

City of Albany



TO: ALBANY PLANNING & ZONING COMMISSION
FROM: BARRY MILLER, CONSULTANT
SUBJECT: GENERAL PLAN UPDATE
DATE: DECEMBER 11, 2013

PROJECT: General Plan Update FILE: N/A LOCATION: Citywide GP LU: N/A OVERLAY: N/A ZONING: N/A PLANNER: Anne Hersch	Original filing: N/A Date Deemed Complete: N/A Date of Notice Posted/Mailed: N/A Date of Public Hearing: N/A Total number of days to hearing: N/A
---	--

REQUEST

This is the seventh in a series of Planning and Zoning Commission Study Sessions on the Albany 2035 General Plan Update. This Study Session is intended to wrap up a discussion initiated on July 24 on General Plan Land Use Map definitions. At the July 24 meeting, the discussion was continued to a later date due to time limitations.

STAFF RECOMMENDATION

This item is a study session and no Commission action is required.

SITE LOCATION

The General Plan applies to all property in the City of Albany.

BACKGROUND

At its July 24 meeting, the Planning and Zoning Commission convened a 90-minute study session to address the definitions of land use categories in the Albany General Plan. Vetting the definitions is an important step in revising the General Plan Map, since the categories provide the “vocabulary” for expressing land use policy and the framework for the City’s zoning regulations. A copy of the staff report from the July 24 meeting is included as Exhibit “A” of this staff report. Notes from that meeting are included as Exhibit “B.”

The Commission discussed residential and commercial categories at the meeting, but did not have sufficient time to discuss industrial, public, and open space categories. It was agreed that staff would return at a later date to complete the discussion of the remaining categories. This discussion is planned for December 11.

ANALYSIS

The December 11 study session will include:

- A short update on the status of the General Plan Update, including the Housing Element
- A brief recap of the July 24 discussion of land use categories, focused on the categories discussed at that meeting
- An interactive discussion of the categories not discussed on July 24, which include:
 - Commercial Services and Production (e.g., land in the CMX zoning district)
 - Public/Quasi-Public
 - University Village
 - Parks and Open Space
 - Creek Conservation AreaStaff will review each of these categories, and Commissioner feedback will be requested
- An opportunity for public comment on the land use categories

ENVIRONMENTAL REVIEW

N/A

Attachments:

A: Staff report from July 24, 2013

B: Notes from July 24, 2013

City of Albany

ATTACHMENT "A"



TO: ALBANY PLANNING & ZONING COMMISSION
FROM: BARRY MILLER, CONSULTANT
SUBJECT: GENERAL PLAN UPDATE
DATE: JULY 24, 2013

PROJECT: General Plan Update FILE: N/A LOCATION: Citywide GP LU: N/A OVERLAY: N/A ZONING: N/A PLANNER: Anne Hersch	Original filing: N/A Date Deemed Complete: N/A Date of Notice Posted/Mailed: N/A Date of Public Hearing: N/A Total number of days to hearing: N/A
---	--

REQUEST

This is the fourth in a series of Planning and Zoning Commission Study Sessions on the Albany 2035 General Plan Update. This Study Session will cover definitions of the proposed new land use categories for the General Plan Map. We will also have a brief discussion of the General Plan EIR and give the Commission an opportunity to meet the recently selected EIR consultant.

STAFF RECOMMENDATION

This item is a study session and no Commission action is required.

SITE LOCATION

The General Plan applies to all property in the City of Albany.

BACKGROUND

Land Use Categories

At our April 24 Study Session, the Commission was briefed on the land use categories used in the 1992 Albany General Plan. It was noted at that time that the categories would be revised through the General Plan Update to make them more intuitive and to reflect amendments made since 1992. Defining land use categories is an important step in revising the General Plan Map,

since the categories provide the “vocabulary” for expressing land use policy and the framework for the City’s zoning regulations.

The proposed new land use categories are laid out below. The definitions have been formatted as they would appear in the General Plan. Commentary is included in italicized print beneath each definition.

