

City of Albany

Planning and Zoning Commission Minutes October 25, 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 Chair Moss, in the City Council Chambers at 7:30 p.m. on Tuesday, October 25, 2011.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Eisenmann, Maass, Moss, Panian

Absent:

Staff present: City Planner Anne Hersch

4. Consent Calendar

a. Meeting Minutes from September 13, 2011 Planning & Zoning Commission meeting

Ed Fields, Albany resident, noted that on p.9 where his comments on University Village were summarized, indicated he did not support an overlay district and asked this be struck from the record.

Motion: Commissioner moved approval with the above mentioned modification.

Seconded by: Commissioner Panian

Ayes: Arkin, Eisenmann, Moss, Maass, Panian

Nays: None

Motion passed, 5-0.

5. Public Comment on Non-Agenda Items

None.

6. PUBLIC HEARING ITEMS

a. PA 11-049, 992 Peralta 2nd Story Addition- The subject property is a 5,200 square foot lot with an existing 1,880 square foot two-story single-family residence. Currently, the home has three bedrooms and one bathroom. The applicant is proposing to add a 280 sq. ft. second story addition at the rear of the home. The new addition will face west. The proposed addition includes a master bath suite and new study with a bay window.

Recommendation: Approve

Ms. Hersch indicated that there had been an error in the notification that was sent to the neighbors and the item would need to be renoticed and scheduled for a future hearing. No action was necessary for the Commission.

- b. **Permitted Land Use Table Amendment Discussion-** The Planning & Zoning Commission voted 5-0 at the October 11, 2011 hearing to begin discussions to amend the permitted land use tables in Section 20.12.040 of the Albany Municipal Code. The Commission will begin extensive discussions at the October 25, 2011 hearing to review the permitted land use tables and recommend changes to the City Council as appropriate. The discussion will include commercial, retail, office, and personal service uses within the Solano Commercial and San Pablo Commercial corridors.

Recommendation: For discussion and feedback to staff

Ms. Hersch presented the staff report dated October 25, 2011 and recommended that the Commission begin reviewing the existing tables.

Commissioner Eisenmann asked about the Alcohol Monitoring Program and how the idea was conceived.

Ms. Hersch stated this is an idea which originated with residents near the Mallard Club who have on-going concerns about parking, litter, and patrons walking through the neighborhood at late hours in the evening. The thought was that additional operating standards could be imposed on existing businesses to establish an operating standard.

The Commission directed staff to obtain a legal opinion as to the feasibility of a voluntary program for operating standards and determine if the City is within its legal rights to create a program for legal-non-conforming businesses.

Winkie Notar-Campbell, Executive Director of the Albany Chamber of Commerce, was present to represent the Albany Chamber of Commerce. If an alcohol monitoring program were to be established, it should encompass on-sale and off-sale establishments.

Ed Fields, Albany resident, questioned if hours of operation for businesses are detailed in the municipal code and can be applied to business operations which are permitted by right. He also suggested that the discussion on permitted uses could be broader.

Clay Larson, Albany resident, suggested that Animal Boarding uses in the San Pablo Commercial zone require a major use permit. He indicated that a similar discussion had occurred nearly 15-20 years earlier and if the discussion was occurring again perhaps the policy was not effective. He also noted that changes in consumer trends, specifically big box retail, was more commonplace.

Ken Freedman, owner of Albany Bowl, did not support the idea of an alcohol monitoring program and did not appreciate the characterization his business was non-compliant with City regulations. He considered his operation to be a model for success by having on-site security and having patrons provide identification for entry. Additionally, he voluntarily constructed a good neighbor wall between him and the neighbors on Adams St. and planted landscaping.

The Commission requested that when this item returns for review of revisions, the notice be expanded to include residential uses so that additional revisions could be included.

The Commission reviewed the table and agreed to the following changes:

20.12.040 Permitted Land Uses by District.

Key to Table:

P = Permitted

UP = Use Permit Required

UP-M = Minor Use Permit Required^{16, 17}

- = Not Permitted

Limits on authority for UP-M are indicated by * and **¹⁶

TABLE 1. 20.12.040 PERMITTED LAND USES BY DISTRICT										
Land Use ¹	R-1	R-2	R-3	R-4	RHD	SC	SPC	CMX	PF	WF ₁₁
Residential										
Single Family Dwelling	P	P	P	-	P	P ²	P ³	-	-	-
Two-Family Dwellings	-	P	P	-	UP	P ²	P ³	-	-	-
Multi-Family Dwellings	-	P	P	UP	UP	P ²	P ³	-	-	-
Live/Work Space	-	-	-	-	-	P ²	UP	UP-M**	-	-
Rooming or Boarding House	-	-	P	-	-	-	-	-	-	-
Bed and Breakfast	UP	UP	UP	-	UP	-	-	-	-	-
Care Facility, Residential										
a) Small	P	P	P	P	P	P	P	-	-	-
b) Large	UP	UP	UP	UP	UP	UP ⁴	UP ⁴	-	-	-

