

*City of Albany*  
**Planning and Zoning Commission**  
**Study Session/Staff Report**

Meeting Date: November 13, 2007

Prepared by: \_\_\_\_\_

Agenda Item: 6a

Reviewed by: \_\_\_\_\_

**Subject:** 1030-1130 San Pablo Avenue. Planning Application 07-100. Rezoning. Planned Unit Development. Design Review. Parking Exception. A request for rezone to San Pablo Commercial, planned unit development, design review and parking exception for a new grocery store and mixed-use development at a site owned by the University of California.

**Applicant/  
Owner:** Bob LaLanne with The LaLanne Group for University of California

**Recommendation**

Discuss the proposed project. Receive testimony from the applicant and members of the public. Provide direction to staff on issues of interest during the review process. *No action is to be taken at this time.*

**Previous Action**

No major improvements have recently been made at the property.

**Project Description/Summary**

The subject area comprises two blocks that have a combined area of approximately 181,700sq.ft. The site is owned by the University of California. The applicant would like to construct a new 55,000sq.ft. grocery store at the south end of the property, which includes a 2-story parking structure and a mixed-use development at the north end of the lot, which includes 30,000sq.ft. of retail and 100 senior housing units and 75 assisted living units. There is an under ground parking garage for the mixed-use building, which has two access points, from San Pablo Avenue and 10<sup>th</sup> Street. (The applicant is currently in negotiations with Whole Foods Market as the potential owner of the grocery store. A housing collaborator has not yet been determined.) Because the uses are not related to the educational function of the University, city land use policies apply to the proposed project.

The properties currently have two zonings, San Pablo Commercial for the first 100' along the eastern side of San Pablo Avenue and Residential for the rest of the property. A rezone to San Pablo Commercial for the entire area would be required to consider a project with commercial uses. A planned unit development is requested to allow an increase in height and a parking exception is requested to allow a reduced number of required parking spaces.

The conceptual design of the mixed-use portion of the project has contemporary style with rectangular pop outs to articulate the façade, flat roofs and a mix of building materials such as horizontal wood siding and stucco. The conceptual design of the grocery store is also of a contemporary style with large, glass storefront windows, multiple windows along the side and rear elevations and a mix of flat and gable roofs. The grocery store would also include a two-story parking structure at the south end of the lot. This review is a preliminary study session, which means that **No Action is Taken**.

### **Background on Application**

A formal application was first received on October 31, 2007. Staff believes that due to the size of the project that a study session discussing the project issues is most appropriate prior to commencing a full review.

### **Environmental Analysis**

An EIR was certified by the University of California for a master plan that included the entire University Village in 1998. A subsequent EIR was certified in 2004, which included the quadrant areas between Buchanan and Cordinicias Creek and San Pablo Avenue and 8<sup>th</sup> Street. The project description/plan has been changed since the 2004 approval in that the number of residential units has been decreased and the amount of commercial space has been increased. Additional environmental review will be required.

### **Identification of Key Issues**

#### A. Development Requirements

##### 1. Rezoning/Zoning Amendment

The subject area is a portion of a larger parcel, approximately 72.5 acres in size. It is unique in that it currently has two zonings despite that it is only one parcel. It is zoned San Pablo Commercial for the first 100' of depth along the eastern side of San Pablo Avenue and R-2, Residential for the rest of the property. A rezone to San Pablo Commercial for the entire area would be required to consider a project with commercial uses. A zoning amendment/rezone requires that the Planning and Zoning Commission hold a minimum of one public hearing on the proposed zoning amendment and recommend adoption of the amendment to the City Council. The City Council must also hold a public hearing and adopt the zoning amendment in order for a zoning map amendment to be completed.

It should be noted that the parcels have two General Plan designations as well with the north half zoned RRC (Residential/Recreational/Commercial (18-34, Av. 27du/acre: Far 0.95) south half zoned RC (Residential Commercial) . The proposed uses are consistent with both General Plan designations.

## 2. Subdivision

The applicant would like to subdivide the parcel into the three parcels. One parcel comprises the area between Monroe, Street (to the north), 10<sup>th</sup> Street (to the east), San Pablo Avenue (to the west) and Village Creek (to the north), and is approximately 91,500sq.ft. The second parcel comprises the area between Monroe Street (to the south), 10<sup>th</sup> Street (to the east), San Pablo Avenue (to the west) and Cordinicies Creek (to the south), and is approximately 90,200sq.ft. The third parcel would be the streets, Monroe Street and 10<sup>th</sup> Street, which would be retained and maintained by the University. The remaining parcel would be the remaining 65 acres of the original parcel. A tentative map has not been prepared for the project at this stage of review; however, it will be required to allow the parcels to be individually owned. All of 10<sup>th</sup> Street between Village and Cordinicies Creek and Monroe Street between San Pablo Avenue and 8<sup>th</sup> Street are included as part of the project for parking and clean water requirements, which is later discussed in further detail. The streets will therefore have to be included as part of the two parcels that are proposed as part of the development.

