

*City of Albany*  
**Planning and Zoning Commission**  
**Approved Minutes May 24, 2011, Meeting**

*Note: These minutes are subject to Planning and Zoning Commission approval. The minutes are not verbatim. An audiotape of the meeting is available for public review.*

## **Regular Meeting**

### **1. Call to order**

The meeting of the Planning and Zoning Commission was called to order by Vice Chair Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, May 24, 2011.

### **2. Pledge of Allegiance**

### **3. Roll Call**

Present: Arkin, Eisenmann, Maass, Panian

Absent: Moss

Staff present: Planning and Building Manager Jeff Bond, Planning Clerk Amanda Bennett

### **4. Consent Calendar**

#### **a. Minutes from the April 12, 2011 Regular Commission Meeting.**

*Recommendation: Approve.*

Vice Chair Arkin noted Mr. Gabel's last name was misspelled Able a few times.

Commissioner Maass moved approval of the consent calendar as corrected. Commissioner Eisenmann seconded. Commissioners Eisenmann and Panian would abstain from the vote because they were not at that meeting.

Vote to approve item **4a** as amended:

Ayes: Arkin, Maass

Nays: None

Motion passed, 2-0.

### **5. Public Comment on Non-Agenda Items**

Preston Jordan stated he held a meeting at his house with various groups. Vice Chair Arkin said to hold for item **6b**. Mara Duncan asked would they be able to discuss the Gill Tract and urban farming? Planning Manager Bond noted there was nothing in the notice or agenda regarding the Gill Tract and urban farming, so they could take the public comments but if the Commissioners wanted to discuss it in depth they might agendaize it separately. Vice Chair Arkin recommended allowing the comment and the Commissioners could decide whether to also agendaize it separately.

### **6. Discussions and Possible Action on Matters Related to the Following Items**

- a. 949 Ordway. Planning Application #11-026. Design Review.** The applicant is requesting design review approval to add a second level to the home, resulting in a

2,487 square foot residence. The height of the residence is proposed to increase to approximately 28 feet.

*Recommendation: Approve.*

Planning Manager Bond delivered the staff report. Commissioner Eisenmann asked about the garage and the fence. Planning Manager Bond responded the requirement was either 6" or 3'. Commissioner Panian noted the site plan showed a shared driveway and asked were the dimensions and clearance sufficient? Planning Manager Bond indicated they were.

Vice Chair Arkin opened the public hearing and invited the applicant to make a presentation. Joanne Koch, the project architect, was available to answer questions. Sarah Zimmerman, neighbor to the rear, was concerned about the 11'6" height, loss of light, and maintenance of the fence due to the garage. Also, would they get to go on her property to paint it? A three-foot setback would be preferable. Then they could go with a higher roof. Robert Shear, the property owner, expressed willingness to allow her on the property to maintain her fence. No one else wished to speak. Vice Chair Arkin closed the public hearing.

Commissioner Eisenmann appreciated concerns being addressed. She wanted to know if the garage was being expanded to make the parking conforming or if it was just for storage. She asked for clarification of what might block sunlight. Commissioner Maass appreciated concerns being addressed. He thought the shingle line could come down. Commissioner Panian appreciated concerns being addressed. He wanted to be sure the maximum height reference in the staff report was correct (the same as that on the plans). Planning Manager Bond indicated that would be corrected. Vice Chair Arkin liked the shingle line. The garage was not too tall and would not create unusual shadow.

Commissioner Panian moved approval, noting the existing easement for a shared driveway. Commissioner Maass seconded.

Vote to approve item 6a:

Ayes: Arkin, Eisenmann, Maass, Panian

Nays: None

Motion passed, 4-0.

**Findings. 949 Ordway.**

**Findings for Design Review approval (Per section 20.100.050.E of the AMC)**

<b><u>Required Finding</u></b>	<b><u>Explanation</u></b>
1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i>	<i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i>
2. <i>Approval of project design is</i>	<i>The proposal is in scale and harmony with</i>

<p><i>consistent with the purpose and intent of this section, which states “designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient.”</i></p>	<p>existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the City’s Residential Design Guidelines. The project will not require significant grading or excavation. The project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The proposed addition is attractive in appearance, and is in scale with the surrounding neighbors. The design is complementary with the existing home.</i></p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p><i>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The quality of design and materials are appropriate for a project with a FAR of 0.55.</i></p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated, including harmonious materials, and well proportioned massing .</i></p>

- b. 1030-1130 San Pablo Avenue (University Village). Planning Application #07-100. Planning Application 10-050. Rezoning and Planned Unit Development.** A request for rezoning and planned unit development approval for exceptions to zoning district height requirements, open space, and parking and loading standards for a new grocery store and mixed-use senior housing and development at a site owned by the University of California.

*Recommendation: Study Session only. No action by the Commission will be taken at this meeting.*

Vice Chair Arkin recused himself due to proximity to his residence and office and excused himself from the rest of the meeting. Commissioner Maass nominated Commissioner Panian to chair the rest of the meeting. Commissioner Panian accepted.

Planning Manager Bond delivered the staff report. Acting Chair Panian opened the public hearing and invited the applicant to make a presentation. Kevin Hufferd, UC Berkeley Real Estate Division, Project Manager, made a presentation. Peter Waller, the project architect, made a presentation. Commissioner Eisenmann asked for clarification on the shared parking. Mr. Hufferd opined it would absorb part of the overly high parking requirement (assisted living

facilities should not be required to supply two spaces per unit).

Maureen Crowley, Albany resident, opposed a massive Whole Foods and suggested the senior housing was a come-on and that there was no need to change zoning for it. SB375 discouraged zoning away from residential. There was no written commitment to restore either creek. Codornices Creek should be restored along the ball fields, too. There was no written commitment to maintain the ball fields. Ed Fields, Albany resident, said PUDs were supposed to increase open space, not reduce it. Need detailed analysis. Also, what was the main amenity/benefit? Needed a guarantee that the applicant would restore Codornices Creek. Zoning did not need to be changed. He preferred the environmentally superior alternative from the EIR. The master plan had student housing there, not senior housing. Where would the student housing have to go?

Signe Magnussen, Albany resident, opposed the lack of sustainability of Whole Foods (not local, not local sources). She was concerned about a lack of specificity in the EIR. She hoped the Gill Tract would remain agricultural land. Francesco Papalia, Albany resident, agreed the project was not perfect, but the world was not perfect. Adds revenue, bicycle parking, bicycle plan, and affordable and senior housing. Developers had a right to develop and get a return. Albany did not need subsidized farmland. Lubov Mazur, Albany resident, supported senior housing and opined the Gill Tract was too small to feed Albany.

Preston Jordan, Albany Stroller and Rollers, met with the applicant and they incorporated some of what they wanted. Would like to see commitment from CalTrans and access to Whole Foods from the east on Dartmouth for bicyclists. The phased sheet showing Whole Foods only did not include improvements south of Monroe. Codornices Creek bicycle path not completed. He held a meeting with representatives of several local organizations to try to work together. He hoped that agreements and funding could be found to move the ballparks to the Gill Tract. Rita Wilson was in favor of senior housing and hoped it would not all be assisted living.

Ibrahim Robin, Albany Soccer, stated local businesses could prosper in the other commercial spaces because of the draw of the anchor store. He supported senior housing. Katherine Sutton, Albany resident, stated when the other student housing went up it would block views of the ball fields. The creek needed to wind more--that needed to be in the plan. Senior housing needed to be affordable. She would prefer a locally owned store. The Gill Tract had agricultural quality soil. Could be a demonstration farm to educate people on how to do permaculture.

Michael Roberts, Albany resident, supported the elimination of left turns onto Dartmouth. He preferred moving the crosswalk rather than adding a signal. He did not want cut through traffic. Wanted mitigation. Art Simon, Albany resident, wanted pedestrian and bicycle friendliness. Rex Higginbotham, former Little League President, representing Albany Kids First, was in favor of sports fields. Jack Miller, Little League President, stated the bike path would eliminate sports fields. Hoped for compromise. Susan Moffat, Albany resident, supported senior housing and a grocery store and a link between the Ohlone Greenway and Bay Trail. She was concerned about the phasing. Dartmouth crossing improvements should be part of Phase One. Could Dartmouth be one way? It was a dangerous corner. There should be exceptional public amenities. The language on creeks and traffic was too vague. These improvements

should be required to be completed prior to issuance of a certificate of occupancy.

Clay Larson, Albany resident, hoped it would be hard to make the findings to grant the height exception. Scale back down to 50 feet. Brian Parsley, Albany resident, supported the project. Public art 3.75 million, parcel taxes for schools, and continued use of Little League fields. He agreed Dartmouth would be impacted. Jackie Hermes-Fletcher opined this was not a green project. She wanted a small, locally owned store and educational farm. Susan Schwartz, Friends of Five Creeks, handed in a typed document. She stated there would have to be a plan for Codornices Creek restoration between 9th and 10th, too. City needed to be sure any green space set aside for creek restoration would not be needed by Fire Department or utilities or public works.

Carol O'Keefe, Albany resident, saw benefits of the project, and did not oppose the height. It would not be blocking any views or sunlight. Daniel Dole, southwest neighbor of parcel B, supported restoration of the creeks, with a written commitment, and supported senior housing. He did not like the piecemeal development. He opposed the height--almost doubling the maximum. He would be more comfortable with fewer units and more open space. Nick Pilch, Albany resident, and Strollers and Rollers, was concerned about the Dartmouth crossing, and it had to be part of Phase One. Amenities--Jackson/Buchanan was underway already, so they could not use that. He did not want to lose a minute of sports field playing time, but would try to get good bike paths. He said the City should ask for the sky and get it in writing. No zoning change required.

Kristen Voorhees, Albany resident, was concerned for pedestrian safety at Dartmouth and at Monroe--plenty of close calls with motor vehicles. Todd Abbot, Albany resident and board member of Chamber of Commerce, stated there were reasons behind the height, the phasing, the store first. He urged the City not to ask for the sky, to be reasonable so as not to delay the project. Mara Duncan, Albany resident, was concerned about sustainability, community, connections, and wanted Albany to stop growing and growing. She would prefer a small, affordable, local grocery store. She mentioned the university was a land grant university. Allan Maris, Albany resident, noted the great need for senior housing and also transitional age housing and recommended they could be combined.

Kim Linden, Albany resident, was not pleased with the responses to comments on the EIR. There were cumulative impacts that should all be considered simultaneously. She stated the university shrank the Gill Tract footprint. They should have to follow AB32 and the Climate Action Plan. Why would BAAQMD allow them to follow 1999 guidelines? Peggy McQuaid, Albany resident, said this would revitalize and bring money into Albany. Dartmouth traffic issues and crossing needed attention. No one else wished to speak. Acting Chair Panian closed the public hearing.

Commissioner Eisenmann stated it needed to be clear, in writing, and airtight--the City should take enough time to do it right. She favored senior housing and thought it could go forward first with no rezoning. She also wanted everyone's concerns to be addressed. Dartmouth intersection needed to be resolved. This was a means for revenue and would revitalize San Pablo.

Commissioner Maass expressed reservations with the PUD moving forward at this time, noting that height was an issue and proposed amenities were less impressive. He also stated a concern about impacts on Dartmouth.

Commissioner Panion noted that the project is a once in a lifetime opportunity and that the PUD should be used to make the project better, not to intensify the development. He stated that the City needs more information on amenities.

**7. Announcements/Communications:**

- a. **City of Albany Planning and Zoning Update "E-Notification"**
- b. **Update on City Council agenda items related to Planning and Zoning activities.**
- c. **Review of status of major projects and scheduling of upcoming agenda items**

**8. Future Planning and Zoning Commission Meeting Agenda Items:**

**9. Adjournment**

The meeting was adjourned at 11:19 p.m.

Next regular meeting:            Tuesday, June 14, 2011, 7:30 p.m.

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Submitted by:

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**Jeff Bond**  
**Planning Manager**