Residential Categories

Low Density Residential (LDR)

This designation is intended to accommodate single family residential development on individual lots. The designation applies to areas of Albany where the prevailing land use consists of detached single family homes with front, side, and rear yards. The maximum density is 17 units per net acre (approximately one unit per 2,500 square feet of land area). Secondary units are permitted in these areas, subject to appropriate standards and review procedures.

- *Issue: This is an existing General Plan category, but the definition has been edited. The corresponding zoning district is R-1, which has a minimum lot size of 3,750 SF. The Commission may want to discuss if the City should lower the maximum density in this General Plan category to 12 units per acre to match the zoning, or call for an action to create a second Low Density zoning district that allows for 2,500 SF lots. Another option would be to amend the R-1 zoning to allow smaller lots, but that would have a greater impact.*

Medium Density Residential (MDR)

This designation is intended for areas characterized by a mix of single family detached homes and small multi-unit buildings, as well as attached housing types such as townhomes and duplexes. These areas have many of the characteristics of lower density neighborhoods, such as yards and driveways, but have a more diverse mix of housing unit types than low-density areas. The maximum density is 35 units per net acre (approximately one unit per 1,250 square feet of land area). New development in areas with this designation is subject to a minimum density requirement of 20 units per acre.

- *Issue: This is an existing General Plan Category. The corresponding zoning district is R-2, which has a minimum lot area per dwelling requirement of one unit per 1,250 SF.*
- *Issue: Note the proposed addition of a minimum density requirement. This is to ensure that the City can count any vacant or underutilized MDR sites toward its Regional Housing Needs Allocation.*
- *Issue: Should secondary units be permitted in these areas? The current zoning regulations indicate they are not.*

High Density Residential (HDR)

This designation is intended for areas characterized by multi-family housing. Although single family homes and duplexes may be present, the prevailing housing type consists of apartments, condominiums, townhomes, and similar higher density housing types. The maximum density is 87 units per net acre (approximately one unit per 500 square feet of land area). However, development at the top end of this range is not permitted on all sites. The High Density Residential designation has two corresponding zoning districts, including one district for residential towers up to 87 units per acre on the west side of Albany Hill, and another for general multi-

family development up to 63 units per acre. New development in areas with this designation shall be subject to a minimum density requirement of 20 units per acre.

- *Issue: Note that this was originally one category in the 1992 General Plan, but was divided into two different categories in 2004 to reflect the existing densities at Gateview Towers. This proposes making this one category again, with a higher density ceiling, and adding a provision that two zoning districts apply here. Also note the proposed minimum density requirement.*

Hillside Residential (HR)

This designation is intended to apply to sloped land on Albany Hill. Special development standards have been established for this area to conserve natural resources, limit disturbance of unstable terrain, and recognize the visual sensitivity of the hillside setting. The maximum density is 9 units per net acre. However, development at the top end of this range is not permitted on all sites. Two zoning districts apply, including one district on the west side of the hill with a maximum density of 6 units per net acre and one district on the east side of the hill with a maximum of 9 units per net acre. On any given parcel with this designation, the transfer of density to the least visually and environmentally sensitive part of the site is encouraged in order to minimize hillside disturbance, preserve the ridgeline, and maximize open space preservation. Both single and multi-family housing are permitted in this designation, although use permit requirements apply to multi-family units.

- *Issue: Note that this designation is currently called “Albany Hill Planned Residential Development” and consists of two separate categories. This would merge the two categories in a manner consistent with the zoning regulations. There would continue to be two zoning districts.*

Commercial and Mixed Use Categories

San Pablo Avenue Mixed Use (SPMX)

The designation applies to parcels with frontage along San Pablo Avenue or that are otherwise part of the San Pablo Avenue business district. The General Plan envisions a transformation of this corridor from auto-oriented commercial uses to more attractive, pedestrian-oriented, mixed use development. Retail, office, service, and other commercial uses are accommodated by this designation. Higher density residential uses also are allowed, if they are located above or behind commercial uses facing San Pablo Avenue. The maximum floor area ratio (FAR) for non-residential space on any given parcel is 0.95 and the maximum building height is 38 feet. Additional floor space, up to a total FAR of 2.25, is permitted provided that the floor space above and beyond the base FAR of 0.95 consists of residential uses. Bonuses to allow intensities up to FAR 3.0 may be provided through zoning. Zoning overlay districts may apply within this area to achieve particular General Plan objectives.