## 3. Planned Unit Development (PUD)

The applicant is requesting a planned unit development to allow an exception to the height requirements. A maximum of 38' is permitted in the SPC zoning district. The grocery store has the maximum allowable height of 38'. The mixed-use portion of the development, however, exceeds the maximum height limit. The retail portion that runs along San Pablo Avenue is about 190' in length and has a height of 30'. The residential portion that runs along San Pablo is approximately 68' in length and has a height of 38'. The building has a maximum height of 50' starting approximately 90' back from San Pablo Avenue where the building has four stories to accommodate the residential areas.

In regards to the floor-area-ratio (FAR) requirements, up to 2.25, which is approximately 200,000sq.ft. of building area permitted for each parcel. Approximately 170,000sq.ft is proposed for the mixed-use portion of the project and 115,000sq.ft. is proposed for the grocery store, including the parking garage.

Planning and Zoning Code Section 20.100.060 (Planned Unit Development) requires that a finding be made that the project incorporates an exceptional level of amenity or other benefits to the community that could not be achieved with the PUD.

## 4. Large Care Facility, Residential

Planning and Zoning Code Section 20.16.030(D) describes Large Residential Care Facilities as "Twenty-four hour non-medical care for more than six persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities License for residential care by the State of California." A strategy in designing housing for seniors is to development close to services since many of the tenants are do not or seldom drive. Circulation is focused on pathways with the goal of clearly marking and easily accessing pathways.

The applicant has not yet finalized agreements with a senior care provider. It is fairly certain, however, that it will be a state licensed. The MC also states that one parking space must be provided for each full-time employee at the facility. The senior housing units are considered a "residential use" and are subject to residential parking standards.

#### 5. Parking Exception

There are 250 parking spaces provided for the grocery store in the form of a two-story parking structure. The municipal code requires one parking space for every four hundred square feet of building area. The grocery store is therefore "over parked" providing 112 more spaces than the required 138. The intent is that these spaces will be restricted to Whole Foods customers.

Two off-street parking spaces are required for each residential unit. The 75 assisted living units do not require parking, other than for full-time employees, because the assisted living units are not "residential units" with kitchen facilities. The applicant is requesting a parking exception to allow 110 on-site parking spaces and 37-shared parking spaces where 200 on-site parking spaces are required for the 100 senior housing units. The applicant would like to use MC 20.28.040(A3), which states, "Special Reduction enacted by Measure D, 1978. The Planning and Zoning Commission may, by conditional use permit, reduce the parking requirement contained in subsection 20.28.030A to no fewer than one and one-half (1-1/2) spaces per dwelling unit upon making the finding that existing on-street parking is sufficient to justify a reduction." This project is unique in that they provide housing units, of various sizes, for seniors who have different vehicle ownership and driving habits that differ from the general population.

There are 75 parking spaces provide for the retail portions of the mixed-use development. They are, however, located along the street areas. The applicant would like to use MC 20.28.040(B4) which states, "Off-street parking facilities for one use shall generally not be considered as providing off-street parking facilities for any other use. However, off-street parking facilities for one nonresidential use may be considered as providing off street parking facilities for other nonresidential uses on the same site or an adjacent site based upon demonstration that he peak of aggregate parking demand for the combined uses is not greater than the number of off-street parking spaces that are available to serve the combined uses. Staff intends to conduct may require a parking survey to substantiate such a request. Any adjustment made by the Planning and Zoning Commission shall be limited to a reduction of a maximum of twenty-five (25%) percent of the requirement, and will be considered through a major use permit process. The recordation of a written agreement among the parties participating in the sharing arrangements shall be a condition of the use permit."

If the property is subdivided so that the Monroe and 10<sup>th</sup> Streets are part of a separate parcel, they could be considered as an "adjacent site" for providing parking. It should also be noted that if the street parking were provided specifically for the commercial portion of the mixed-use development, specific signage stating the distinction would need to be posted.

The Commission may want to consider granting a reduction in parking for the commercial areas to allow a potential restaurant. As proposed the applicant is provided the minimum required

parking for typical retail uses which is one for every four hundred square feet of building area. A general restaurant requires one parking space for every two hundred square feet of building area.

If the applicant receives a conditional use permit to allow reduced parking for the senior housing and is permitted to use the adjacent streets for commercial parking there are still 40 more parking spaces required for the senior housing units and parking for the full-time employees of the assisted living facility. These additional parking spaces can be reduced in the PUD process, as previously described. A parking analysis, separate from the CEQA analysis of traffic and circulation, may need to be completed.

#### B. Creek

Two creeks, Village Creek along the north side and Cordinicies Creek along the south side border the properties. The design of the proposed project has been coordinated with the conceptual design for the restoration of Cordinicies Creek. As proposed, however, a portion of the parking structure for the grocery store is in the "A, 100-year" flood zone. A letter of map revision will be required, which is issued by FEMA. The letter must state that no portion of the building is located in the flood zone after the improvements have been completed. A similar process was required for the Target project, located on Eastshore Highway, which has also has Cordinices Creek running along the southern end of the property.

#### C. Traffic and Circulation

A traffic and circulation study was done as part of the 2004 CEQA review. The project, however, has changed the building footprints, uses, and circulation to an extent that a new traffic analysis will need to be completed. Existing conditions have also likely changed with a number of improvements, including the Buchanan/Marin Reconfiguration Plan, having been completed since that time. There are a number of issues that will need to be considered and reviewed in the traffic analysis. Some of these issues include the following:

1. LOS "D" at the intersection of Marin Avenue and San Pablo during PM peak hours.
2. Number of traffic lanes and configuration needed at entrance on San Pablo Avenue.
3. Fire Department access.
4. Location and number of new curb cuts along San Pablo Avenue.
5. Potential modification of traffic signal at Monroe Street.
6. Potential stop signs at the intersection of 10<sup>th</sup> Street and Monroe Street.
7. Delivery truck routes and turn around.
8. Avoiding diversion of traffic onto nearby residential streets

The traffic and circulation analysis is heavily dependent upon the design of the project. The Commission may want to consider any appropriate design revisions at this time since they will likely affect the traffic analysis.

#### D. Stormwater

The project will be subject to the Alameda County Clean Water Program C-3 requirements, which apply to project creating or replacing 10,000 square feet of impervious surface. The project must have a plan that installs water treatment measures to remove pollutants from stormwater before it reaches the public drainage system or creek. The level of water runoff must be equal or less of pre-construction levels. Typical treatment measures include bio-retention areas, vegetated swales, and infiltration trenches. In this case the water will have to be directed to the creeks. At this time a route to the creek for the stormdrain pipe has not been located.

#### E. Art Ordinance

On October 1, 2007 the City Council adopted a Public Art Program that requires applicants for all new development projects are required to include a Public Art feature valued at 1.75% of construction. For a project of this size the public art component could be well over \$1,000,000.

#### F. LEED

The City adopted a Green Building Ordinance on December 4, 2006. The standards of compliance for the ordinance require that all commercial projects receive a certified, gold Leadership in Energy and Environmental Design (LEED) rating. This will be the first commercial project that to be processed with the LEED certification.

#### G. Design Review

##### 1. Grocery Store

Both of the buildings are of a contemporary style but with different architectural characteristics and details. The grocery store is being designed with Whole Foods in mind as the owner/tenant. Whole Foods does not have a model or template architectural style and tends to hire local architects when developing a site (See attachment 3). The grocery store has large, glass storefront windows with multiple windows along the side and rear elevations and a mix of flat, shed and gable roofs.

The store's entrance is on San Pablo Avenue, which is where the tallest portion of the building is and which makes the entrance more prominent with a large signage area above the entry doors. The side elevations have a lot of articulation with a mix in building materials and variation in wall height and wall depths, which breaks up the face of the building. The majority of the front, San Pablo Avenue, façade is plain except for the signage area. Staff recommends that a more open, decorative façade be considered for the front elevation. It is not only the entry to the store but it is also fronted onto a major thoroughfare that is quite visible and services people from many of the nearby cities. (See photo 1 in comparison to photo 2 in attachment 3.) Also, the parking structure is approximately a third of the frontage, which means it too will be quite visible. The architectural details, materials and landscaping of the parking structure will be very important because they will determine the aesthetics of a structure that is otherwise somewhat grim-appearing by nature.

The mixed-use portion of the project has contemporary style with rectangular pop outs to articulate the façade, flat roofs and a mix of building materials such as horizontal wood siding and stucco. The grocery store would also include a two-story parking structure at the south end of the lot.

## 2. Mixed Use Block

As previously stated, the mixed-use portion of the development is of a contemporary architectural style. The retail units are one-story along San Pablo Avenue with the four story residential units set back 90' from San Pablo Avenue and the senior housing portion of the building three stories tall along San Pablo Avenue and also increasing to the four story residential. The retail portion at the corner of San Pablo and Monroe has been designed with each commercial unit having its own distinct building with a shed roof and large windows for the storefront. The residential units along San Pablo Avenue may not be very visible from the street since they are set back so far. They have a similar use of materials as the commercial units but have a flat roof to reduce the visual mass of the structures. The side elevations have been well articulated with various architectural details providing articulation to the side elevations. For example, there are pop outs, many windows creating an open, airy appearance, indentations in the walls, creating balcony areas, accent awnings, etc. The applicant may want to consider some additional articulation been applied to the north elevation (along Village Creek). This elevation is important in that will be visually prominent when traveling along San Pablo Avenue and also sets a tone for how the creek is viewed by the buildings tenants.

As proposed there is a driveway entrance between the commercial and residential units along San Pablo Avenue. The entrance to the senior/assisted housing is located in the courtyard area, which is accessed by the driveway from San Pablo Avenue. There is not a designated private open space or park-like area provided for the buildings tenants. There are some balconies available to some of the units but other than that there is not any recreational area provided for the tenants. The applicant may want to consider eliminating the courtyard and shifting the building to the south to create more open space next to Village Creek. Also, Village Creek provides an aesthetic and potentially enjoyable asset to both the tenants and city residents. The applicant may want to consider designing the project to put more of a focus on the creek. Perhaps a walking path, benches or something that encourages enjoyment of the creek could be added.

## 3. Landscaping

There is not landscape plan provided for this preliminary review of the project. It is, however, important to consider landscape early in the design stage since landscaping is such a large variable in the overall feel and aesthetics of a development. The applicant has made attempts to preserve some of the heritage trees, for example, the large oak located in the senior/assisted living area and some of the trees along Village Creek. Most trees, however, will need to be removed. Tree removal was also one of the issues addressed in the original University Village EIR. It should be noted although these are preliminary plans, the tree wells appear quite small, which would not provide area for large, mature tree growth in the future.

In regards to parking lot landscaping, MC 20.24.110 requires that parking facilities with five or more parking spaces are to be screened and landscaped. Perimeter planting areas are required with a width of no less than 5' at an exterior property line and 3' at an interior property line. The interior planting areas must at least be a minimum of 5% of the parking area. A landscaped planter, sidewalk or other means must separate the end of each row of parking spaces from driveways. Finally, one tree shall be planted for every three parking spaces.

### Design Conclusion

Staff believes that the applicant has put a great deal of thought and consideration into the architectural design of the project. There are a few suggestions, as discussed, that may improve some aspects of the proposed design. Staff would like to recommend that in regards to aesthetics that the applicant consider the grocery store and mixed-use building two different projects that should complement each other but need not match in architectural style. Also, staff would like to emphasize that this is a unique site with two creeks running along each side of the property. The creeks could be an asset for patrons, tenants and city residents if emphasized and encouraged for use in the design of the project.

#### H. Noise

The General Plan states that residential land uses should not have a exceed 65dB for exterior noise and should not exceed 45dB for interior noise. San Pablo Avenue and Buchanan Streets are both major thoroughfares that have higher levels of noise. A noise study will need to be completed to make sure that noise level limits are met for the residential portion of the project.

#### H. Affordable Housing

Assuming that the independent senior housing is subject to inclusionary housing requirements, but assisted living is not classified as residential units because they do not have kitchens and therefore are not subject to inclusionary housing requirements, the details of the affordable housing would also have to be worked out.

#### J. Other Issues

The applicant has shown the bike path route that was proposed in the University Village EIR. Staff recommends that the applicant continue to consider bike routes, how the development will tie into future bike plans and how bikers will access one Marin Avenue and San Pablo Avenue from other parts of the property.

The Gill House is located on the property. Some members of the community have expressed desire to preserve the building and relocate it to another location. The fate of the building may want to be discussed at these preliminary stages of the project.

A signage plan has not, and need not be provided at this point in the design stage. Staff would like, however, signage will be a large aesthetic variable of the project and an appropriate sign plan should be considered in the design process.



**Conclusion**

This is a very large-scale project for Albany. It is located on a major thoroughfare, connects to existing university housing and is bordered by two creeks. There are a number of potential impacts of the project. It could, however, become an asset for the community, providing senior/assisted housing, additional retail and other improvements if well planned and designed. Staff recommends that the Commission receive testimony from the applicant and members of the public. Provide direction to staff on issues of interest during the review process.

**Attachments:**

1. Analysis of Zoning Requirements
2. Plans
3. Photos

**ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS**

20.12 Zoning Districts And Permitted Uses

General Plan: North Half: RRC (Residential/Recreational/Commercial (18-34, Av.  
27du/acre: Far 0.95)  
South Half: RC (Residential Commercial)

Zoning: SPC (San Pablo Commercial for the first 100' along the eastern side of San  
Pablo Avenue) and Residential for the rest of the property.

20.16 Land Use Classifications

Single family residential

Surrounding	North - PF and Residential	East - Commercial
Property Use	South - Residential (City of Berkeley)	West - Residential

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table Of Site Regulations By District.

See plans.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

See plans.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See key issues discussion.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

See key issues discussion.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this study session was provided on November 2, 2007 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues