RESOLUTION NO. 2014-21

A RESOLUTION OF THE ALBANY CITY COUNCIL
DENYING THE APPEAL BY ALBANY HOUSING ADVOCATES AND
AMBER WHITSON OF THE DECISION OF THE PLANNING AND ZONING
COMMISSION

WHEREAS, in 1987 the City Council of the City of Albany adopted
Ordinance #87-017 establishing Chapter XXII “Subdivision” of the Albany
Municipal Code; and

WHEREAS, Chapter XXII regulates and controls the division of land within
the City and supplements the provisions of the Subdivision Map Act concerning the
design, improvement, and survey data of subdivisions, the form and content of all
required maps provided by the Subdivision Map Act and the procedure to be followed
in securing the official approval of the City Engineer, Planning Department, Planning
& Zoning Commission, and City Council regarding the maps; and

WHEREAS, On December 6, 2004, the City Council of the City of Albany
adopted Ordinance #04-09 establishing Chapter XX “Planning and Zoning” of the
Albany Municipal Code; and

WHEREAS, Chapter XX established development standards and review
procedures for new commercial and mixed use construction; and

WHEREAS, the Albany City Council approved Resolution 93-4 adopting
San Pablo Ave. Design Guidelines on January 19, 1993; and

WHEREAS, the San Pablo Ave. Design Guidelines specifically identify UC
Village as having the greatest impact of any potential development on the Corridor
and that the quality of buildings associated with the University of California should
be directly related to the frontage of San Pablo Ave.; and

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

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

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

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

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

WHEREAS, the Planning & Zoning Commission held public hearings on
May 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013, and
November 20, 2013 and December 11, 2013 to discuss the design, scope, and
improvements set forth in the applications; and

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

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

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

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

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

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

WHEREAS, City staff scheduled the appeal hearing for City Council on
March 5, 2014 pursuant to Section 20.100.080 (E) (1); and
WHEREAS, a public hearing notice was mailed to property owners within 300 ft. of the subject site and was posted in three public places on February 21, 2014 for the City Council appeal pursuant to Government Code Section 65090; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Albany denies the appeal based on the analyses and findings in Attachment A.

PASSED AND ADOPTED by the City Council of the City of Albany on the 5th day of March 2014.
AYES: Council members: Atkinson, Barnes, Maass, Vice Mayor Wilk & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAIN: none

[Signature]

MAYOR THOMSEN

ATTEST: [Signature]

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

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

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

Summary

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

Analysis

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

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

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

The Housing Element includes the UC Village senior housing project in the site inventory as a site approved for market rate senior housing and thus appropriate for “Above Moderate Income” households. Thus, it is not included in the sites inventory for below market housing. Other sites in the Element allow the City to meet its fair share of the Regional Housing Needs Allocation for below market housing.
RESOLUTION NO. 2014-21

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

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

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none


Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.