- *Issue: Should this designation prohibit buildings that are 100% residential? They appear to be disallowed by the General Plan, but are allowed by zoning. The General Plan itself provides ambiguous direction on whether 100% residential projects are allowed.*
- *Issue: Should a minimum FAR be applied, to ensure that land is used efficiently?*
- *Issue: Does the 38 foot limit preclude the maximum FAR from being achieved?*
- *Issue: Can the Planned Residential/Commercial General Plan category be eliminated, since mixed use is now encouraged along the entire corridor?*

Solano Avenue Mixed Use (SMX)

This designation applies to parcels with frontage along Solano Avenue or that are otherwise part of the Solano Avenue business district. The Solano Avenue corridor has a “Main Street” character, with small, local-serving shops, offices, restaurants, and services in a pedestrian-oriented setting. The corridor also includes civic uses, multi-family housing, and unique uses such as the Albany Theater. Future development should reinforce this character and include a similar mix of uses. The maximum floor area ratio (FAR) for non-residential space on any given parcel is 1.25 and the maximum building height is 35 feet. Additional floor space, up to a total FAR of 2.0, is permitted provided that the floor space above and beyond the base FAR of 1.25 consists of residential uses, and that these uses are not located on the ground floor facing Solano Avenue.

- *Issue: Should the text provide any direction on whether 100% residential development is acceptable?*
- *Issue: Should a minimum FAR be established?*
- *Issue: Is it acceptable to not show the “Commercial Node Overlay” on the map (around the corner of San Pablo and Solano)? It would remain a zoning overlay, but it does not necessarily have to be displayed on the General Plan.*

Commercial Recreation (CR)

This designation applies to the Golden Gate Fields property. Consistent with voter-approved Measure C (1990), the designation provides for a limited range of water-oriented uses as well as park, open space, conservation, recreation, and commercial recreation activities. Where commercial uses occur, a maximum floor area ratio (FAR) of 0.5 applies. As prescribed by Measure C, uses that are not specifically authorized by the Albany Zoning Ordinance for this area may only be approved through a citywide ballot measure.

- *Issue: Albany’s Measure C stipulates that “any amendment to the land use designations for the Waterfront Area in the City’s General Plan” requires a ballot measure. Since this is not the identical language to the 1992 Plan (even though its intent and direction is the same), is a ballot measure required to adopt it?*

Commercial Services and Production (CSP)

This designation permits a variety of uses, including retail, production, light manufacturing, distribution, and repair. Live-work uses, artist’s studios, and similar uses are also permitted. The designation applies to a linear corridor along the Union Pacific Railroad. Its intent is to provide adequate space to meet the needs of larger-scale commercial activities and light industrial uses which are consistent with the character of the city and which present minimal health and safety hazards to Albany residents. Properties with this designation are subject to a maximum allowable FAR of 0.5.

- *Issue: Note that the existing General Plan refers to this area as “Light Industrial.” The corresponding zoning district is called “Commercial Mixed Use.” This is a new title, which more accurately reflects the mix of uses (Target, Toyota dealership, office-flex space, etc.)*

Public and Open Space Categories

Public/Quasi-Public.

This designation corresponds to uses that are owned and operated by public agencies and utilities, including the City of Albany, the Albany Unified School District, and the State of California. It includes City Hall, the Library and Community Center, and the City's elementary, middle, and high schools. It also includes large institutional uses, such as St. Mary's College High School and other religious facilities. Residential uses are not permitted in this designation. Properties with this designation are subject to a maximum allowable FAR of 0.95.

- *Issue: Note that the 1992 Map broke down public/quasi-public uses into three-subcategories: churches, municipal property and other public uses (which were mostly schools). Is it acceptable to merge the three categories into one? (this is the more conventional approach)*
- *Issue: In many cities, churches are identified as a residential use. Albany's General Plan considers them "public/quasi-public" for planning purposes. Is this preferable?*
- *Issue: Is it appropriate to separate UC Village out of this category and make it its own category? Should it be public/quasi-public also?*

University Village

This designation applies to the University of California's Albany landholdings, also known as University Village or UC Village. UC Village includes a mix of multi-family housing for UC Berkeley married students and families, as well as ancillary uses such as athletic fields, common open space, and community facilities. Other academic and community-oriented uses such as teaching, research, offices, and urban agriculture are permitted. Residential uses are subject to a maximum density of 34 units per net acre. Non-residential uses, including recreational and academic buildings, are subject to a maximum allowable FAR of 0.95.

- *Issue: This presumes that the parcels along San Pablo Avenue proposed for development (senior housing, grocery, etc.) are not included in this designation, and are in the San Pablo Avenue Mixed Use area.*
- *Issue: Should UC Village be its own land use category? Another option would be to map the residential area as medium density housing and the open space as "parks and recreation." That would more accurately reflect the uses of land (vs the ownership of land)*

Parks and Open Space.

This designation includes Albany's parks, including portions of Albany Hill, the Albany waterfront, linear parks such as the Ohlone Greenway, existing City parks such as Memorial Park and Terrace Park, and planned City parks such as Pierce Street Park. It may also include land within large private developments that has been set aside as permanent open space through conservation easements or other means. In those park areas where recreational facilities are permitted, structures are subject to a height limit of 35 feet and a maximum coverage limit of 25 percent.

- *Issue: Note that the 1992 Plan called out two separate categories: public open space and private open space. However, these categories were not distinguished on the map. The General Plan will still include a map (in the Parks, Recreation, and Open Space Element) indicating which open spaces are City parks, regional parks, UC property, and private land.*

Creek Conservation Area

This is an “overlay” designation that is used to identify areas within 100 feet of the centerline of Codornices Creek along the southern city boundary, Cerritos Creek along the northern city boundary, and Village Creek, which is primarily on the UC Village and Golden Gate Fields properties. The intent of the Creek Conservation Area is to ensure that the uses permitted under the “base” designation occur with minimal disruption of riparian vegetation, and minimal adverse effects on flooding and erosion. The City has developed a Watercourse Protection Overlay District to establish standards for achieving these objectives.

- *Issue: Is there still merit in showing the Creek Conservation Area on the General Plan map? Should the name be changed to match the zoning overlay (Watercourse Protection Area?)*

EIR Consultant Retention

In early June 2013, the City of Albany issued a Request for Proposals (RFP) for a consultant to prepare the General Plan Environmental Impact Report. Two firms—LSA Associates (Berkeley) and Urban Planning Partners (Oakland)—submitted proposals. On July 12, both firms were interviewed by a panel including three City staff and a member of the Planning and Zoning Commission. Both firms were well qualified, submitted comparable cost proposals, and performed well in the interview. After deliberation, the selection committee recommended the firm of LSA Associates for the project. The LSA team includes two sub-consultants—Fehr and Peers (transportation) and Baseline (hydrology, geology, hazardous materials). The City will finalize the consultant’s scope of work in the coming weeks, and a contract for services will be presented for City Council approval on September 3.

LSA has been invited to attend the July 24 Planning and Zoning Commission meeting and will be available to respond to questions about the EIR at that time.

ANALYSIS

During the Study Session, the City’s consultant will seek input from Commissioners about the proposed land use categories and the issues that are highlighted under each of the categories listed above. A large map of the City will be provided showing the *existing* General Plan designations as a benchmark for this discussion. As noted above, there will also be an opportunity to discuss the EIR at this meeting.

ENVIRONMENTAL REVIEW

N/A

July 24, 2013
Albany Planning and Zoning Commission
General Plan Study Session #4 Notes

**ATTACHMENT
“B”**

The fourth Albany Planning and Zoning Commission General Plan Study Session was convened at 6:30 PM on July 24. All Commissioners were present.

Consultant Barry Miller did a PowerPoint presentation outlining proposed land use categories for the new Albany General Plan, and explaining how the categories related to those in the 1992 Plan. The Commission took comments from the public following each land use category, and provided feedback to the consultant after each set of slides.

The following comments were made by Commissioners and the public:

- The Low Density Residential range should be retained with a 17 unit per acre density (2500 square foot lots). The City should not redefine this category to be 1-12 units per acre.
- City could acknowledge that Low Density Residential areas contain existing lots as small as 2500 square feet (17 units per acre) without necessarily changing the zoning rules for R-1 to allow 2500 square feet.
- Should modify rules so existing lots that are 2500 to 3750 square feet are not considered “non-conforming” for permitting purposes. Perhaps a new zone where these areas are concentrated?
- Keep requirement that new lots must be at least 3750 SF? (Donaldson).... Allow new lots to be 2500 SF? (Moss, Pilch, Arkin)
- Public comment—speaker owns a 2900 SF lot. Berkeley requires lot area of 5000 SF to permit a second unit. Consider the implications of allowing larger second units on small lots—could cause problems
- Commission--Collect additional data before deciding--what would be the impact of allowing 2500 square foot lots in R-1? How many lots that are not subdividable today would become subdividable? Can we get this data? How many nonconforming lots are there in the city now?
- It is not necessarily a problem or a constraint to development if a lot is less than 3750 SF—can still build on it
- The Medium Density definition should allow second units. They were not included because this zone already allows two units per parcel, and perhaps it would be redundant to also allow second units.
- But the process for allowing two units (e.g., a duplex) is more onerous than simply following the state requirements for permitting second units—so we should clarify that second units are OK too.
- Amend zoning to allow second units in RM without a use permit
- Also allow second units in R-3, for single family homes
- Commissioners generally agreed on adding a minimum density requirement
- High Density Residential—public comment (Fields)—no to minimum density

- Hillside—public comment—what is the zoning on the vacant parcel on the west side of Albany Hill? Would it be logical to develop one corner and preserve the rest as open space?
- Should the city retain the flexibility to transfer the density on sites with this designation?
- Perhaps an EIR alternative should consider more units on the site with this designation (on the west side of Albany Hill)
- San Pablo Commercial Zone: zoning code implies that 100% residential may be allowed
- Public: Where does the zoning code state that 100% residential is allowed. Don't change the Residential overlay on General Plan. PRC provides guidance to reduce commercial impact on Adams—need it in General Plan
- Public: Is the Commission going to revisit the height limit on San Pablo?
- Public (Ken Friedman) wants to meet with staff to discuss Albany Bowl. Need more height. Has looked at ideas for the site
- For mixed use projects, need to establish a minimum percentage of the ground floor that is commercial for a project to qualify as mixed use. Avoid marginal spaces where 97% of the building is housing and just 3% is retail. Also, don't allow 100% residential along San Pablo—creates “dead zones” for retail. Need active ground floor uses on extent of corridor (Commission was not in total agreement on this point). General agreement that a project should meet a certain threshold for how much retail it has on the ground floor before it is considered mixed use
- How can a form-based zoning be integrated into to our zoning code to encourage mixed use?
- Mixed use zoning doesn't seem to be working very well
- Solano Avenue 35' height limit may preclude mixed use.
- Perhaps San Pablo and Solano can be the same category?
- Note that Solano Avenue category is really a “corridor” since some of the parcels front on the side streets and not on Solano.
- Public comment: Commercial Recreation definition references a “Waterfront Master Plan” which doesn't exist and isn't on website. The definition is “absurd” and the zoning definition is equally archaic. The ordinance and General Plan need to be cleaned up with respect to the waterfront—you can't carry forward the Voices to Vision into the General Plan since that document did not have an EIR. Can't adopt an IS/ND for new waterfront policies until a cultural and historic resource assessment is done, as required by state law. Should schedule one meeting just on the waterfront to discuss these issues.
- Middle School should be shown as “public” on new General Plan Map.

There was insufficient time to complete the discussion of Land Use categories, and the Commission agreed to complete this discussion at its September meeting so it could begin the regular meeting without further delays. The last category discussed was Commercial Recreation.