Communication Facilities	-	-	-	-	-	UP	UP	UP	-	-
Construction services (contractors)	-	-	-	-	-	UP ⁶	UP ⁶	UP ⁶	-	-
Dry Cleaner (retail)	-	-	-	-	-	P	P	UP-M	-	-
Financial institutions	-	-	-	-	-	P	P	UP-M	-	-
Funeral and interment services	-	-	-	-	-	-	UP	UP	-	-
Gyms and Health Clubs	-	-	-	-	-	UP	UP	UP-M*	-	-
Hotels and motels	-	-	-	-	-	UP ⁸	UP	UP	-	-
Laboratory, limited	-	-	-	-	-	UP ²	UP ²	UP-M	-	-
Laundry, large scale	-	-	-	-	-	-	UP	UP	-	-
Laundry, self-service	-	-	-	-	-	P ²	P ²	UP-M	-	-
Liquor Store	-	-	-	-	-	UP	UP	UP	-	-
Offices, general and professional	-	-	-	-	-	P	P	UP-M*	-	-
Marinas and boat launching ramps	-	-	-	-	-	-	-	-	-	UP
Parking facility, Nonresidential	UP ⁹	UP ⁹	UP ⁹	UP ⁹	-	UP	UP	UP-M	-	UP
Pawn shops	-	-	-	-	-	UP	UP	UP	-	-
Printing (retail)	-	-	-	-	-	P	P	UP-M	-	-
Printing (industrial)	-	-	-	-	-	-	-	UP	-	-

TABLE 1—Continued

Land Use ¹	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF ¹¹
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Repair Services (non-auto)	-	-	-	-	-	P ²	P ²	UP-M	-	-
Research and Development (Commercial)	-	-	-	-	-	UP	UP	UP-M*	-	-
Research and Development (Educational)	-	-	-	-	-	-	-	UP-M*	UP ¹⁰	-
Restaurant	-	-	-	-	-	P ^{12, 13}	P ^{12, 13}	UP-M ^{12, 13}	-	UP ^{12, 13}
a) with live entertainment	-	-	-	-	-	UP ^{12, 13}	UP ^{12, 13}	UP ^{12, 13}	-	-
b.1.) with take-out (walk-up)	-	-	-	-	-	P ^{12, 13}	P ^{12, 13}	UP-M ^{12, 13}	-	-
b.2.) with take-out (drive-through)	-	-	-	-	-	-	UP ^{12, 13}	UP ^{12, 13}	-	-
b.3) Mobile Food vendor							UP	UP		
Retail, food and beverage sales	-	-	-	-	-	P	P	UP-M*	-	-
Retail nurseries and garden supplies	-	-	-	-	-	P	P	UP	-	-
Retail sales										
a) Neighborhood Retail	-	-	-	UP ¹⁸	-	P	P	UP-M*	-	-
b) Community Retail	-	-	-	-	-	UP-M* P	P	UP-M*	-	-
c) Regional Retail	-	-	-	-	-	-	-	UP-M*	-	-
Services, ambulance	-	-	-	-	-	-	P UP-M	UP-M	-	-
Services, business	-	-	-	-	-	P	P	UP-M	-	-

Services, catering	-	-	-	-	-	P ²	P ²	UP-M	-	-
Services, instructional	-	-	-	-	-	P ^{2,14}	P ^{2,14}	UP	-	-
Services, massage	-	-	-	-	-	UP	UP	UP-M	-	-

TABLE 1—Continued

Land Use ¹	R-1	R-2	R-3	R-4	RH D	SC	SPC	CMX	PF	WF ¹¹
Services, personal	-	-	-	-	-	P ^{2,14}	P ^{2,14}	UP	-	-
Significant ²⁰ Tobacco Retailer	-	-	-	-	-	UP	UP	UP	-	-
Waterfront and Waterfront-Sports-related Commercial sales and service	-	-	-	-	-	-	-	-	-	UP
Industrial										
Industry, limited		-		-	-	-	-	UP	-	-
Industry, general	-	-	-	-	-	-	-	UP	-	-
Truck terminal	-	-	-	-	-	-	-	UP	-	-
Warehousing and storage										
a) indoor	-	-	-	-	-	-	-	UP	-	-
b) outdoor	-	-	-	-	-	-	-	UP	-	-
Wholesaling and distribution	-	-	-	-	-	-	-	UP	-	-

NOTES, TABLE 1.A:

1. All construction may be subject to design review and development standards.
2. Use Permit is required if located on the ground floor facing Solano Ave or San Pablo Ave.; on the 2nd floor or above or ½ the depth of the rear space of a ground floor space, the use is permitted. ~~Off-street parking in support of residential use is not permitted to occupy ground floor building frontage along Solano Avenue.~~

3. Ground floor building frontage along San Pablo Avenue is reserved for commercial activity, except for any necessary access to residential facilities; residential use is permitted elsewhere on the ground floor, and above the ground floor. Off-street parking in support of residential use is not permitted to occupy building frontage along San Pablo Avenue.
4. Not permitted on ground floor.
5. Except where preempted by State or Federal law.
6. Projects may be subject to screening requirements.
7. Limited to uses within a building, not to exceed five thousand (5,000) square feet.
8. If 10 or fewer hotel/motel rooms, otherwise not allowed.
9. Requires Use Permit in residential zoning districts on sites that abut commercial zoning districts, otherwise not allowed in residential zoning districts. Parking facilities shall be designed to meet all applicable screening and landscape standards stated in subsection 20.24.110. See subsection 20.28.050.B for additional design standards for parking facilities.
NOTES, TABLE 1.A, CONTINUED:
10.If governmental or educational related. Otherwise, not allowed in public facilities zoning district.
11.Waterfront - List of uses is intended to remain unchanged from those uses authorized by the Zoning Ordinance for the Waterfront District as of the effective date of Measure "C".*
12.A supplemental business license may be required where alcohol is consumed.
13.Alcohol beverage service requires a major or minor use permit. See 20.20.070.B.1.
14.A Use Permit will be required if the proposed use has a potentially significant impact upon surrounding development in terms of light, glare, noise, odor, parking, traffic, hours of operation or hazardous materials, as determined by the Community Development Director.
15.[not used]
16.See subsection 20.100.030 for description of distinctions between Major and Minor Use Permits. Authority to grant Minor Use Permits is Limited to maximum 2500 square feet (nonresidential), or 6 dwelling units (residential), unless marked with asterisk(s): * = maximum 5,000 square feet; ** = maximum 10 dwelling units. A Major Use Permit is required for any project that exceeds these thresholds.
17.References to "use permit" shall be presumed to mean "major" use permit unless otherwise noted.
18.Limited to serving the convenience of the residential development in the R-4 District.
19.Refer to Section 20.20.020.B.2.d. for special process of notice and hearing.
20.Refer to Section 20.20.120 for Location and Operation Standards.

The Commission moved to continue this discussion to a date uncertain.

7. NEW BUSINESS

- a. **Parking Standards Discussion-** A preliminary discussion to review and consider modifications to the Section 20.28 "Off-Street Parking & Loading Regulations" of the Albany Municipal Code.

Recommendation: For discussion and direction to staff

Ms. Hersch presented the staff report dated October 25, 2011.

PUBLIC HEARING OPENED.

Ken McCroskey, Traffic & Safety Commission- parking has been a big public issue in Albany past and present. Given the popularity of other modes of transit such as bike and pedestrian activity, assessing parking standards, policies, and its effectiveness is warranted.

Clay Larson, Albany resident, supports Measure D. If alternative transportation modes were improved, fewer parking requirements would be necessary.

PUBLIC HEARING CLOSED.

Commissioner Maass-influenced by Donald Shoupe, author of the "High Cost of Free Parking." Paid parking has the potential to create revenue for improvements in the City.

Commissioner Moss- parking exemption fees should be used to support other means of transportation. Parking burdens occur when the Commission grants exceptions and residential neighborhoods are adversely impacted. A fee could be charged and used to help mitigate these impacts. He sat on the Berkeley Transportation Commission when permit parking and paid parking was implemented. He did not support those policy measures and noted that there was a decline in retail.

Commissioner Arkin- referenced professor Allen Jacobs who noted that parking problems are a sign of vibrancy. He suggested parking standards could be revisited and parking requirements for secondary dwelling units could be modified to reflect tandem parking. He noted that the Alameda parking report is good reference tool.

Commissioner Eisenmann-more compact spaces and car share programs should be considered in addition to reviewing policy.

Commissioner Panian-parking is a topic which affects most applications. Measure D is inflexible and serves a specific purpose. It can limit development in size based on available parking and also make development projects difficult to satisfy parking requirements. Since the City has a Climate Action Plan, it is worthwhile to review the standards for further policy consideration. Parking standard dimensions should also be discussed.

The Commission requested that a joint meeting with the Traffic & Safety Commission be scheduled for a future date.

8. 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**

Mr. Hersch presented a brief update of announcements to the Commission including the status of the Verizon/Crown Castle application at 423 San Pablo Ave, the UC Village project, and the Lawrence Berkeley Lab site selection process.

9. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Planning and Zoning Commission hearing scheduled for Tuesday, November 8, 2011.**

10. Adjournment

The meeting was adjourned at 10:40 p.m.

Next regular meeting: Tuesday, November 8, 2011, 7:30 p.m. at Albany City Hall

Submitted by: Anne Hersch, City Planner

Jeff Bond
Community Development Director