: The General Plan FEIR did not identify any significant recreation-related impacts, and no new impacts are expected to result from proposed amendments. Zoning Subsection 20.24.190, Usable Open Space, sets requirements for usable open space to be included in the development of multi-family residential projects, and adds a new standard for above-ground open spaces.

b. New Facilities: The project does not directly require the construction of new recreation facilities that would have an adverse effect.

[Sources: 1, 2, 3, 4]

**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			x	
b.	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			x	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?			X	
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

**Explanation:**

a. Traffic increase: No substantial increase in traffic is expected to result from the proposed amendments. The General Plan FEIR identified significant impacts to the intersections of San Pablo Avenue with Solano Avenue and Marin Avenue, based on a potential citywide 12% increase in traffic during the 1990-2010 planning period. Those impacts were to be mitigated by operational improvements to the intersections. The discussion in the Land Use section above does not identify any significant land use change that would result from the proposed amendments. The proposed changes are not expected to cause additional increase in traffic because:

1. No Commercial FAR increase: The proposed amendments to the General Plan and the Zoning Ordinance do not include any increase in the allowable floor/area ratios (FAR's) of commercial development on San Pablo and Solano Avenues. The General Plan FAR for San Pablo Avenue of 0.95 is projected to result in an additional 103,000 square feet of commercial floor space, which was taken into account in the FEIR. In addition, General Plan Policies LU 2.5 and LU 4.1 are proposed to be amended to delete the potential to increase commercial FAR by means of a traffic analysis. This potential exception is at odds with the purpose, set forth in State Planning Law, of establishing a maximum intensity of development. If higher intensity development is found to be supportable on either San Pablo Avenue or Solano Avenue, an amendment to the General Plan can be considered through the regular legal process.
2. Recent history: In the ten years since adoption of the General Plan, only one development project, a mixed-use project at 914-916 San Pablo Avenue, has made use of the ability, under the existing Commercial Expansion (C-E) zoning to build through a full block depth. Including that project, no more than about 10,000 square feet of net new commercial space has been created in the San Pablo Avenue corridor; that is to say, in over one-half of the General Plan's 20-year time frame of 1990-2010, only about 10% of the projected 103,000 square feet of commercial space has been built. It is therefore likely that traffic growth from commercial development, as projected for the General Plan, was conservatively overstated.
3. No increase in residential density: The General Plan projects an increase of 667 residential units during the 1990-2010 planning period. By 2000, only 56 units had been added in the city. The current draft Housing Element reports on opportunities for 813 additional new units to be added by 2006, of which at least 473 units are anticipated for the University Village site. No increase in residential density per acre is proposed for the General Plan or Zoning Ordinance. The replacement of Commercial Expansion zoning with High Density Residential zoning in certain blocks would not necessarily produce more dwelling units, as high density residential is already a permitted use of commercially designated land.

Conclusion: The discussion above in the Land Use section concludes that the change would not result in a significantly different pattern from the potential usage permitted under the current General Plan designations. Accordingly, the land use change would not have a significant effect on traffic generation.

b. Level of service:

1. According to the City of Albany Traffic Management Plan, 2000, all major intersections in Albany are projected to function in 2010 at a level of service (LOS) of C or better, except the intersection of San Pablo and Marin Avenues, which is LOS D in the AM peak hour and E in the PM peak hour. No intersections were listed with a current or projected LOS F.

2. According to the Traffic section of the 2004 U.C. Village EIR (Source Reference 13), "cumulative plus project condition" in 2020 projects LOS F at the San Pablo-Marín intersection (AM) and the Buchanan-80-580 ramps (PM); and LOS E at San Pablo-Marín (PM). Since this Initial Study does not anticipate significant effects from the Project (General Plan and zoning changes), and the U.C. Village project is not reported to degrade the LOS at Albany intersections, the lower LOS ratings appear to result from the difference in horizons of 2020 and 2020, respectively.

San Pablo Avenue is the only local street in the Alameda County CMA-monitored system. As discussed in a., the nature of the proposed amendments, including land use designations and their locations, is such that no significant effect on the level of service is anticipated.

- c. Air Traffic: No change, such as building height or land use location, is proposed that would affect air traffic.
- d. Hazards: No change is proposed that would alter street dimensions or alignments.
- e. Inadequate emergency access: Emergency access would not be affected by proposed amendments, either in terms of routes or locations of new development.
- f. Inadequate parking capacity: Proposed Zoning Subsection 20.32.030 includes a revised schedule of off-street parking requirements according to land use. The revisions will not have a significant effect on the adequacy of parking. In the interest of simplifying the schedule, the basis for a parking requirement is, in some cases, converted from seats or employees to spaces per 100 square feet, resulting in minor increases or decreases. The most significant changes are increases, such as for restaurants and outdoor sales areas. Language governing exceptions is strengthened, including requirements for specific findings. As an offset against stricter use of exceptions, a commercial development incentive is provided in the form of an exclusion of the first 1500 square feet of new floor space.
- g. Conflict with adopted policies: The proposed emphasis on mixed-use development within a major transit corridor complements local and regional transportation and land use policies.

[Sources: 1, 2, 4, 6, 9, 13 ]

**XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			x	
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			x	
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			x	
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			x	

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			x	

**Explanation:**

a., b., d. e. Water and wastewater: [Source:2,10 ] No development would result from the proposed General Plan or zoning revisions that would exceed the capacity of the water supply system or the wastewater collection and treatment systems. The city's sanitary sewer system has been rehabilitated since the adoption of the General Plan. East Bay Municipal Utility District (EBMUD) has sufficient entitlements to meet the projected needs of all existing urban areas served by the District. Wastewater from Albany is transported to EBMUD's main Wastewater Treatment plant in Oakland. The plant has a capacity of 168 million gallons per day (mgd) and current average annual flow is 80 mgd. The plant would easily accommodate the relatively small increase in wastewater that would be generated by new development that might occur under the proposed General Plan amendments and revised Zoning Ordinance. [Source: 11.]

c. Storm drains: Existing storm drains are adequate to serve the project. The City is implementing an on-going program to reduce inflow and infiltration of storm water into the sanitary sewer system in order to reduce the need for storm water treatment prior to reaching the Bay. The EBMUD facility that handles stormwater overflow has been expanded, since the adoption of the General Plan. [Source: 2,10 ]

f., g. Solid waste: Sufficient solid waste disposal capacity is available to serve the needs. The city adopted a Source Reduction and Recycling Element and a Household Hazardous Waste Element in 1992, and participates in the programs of the Alameda County Waste Management Authority. [Source:2,10 ]

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE –**

		Potentially significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		x		
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				x
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				x

**Explanation:**

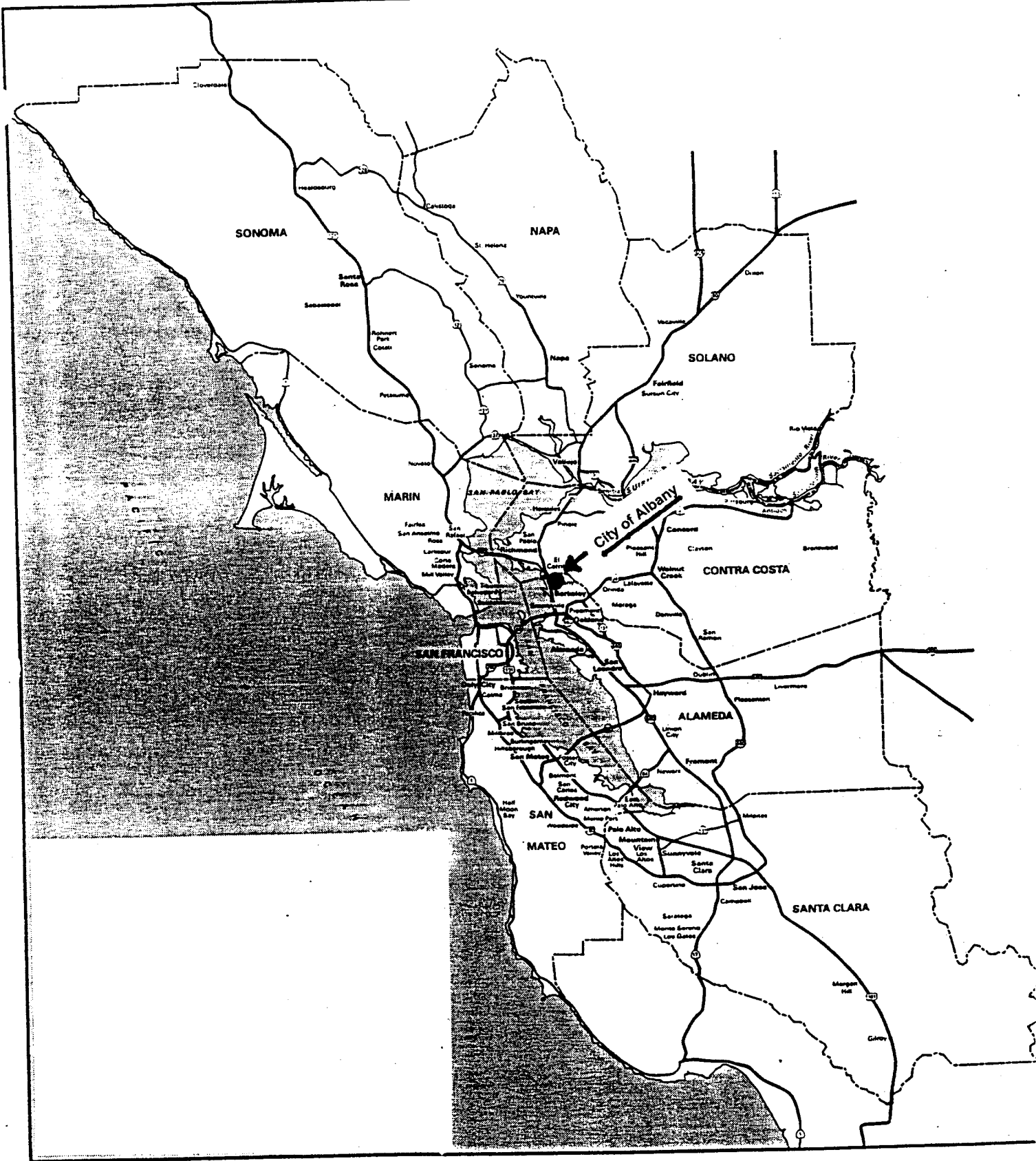
a. Habitat: The project applies to a built-up urban area. Monarch butterflies are known to over-winter at Albany Hill, and conditions at the nearby Gill Tract could attract nesting though there is no evidence of such. Mitigation Measure B-1 is intended to assure that no nests that might occur would be displaced by future construction activities in the Gill Tract grove. No significant effects have been identified which could degrade natural habitat.

b. Cumulative impacts: The project is consistent with the Albany General Plan adopted in 1992, with the exceptions of specific goals, policies and land use designations for which proposed amendments are described in this Initial Study. The EIR for the General Plan addressed cumulative impacts of increased dwelling unit size, housing affordability, and effects of traffic on Interstate routes 80 and 580. Proposed amendments to the General Plan neither contribute to nor resolve those issues. Neither further discussion nor mitigation measures are required in connection with this project.

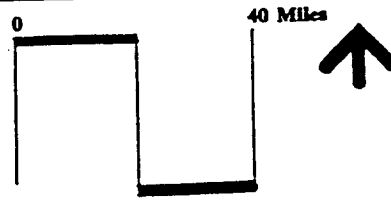
c. Substantial adverse effects: The initial study has not identified direct or indirect effects on humans that can be termed substantial

**SOURCE REFERENCES:**

1. Albany General Plan, 1992.
2. Final EIR on Albany General Plan, 1992.
3. City of Albany Zoning Ordinance.
4. City of Albany: Proposed Revisions to Zoning Ordinance, Review Draft, August 1, 2003.
5. California Building Code as adopted by City of Albany.
6. City of Albany Housing Element (draft), October 2002.
7. Albany Municipal Code.
8. City of Albany Master Fee Schedule.
9. City of Albany Traffic Management Plan, 2000.
10. Final EIR on Redevelopment Plan for Cleveland Avenue/Eastshore Highway, 1998.
11. Draft EIR on Eastshore State Park , 2002.
12. San Pablo Avenue Vision Plan, 1997.
13. Subsequent Focused Draft EIR for the University Village & Albany/Northwest Berkeley Properties Master Plan Amendments, 2004.
14. City of Albany letter to U.C. Berkeley, "Comments on Focused Draft EIR", March 15, 2004.



REGIONAL LOCATION





**ATTACHMENT A, TO INITIAL STUDY OF GENERAL PLAN AMENDMENTS AND ZONING CODE REVISION, CITY OF ALBANY**

May 6, 2004

**RECOMMENDED AMENDMENTS TO  
THE LAND USE ELEMENT  
OF THE ALBANY GENERAL PLAN**

**BACKGROUND**

In conjunction with the proposed revision of the Albany Zoning Ordinance, certain amendments are proposed to be made to the Albany General Plan, which was adopted December 7, 1992.

The amendments to the Land Use Element are proposed for the following reasons:

**A. Gateview:**

The 1992 General Plan designated the "Gateview" residential complex at 555 Pierce Street for a maximum density of 63 units per acre. In fact the condominium complex was constructed in the early 1970's at a density of approximately 87 units per acre. The site is currently zoned R-4, "Residential Towers", which permits one dwelling unit per 500 square feet, or 87 units per acre. However, the General Plan designation stipulates "High Density Residential", which permits 63 units per acre. In order to avoid classifying the existing 466 condominium units as legal non-conforming uses, a new land use designation of "Residential Towers" is proposed to be incorporated in the Land Use Element text and the Land Use Plan Map. This will permit the R-4 District to be carried forward in the revised zoning ordinance, without inconsistency with the General Plan.

**B. Mixed Use and High Density Residential Development**

In 1997 the City approved the "San Pablo Avenue Vision Plan". That plan emphasized the development of mixed-use, multi-story buildings along the length of San Pablo Avenue in Albany, generally meaning commercial activities on the ground floor street frontage, with residential and other permitted uses on upper floors. The 1992 General Plan, by contrast designated a limited number of sites for a "Planned Residential Commercial" designation. Land Use Element amendments are proposed in order to facilitate mixed use development along both San Pablo Avenue and Solano Avenue.

The Land Use Plan Map would be amended to change the designation of approximately 4.5 acres on the east side of the 800 and 900 blocks of Adams Street, and the west side of the 700 and 800 blocks of Kains Avenue, from "General Commercial" to "Residential High Density"

**C. Commercial Nodes.**

Consideration of the San Pablo Avenue Vision Plan, and the zoning revision process, has led the City to the concept of designating "Commercial Nodes" at major intersections on San Pablo Avenue and on Solano Avenue. The purpose of this designation would be to encourage the intensification of commercial and mixed development, particularly to develop concentrations of pedestrian-oriented activities at selected locations. New General Plan policies and map designations are required as a foundation for appropriate zoning provisions for the node areas.

**GENERAL PLAN AMENDMENTS**

Relevant portions of the text of the General Plan Land Use Element are shown as adopted in 1992, with proposed additions shown with underlining, and proposed deletions shown with ~~strikethrough~~. Proposed Land Use Plan Map changes are noted where applicable.

## **A. GATEVIEW**

**Goal LU 1:** Preserve and enhance the residential character of Albany.

**Policy LU 1.1:** Maintain existing residential densities throughout Albany. Recognize the as-built density of the existing "Gateview" residential condominium complex as a conforming land use, by creating a "Residential Towers" land use designation on the Land Use Plan Map, permitting up to a maximum of 87 dwelling units per acre. (Existing text continues).

**Land Use Plan Map amendment:** Show new "Residential Towers" designation on Gateview property. [*Properties to the north remain "High Density"*].

## **B. MIXED-USE DEVELOPMENT**

**Policy LU 1.2:** Establish Zoning standards, for areas designated Planned Residential Commercial (PRC) to support redevelopment of underutilized commercial areas for mixed use, particularly along San Pablo Avenue.

**Goal LU 2:** Encourage and upgrade commercial and mixed residential-commercial use development along San Pablo Avenue in order to expand the City's economic base, to increase housing opportunities, and to foster transit-oriented development along this major transit corridor.

**Policy LU 2.5:** Permit a moderate increase in new commercial development intensity to a maximum of FAR 0.95. ~~Delete the following: This intensity may be exceeded, when a comprehensive traffic study prepared for a specific project proposal indicates additional capacity can be created along Solano Avenue to accommodate additional traffic.~~

**Policy LU 2.5.a:** Permit mixed-use development of commercial uses with residential or other permitted uses at a maximum intensity of FAR 2.25, provided that the commercial use portion of any development does not exceed FAR 0.95 as stated in Policy L.U. 2.5. A further increase in the total intensity of a mixed-use development, up to a maximum of 3.0, may be granted through an incentive bonus system. [new]

**Policy LU 2.7:** Permit multi-family housing in the General (San Pablo) Commercial designation to be developed at a maximum FAR 1.75, when not included in a mixed use project, provided that San Pablo Avenue ground floor frontage is reserved for commercial occupancy or other occupancy that complements commercial activity. [new]

**Goal LU 3:** ~~Restrict conversion of residential uses to commercial uses along specific blocks of Kains and Adams Streets where residential uses predominate. and permit such conversions where commercial uses predominate.~~

**Policy LU 3.1:** ~~Establish a commercial land use designation and revise the C-E Zoning District to allow commercial and mixed residential-commercial uses on blocks along the west side of Kains Avenue and the east side of Adams Street, which are now predominantly in commercial use. Designate and rezone those blocks for residential use which are now predominantly residential. Protect adjacent residential neighborhoods from the adverse impacts of adjacent commercial uses through the creation of special setback requirements for commercial, mixed use, and multi-family developments where they interface with single-family properties along the opposite sides of Kains and Adams Streets.~~

**Land Use Plan Map amendment:**

- Show “Residential High Density” on the 800 and 900 blocks of Adams Street and the 700 and 800 blocks of Kains Avenue, to replace “General Commercial”.
- Remove “Planned Residential/Commercial” designation from Creekside site (1100 blocks of San Pablo and Kains) in recognition that site is recently fully developed for residential and is not considered a candidate for mixed use.

**Goal LU 4:** Maintain and promote a mix of commercial uses and upper level residential uses on Solano Avenue that serves the community, and fosters transit-oriented development along a significant transit corridor [Cross reference: Policy HE 2.5 encourages housing above commercial on Solano.]

**Policy LU 4.1:** Permit a moderate increase in new commercial development intensity to a maximum of FAR 1.25. ~~Delete the following: This intensity may be exceeded when a comprehensive traffic study indicates that it is feasible to create additional capacity along Solano Avenue to accommodate increased traffic.~~

**Policy LU 4.1.a:** Permit mixed-use development of commercial uses with residential or other permitted uses at a maximum intensity of FAR 2.0, through an incentive bonus system, provided that the commercial use portion of any development does not exceed FAR 1.25 as stated in Policy L.U. 4.1. [new]

**Policy LU 4.8:** Permit multi-family housing in the Community (Solano) Commercial District to be developed at a maximum FAR of 1.25, when not included in a mixed use project, except that housing on the ground floor of the Solano Avenue frontage is not encouraged. (new)

**C. COMMERCIAL NODES.**

**Policy LU 2.6:** Designate one or more “Commercial Nodes” along San Pablo Avenue, for the purposes of intensifying retail, commercial and mixed use activities around major intersections; reinforcing existing and developing concentrations of pedestrian-oriented uses; and defining the major commercial areas in Albany through distinctive design standards for specific locations. [new]

**Land Use Plan Map amendment:** Indicate boundaries of “Commercial Nodes” at intersections of San Pablo and Solano and San Pablo and Marin.

**Policy LU 4.7:** Designate one or more “Commercial Nodes” along Solano Avenue, for the purposes of intensifying retail, commercial and mixed use activities around major intersections; reinforcing existing and developing concentrations of pedestrian-oriented uses; fostering transit-oriented development; and defining the major commercial areas in Albany through distinctive design standards for specific locations. [new]

**Land Use Plan Map amendment:** Indicate boundaries of “Commercial Nodes” centering on intersections of Solano with Masonic and Santa Fe.

**D. UNIVERSITY VILLAGE**

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

**Policy 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.

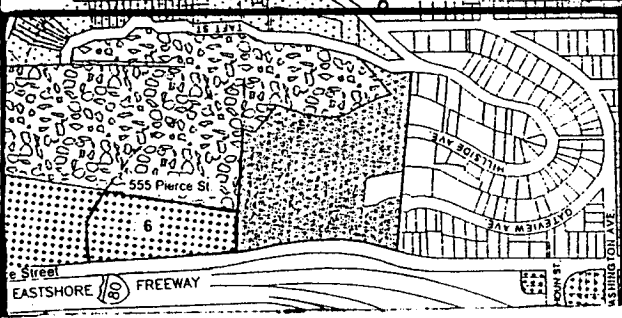
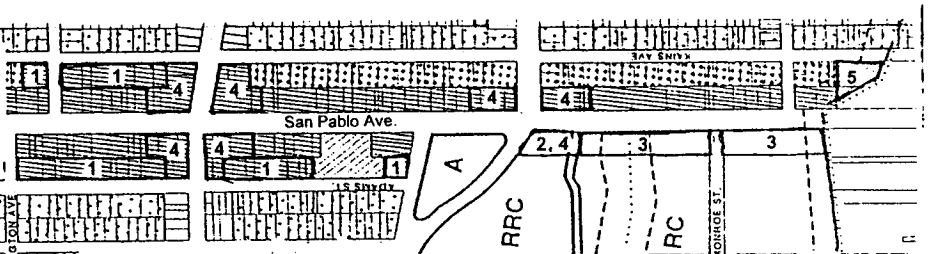
Improvement Study as part of this effort. In addition consider preserving a portion of the Gill Tract, particularly those portions with important and significant stands of trees, as open space when any re-use of this area is proposed

**Land Use Plan Map amendment:** Designate the west frontage of San Pablo Avenue, extending from Marin Avenue (Buchanan) to the South city limit, and extending 100 feet west of San Pablo Avenue, as "General Commercial".

## CITY OF ALBANY: PROPOSED CHANGES TO GENERAL PLAN LAND USE MAP, MAY, 2004

**General Plan Land Use Map Amendments.**

1. Change from General Commercial to Residential High Density
2. Change from Residential/Recreational/Commercial to General Commercial
3. Change from Residential/Commercial to General Commercial
4. Add Commercial Node Overlay to General Commercial
5. Change from Planned Residential/Commercial to Residential High Density (Kains) and General Commercial (San Pablo)
6. Change from Residential High Density to Residential Towers



LAND USE DESIGNATIONS		
<b>RESIDENTIAL</b>	<b>COMMERCIAL</b>	<b>INSTITUTIONAL</b>
[Pattern] Low Density (1-17, Av. 12 du/acre)	[Pattern] General (FAR: 0.95)	[Pattern] Public/Quasi Public
[Pattern] Medium Density (18-34, Av. 27 du/acre)	[Pattern] Community (FAR: 1.25)	[Pattern] Research
[Pattern] High Density (35-63, Av. 39 du/acre)	[Pattern] Planned Residential/Commercial (63 dwelling units/acre, FAR: 1.5)	[Pattern] Residential/Recreational/Commercial (18-34, Av. 27 du/acre, Far 0.95)
[Pattern] Planned Development (6 du/acre)	[Pattern] Commercial Recreation (FAR: 0.5)	[Pattern] Residential/Commercial
[Pattern] Planned Development (9 du/acre)	<b>INDUSTRIAL</b>	[Pattern] Residential/Recreational
<b>OPEN SPACE</b>	[Pattern] Commercial/Service/Light Industrial (FAR: 0.5)	[Pattern] City Property
[Pattern] Park and Recreation		[Pattern] Churches
[Pattern] Creek Conservation Zone		

**ATTACHMENT B, TO INITIAL STUDY OF GENERAL PLAN AMENDMENTS AND ZONING CODE REVISION, CITY OF ALBANY**

May 6, 2004

**RECOMMENDED AMENDMENTS TO  
THE CITY OF ALBANY ZONING ORDINANCE  
(MUNICIPAL CODE CHAPTER 20)**

**SUMMARY BY SECTIONS**

**20.04 Title, Purpose, Authority:**

This introductory material is equivalent to Section 20-1 of the current Zoning Ordinance. Only minor editorial changes are recommended. *No environmental impacts.*

**20.08 Definitions:**

This section defines terms used in the Zoning Text. Consolidates some definitions that currently are included in various text sections. Adds new terms where necessary, such as those associated with housing and wireless communications. *No environmental impacts.*

**20.12 Zoning Districts and Permitted Uses:**

This section matches the zone districts to the uses of land that may be permitted. This replaces the existing Figure 1 Table of Uses, as well as the use and permitting portions of existing Section 20-2, Zoning District Regulations. (The portions of Section 20-2 that set forth the development regulations (lot area, building height, setbacks, etc.), appear in a new Section 20.24). This section incorporates the Zoning Map by reference. Changes in the Zoning Map are proposed as listed below:

Zoning Map Changes: (See attached map.)

1. Replace the existing C-E Commercial Expansion District with R-3 Residential High Density (on 10 blocks), and a new SPC San Pablo Commercial District to be overlaid with PRC Planned Residential/Commercial (2 blocks) and RCT Residential-Commercial Transition (1 block.)
2. Extend SPC San Pablo Commercial District to the San Pablo Avenue frontage of U.C. Village.
3. Add the new Commercial Node Overlay District to designated portions of San Pablo Avenue and Solano Avenue.
4. Limit the R-4, Residential Towers District to the site of the Gateview project only; re-designate the balance of the existing R-4 to R-3, Residential High Density. \*
5. Change R-3 Residential High Density along the east side of Kains Avenue and the west side of Adams Street to R-2 Residential Medium Density \*

\* *These two changes involve a reduction in maximum residential density. Under State law, the City must, prior to considering reduction of the density of any multi-family property, amend the ordinance controlling non-conforming uses to allow rebuilding any multi-family building that is destroyed by fire or other*

*catastrophe. Such an amendment is part of the general ordinance revisions currently proposed. Notice will be provided when a public hearing is scheduled for formal consideration of these re-zonings.*

*See Checklist discussions under Land Use, Population and Housing, and Transportation. Mitigations included; no significant environmental impacts.*

**20.16 Land Use Classifications:**

This is a new section intended to categorize land uses and to provide expanded descriptions of all of the listed uses. The section introduces several new uses, resulting from technological changes, and the need to split some broad categories, such as automotive, for greater precision. Some currently listed uses are obsolete, or can appropriately be combined into broader terms. *No significant environmental impacts.*

**20.20 Regulation of Specific Land Uses:**

Several land uses, such as Home Occupations, Restaurants, Secondary Residential Units and Temporary Uses, require special regulations and procedures, and these are provided in this section. *No significant environmental impacts.*

**20.24 Development Regulations:**

The Development Regulations Section consists of two parts:

a) Tables 2.A and 2.B, Site Regulations by District, consolidate the basic site regulations for each zoning district, including density, floor area ratio (FAR), lot dimensions, coverage, height and setbacks. In the current ordinance these regulations are listed within the texts for the districts. Explanatory footnotes deal with details and exceptions.

b) The balance of the section consists of a series of subsections that provide regulations for a range of specialized situations, arranged alphabetically from "Accessory Structures" to "Usable Open Space". The core of this material is currently located in the existing Ordinance, Section 20-3, Citywide Regulations. Other material is transferred from the existing sections on Design Review and Parking, as well as from the District descriptions. Some of the proposed subsections address new matters, such as Commercial Nodes and FAR bonuses.

*See Checklist discussion under Land Use. Mitigations included for Commercial Nodes and FAR bonuses; no significant environmental impacts.*

**20.28 Performance Standards**

This new section establishes standards of on-going performance for land and buildings, to ensure protection of adjacent properties from adverse effects such as odor, glare, and noise. The regulations call for continuous maintenance of properties, including maintenance of landscaping, fences, and signs, and removal of debris. Residential, as well as non-residential, properties would be subject to the standards. *No significant environmental impacts.*

**20.32 Off-Street Parking and Loading:**

***RESIDENTIAL, summary of proposed changes:***

- Increases floor area allowable in single-family additions without added parking;
- Allows required parking to be located in either a rear or side yard;
- Requires findings for allowing required parking in a front yard;
- Increases various minimum dimensions for required parking spaces and driveways.

***NONRESIDENTIAL, summary of proposed changes:***

- Expands the "Purpose" statement;
- Matches parking space requirements to the proposed table of land uses, and expresses most requirements in terms of floor area per parking space;

- Establishes nonconforming status of buildings that do not meet parking requirements;
- Allows a 1500 square foot exclusion for new floor space or uses on Solano and San Pablo Avenues;
- Tightens procedures for reductions in parking requirements;
- Provides for reduction in the nonresidential portion of parking requirements in mixed use projects;
- Adds a minimum loading requirement for shopping centers;
- Permits the Community Development Director to permit joint use of parking and loading areas, as warranted.

See Checklist discussion under Transportation. No significant environmental impacts.

#### **20.40 Housing Provisions**

New section containing regulations and procedures for the implementation of affordable housing policies as stated in the Housing Element of the General Plan, and requirements of State law regarding Density Bonuses. No significant environmental impacts.

#### **20.44 Nonconforming Uses, Structures and Lots**

Existing text is restructured for clarity and to include more specific provisions for nonconforming lots. Changes in circumstances under which damaged nonconforming structures may be restored, including reduction of threshold of damage from 65% to 50%. No significant environmental impacts.

#### **20.100 Procedures**

**20.100.010 Common Procedures:** Consolidation of matters common to all permit procedures – forms, fees, hearings, noticing, etc. Essentially this replaces section 20-4.1, with the addition of material on completeness of applications and on CEQA compliance. New noticing requirements for residential design review are specified. There is also a subsection on enforcement that includes material now located in Section 20-1.

**20.100.020 Zoning Clearances:** A new section, formalizing administrative review of routine items.

**20.100.030 Use Permits:** This replaces Subsection 20-4.4 and portions of 20-4.1, in part to draw a clearer distinction between use permits and variances. A new class of “minor” use permits is introduced, allowing for administrative approval following a notice and hearing process.

**20.100.040 Variances:** Similar to 20.100.030, but emphasizing required findings for variances, which are not changed from the existing ordinance.

**20.100.050 Design Review:** Principally a reorganization of existing provisions. The lengthy Purpose and Intent and Scope statements on pages 2111 and 2112 are made more concise, while most of the language of those subsections has been used in a new section on Standards of Review. The content of subsection 20-10.3 has been converted to a table that displays the distinctions between administrative and commission review. The detailed regulations on FAR are appropriate to the residential regulations section rather than the procedures section, and will be moved. The design review findings have been simplified so that they refer to compliance with other documents, including the new Standards of Review subsection. Some of the existing text of the findings is shifted to the standards subsection.

**20.100.060 Planned Unit Development:** Moved to the procedures section with minor changes. The changes require more architectural detail to be submitted, along with

a clearer statement of the benefits to accrue from using the PUD process. New specific findings would be required.

**20.100.070 Zoning Amendments:** Detailed specifications for public notice are replaced by reference to requirements in State law. A series of time limits for review of amendment proposals is added, in part to comply with state requirements, and in part to assure timely response to requests.

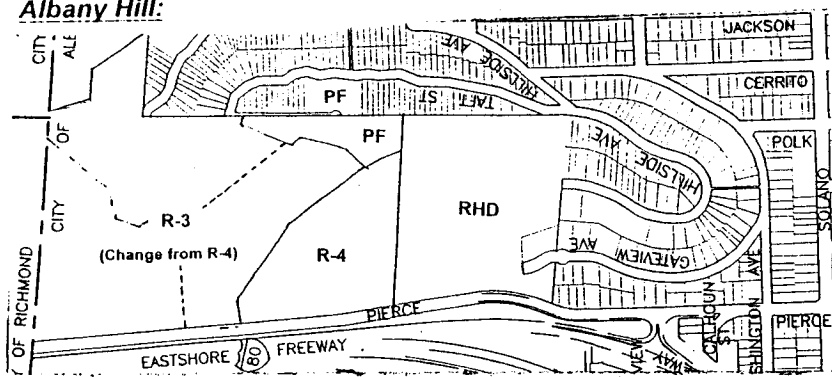
**20.100.080 Appeals:** No new proposal – the City Council updated the appeals procedure in 2001. The text of Ordinance #01-01 is incorporated with minor adjustments to the new format of the zoning ordinance.

*No environmental impacts.*



# CITY OF ALBANY: PROPOSED ZONING MAP CHANGES, MAY, 2004

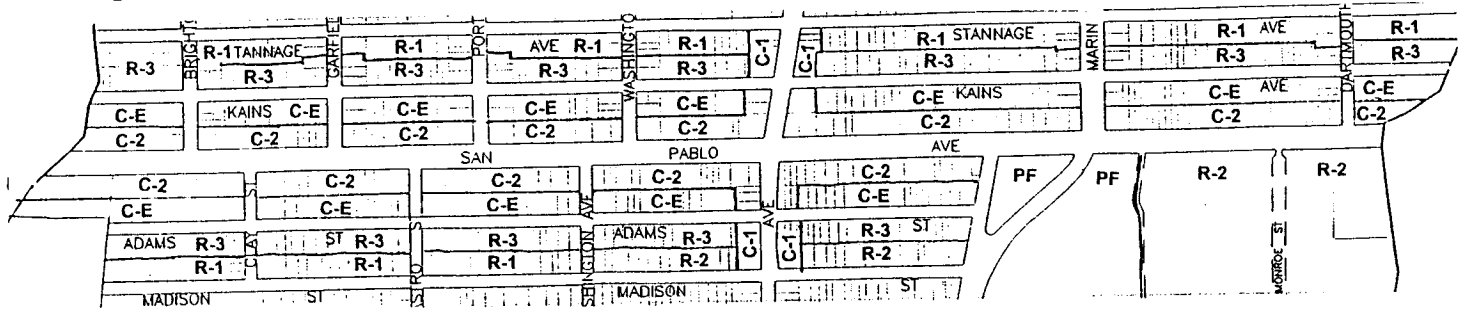
## Albany Hill:



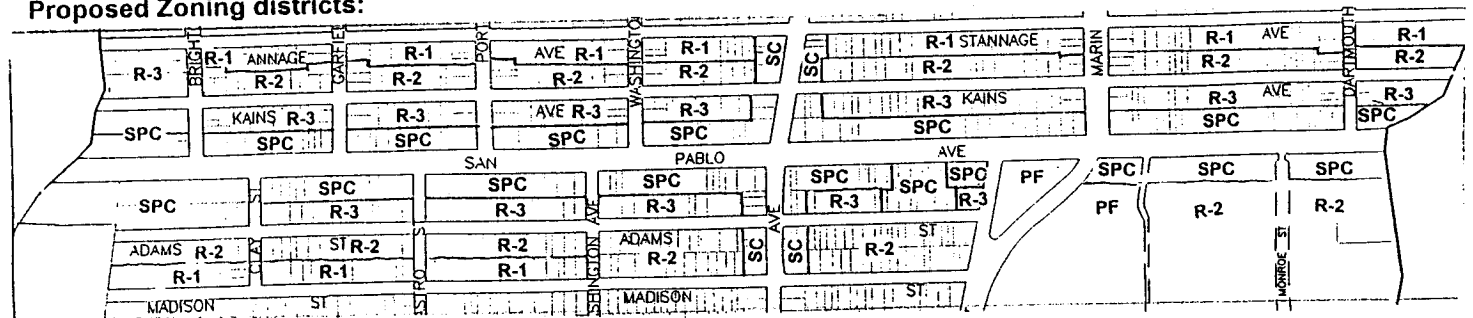
## ZONING DISTRICT SYMBOLS used on this map:

- R-1 = Residential Single Family
- R-2 = Residential Medium Density
- R-3 = Residential High Density
- C-1 = General commercial
- C-2 = Highway Commercial
- C-E = Commercial Expansion
- SC = Solano Commercial
- SPC = San Pablo Commercial
- :CN = Commercial Node Overlay
- :CE = Commercial Expansion Overlay
- :RCT = Residential-Commercial Transition Overlay
- :PRC = Planned Residential / Commercial Overlay

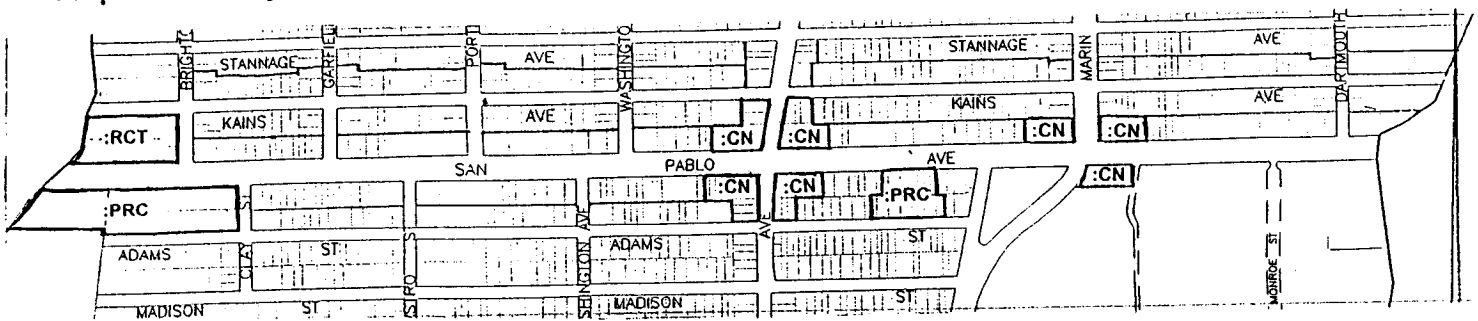
## San Pablo Avenue Corridor: Existing Zoning Districts:



## Proposed Zoning districts:



## Proposed Overlay Districts, to be superimposed on proposed base districts:



## Proposed Overlay Districts, Solano Avenue:

