

City of Albany

Planning and Zoning Commission Minutes March 13, 2012 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 Panian, in the City Council Chambers at 7:30 p.m. on Tuesday, March 13, 2012.

2. Pledge of Allegiance

3. Roll Call

Present: Eisenmann, Maass, Moss, Panian, Arkin

Absent: None

Staff present: Jeff Bond, Community Development Director
City Planner Anne Hersch

4. Consent Calendar

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

Recommendation: Approve

Motion to continue item 4b: Commissioner Panian

Seconded by: Commissioner Moss.

Ayes: Arkin, Eisenmann, Moss, Maass, Panian

Nays: None

Motion passed, 5-0,

b. **PA 12-005: Suzette Crepe & Coffee at 1226 Solano Parking Exception-** The applicant is seeking approval of a parking exception for four (4) parking spaces for a new café & crepe shop, "Suzette Crepe & Coffee" located at 1226 Solano Ave. The building does not have off-street parking. The café is 750 sq. ft. and requires four (4) off-street parking spaces pursuant to the Albany Municipal Code. The business will be operated by two co-owners with one part-time employee. The business will be open 8am-8pm seven (7) days a week.

Recommendation: Approve.

Ms. Hersch presented the staff report.

PUBLIC HEARING OPENED.

1 **David Krebs, Owner of Wholehealth Apothecary-** notes that there has always been very
2 little parking available. His concern is that people are simply relocating their vehicles after
3 their tires have been marked, and proposes to install 20-minute parking spots on the block.
4

5 **Winkie Campbell-Notar, Albany Chamber of Commerce-** supports the project and
6 agrees with David. She feels that the parking in the district needs to be looked at, and she
7 is willing to volunteer on any taskforce or committee to work with merchants to
8 accommodate businesses, and not have to constantly grant exceptions.
9

10 PUBLIC HEARING CLOSED.
11

12 **Commissioner Panian-** asks for a better explanation for the first finding. He asks about the
13 minimum threshold for vacant parking spaces.
14

15 It is noted that the restaurant will be a takeout restaurant, so the need for availability is
16 satisfied, and that there is no coded threshold, but it is generally 85% occupancy.
17

18 **Commissioner Panian-** notes that it is part of a bigger discussion, and suggests that this
19 case reaches the threshold for the exception. He recommends approval.
20

21 **Commissioner Maass-** likes the idea of setting aside 20-minute parking spaces, and
22 believe that they should look at the ongoing parking and traffic safety. He has no problem
23 with the parking exception.
24

25 **Commissioner Eisenmann-** notes that it will also be used by the people walking, coming
26 from the high schools and middle schools. She has no problem with the exception.
27

28 **Commissioner Arkin-** notes that if it was a straight retail establishment of up to 1200 sq.
29 ft. because businesses that small are exempt from having any parking spaces, but it is a
30 restaurant. Recommends restriping for 20-minute parking spaces, and adding bicycle
31 parking as well.
32

33 **Motion to approve item 4b with following additional condition: Commissioner Panian**

- 34 • **Potential restriping of parking spaces with parking and traffic safety**
- 35 • **Inclusion of bicycle parking**

36
37 **Seconded by: Commissioner Maass**
38

39 Ayes: Arkin, Eisenmann, Moss, Maass, Panian

40 Nays: None

41 Motion passed, 5-0.
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- 44 c. **PA 12-008: Local 123 Café Trailer at Flowerland 1330 Solano-** The applicant is seeking
45 approval of a Conditional Use Permit to allow the installation of a coffee trailer at Flowerland

1 Nursery, 1330 Solano Ave. The trailer is a refurbished Airstream which will be parked on the
2 Flowerland property, behind the existing chain link fence, near the marquee facing Solano
3 Ave. (northeastern side of the property) Coffee and pastries are initially proposed to be
4 served from the trailer, with the potential for extended offerings at a later date. Limited
5 seating will be provided on-site and all items will be served to go. The trailer is proposed to
6 be permanently parked at Flowerland and will operate from 7am-2pm Monday-Friday and
7 8am-5pm Saturdays and Sundays.

8 **Recommendation: Approve with Conditions.**

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10 **Commissioner Eisenmann** recused herself due to the proximity of her office to the subject
11 site.

12
13 Ms. Hersch presented the staff report.

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15 PUBLIC HEARING OPENED.

16
17 **Freida Hoffman, applicant and co-owner of Local123-** is excited to be in the
18 neighborhood to serve the community. They are a certified green business, and is looking
19 to do anything they can to enhance the community. The trailer is in the process of being
20 purchased.

21
22 **Maria Myers, owner of CafeIna-** believes that CafeIna, being a small local coffee shop,
23 will suffer if the coffee trailer is approved. Cafeina is across the street from Flowerland.
24 She has worked for five and a half years to keep the business open through the recession,
25 and is only starting to get a profit. She believes that to allow the trailer would be at the
26 expense of another business, and notes that trailer would be trying to replicate what
27 Cafeina offers, with similar hours, similar drinks and similar food. She asks Flowerland to
28 use the space for a more diverse business, and not one that would create competition.

29
30 **Brian Howell, resident on Pamona Ave. -** notes that the proposal will provide an outdoor
31 gathering space and believes it would be a great addition to the neighborhood.

32
33 **Megan Banyan, office occupant across from Flowerland-** doesn't believe that direct
34 competition will be detrimental, since she uses the multiple shops on the block. She thinks
35 it would be a good addition.

36
37 **Carly Dennet, owner of Flowerland Nursery-** has no desire to compete and will continue
38 to eat at Cafeina.

39
40 PUBLIC HEARING CLOSED.

41
42 **Commissioner Maass-** notes that the specified area of Solano is generally quiet, and that
43 the trailer could potentially benefit all of the businesses.

1
2 **Commissioner Panian-** hopes that all businesses will thrive, including new ones, and that the
3 trailer would improve the urban setting. He sees nothing procedurally wrong with the
4 application.

5
6 **Commissioner Moss-** while wanting to be fair to all businesses, they can't limit fair market. He
7 has concerns about how the business will actually work, like disposal of waste, but supports the
8 application.

9
10 **Commissioner Arkin-** notes that there isn't much difference from the trailer and erecting a
11 small Café, and thinks that having more people on the block would benefit all businesses on the
12 block.

13
14 **Motion to approve item 4c with all conditions in Staff Report: Commissioner Panian**

15
16 **Seconded by: Commissioner Maass**

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18 Ayes: Panian, Moss, Maass, Arkin

19 Nays: None

20 Motion passed, 4-0

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

23
24 None.

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26 **6. Discussions & Possible Action on Matters Related to the Following Items**

- 27
28 a. **PA 12-006: 703 Talbot 1st & 2nd Story Addition-**The subject property is a 3,500 sq. ft. lot
29 with a single-story 786 sq. ft., with two (2) bedrooms, and one (1) bath. The applicant is
30 seeking Design Review approval for a first floor addition of 566 sq. ft. and a second story
31 addition of 572 sq. ft., resulting in 1,925 sq. ft. four bedroom, three bath home. The second
32 story addition will be located at the rear of the home. The maximum height of the home
33 new addition is 21'4" and will have a hipped roof. The existing front porch will also be
34 renovated and retain the existing front gable roof. The home will be clad in cedar shingle.
35 Two uncovered off-street parking spaces will be provided in the existing driveway.

36 ***Recommendation: Review and provide feedback to the applicant and staff.***

37
38 Ms. Hersch presented the staff report and an email from the applicant.

39
40 **Commissioner Panian-** asks staff about the item for the south-side yard setback.

41
42 Ms. Hersch read footnote 16 from Table 20.24.020 where side yard setbacks may be up to
43 10% of lot width, up to a maximum of 5 ft. with a minimum requirement of 3 ft.

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45 **Commissioner Moss-** asks the staff about the front porch extension.

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PUBLIC HEARING OPENED.

Jennifer Madden, applicant- wants to set her house apart from the near, identical houses with the addition of a porch. She notes that the only encroachment beyond the six feet for the porch would be the handrail, and that she is open to suggestions. She says that she has shown the adjustments to one of her neighbors, the one most greatly affected, who has no problem with the changes.

Commissioner Eisenmann- suggests the option of using a gable.

The applicant explains that the addition would hardly be seen, and didn't want a pitched room that would take away more light.

Commissioner Moss- asks the applicant if she is intentionally raising the porch roof higher than the main structure.

The applicant wants to make it higher by around eight inches. She thinks it looks better to raise it, since it is a hipped roof the whole way.

PUBLIC HEARING CLOSED

Commissioner Eisenmann- acknowledges the similarity among the houses, and approves the additions to the front. She gives the applicant a few more suggests, regarding the aesthetics of the house. She likes the way the front porch complements the street.

Commissioner Maass- thinks that it would be strange if there wasn't the setback, and thinks that there is a consistency among the houses that looks fine.

Commissioner Panian- commends the applicant for bringing a welcome addition and transformation to property, all conforming to the regulations. He thinks that the applicant should use some aspects of Commissioner Eisenmann's idea for a gable, and proposes additional changes to the house.

Commissioner Moss- appreciates the detail, and understands the hip roof in the back. He would like the applicant to look at raising the front porch roof. He thinks that it would help if the Egyptian pillars extended to the ground, to follow traditional architecture. He asks the applicant to consider adding stronger railing to the front stairs. He also asks the applicant to consider moving the stairs off-center, to give more space to the porch, while giving up symmetry.

Commissioner Arkin- thinks it would be a lovely transformation. He agrees that the front porch roof should be slightly off-set. He agrees with the stairs. He proposes adding windowsills.

1 **Jennifer Maden, applicant-** notes that they did have eighteen-inch sides to the stairs. She
2 likes the idea of bringing the pillars to the ground. Her husband notes that they studied
3 craftsman buildings, and chose one that would be most consistent, and would create an
4 outdoor room. He also explains previous plans to add benches.

5
6 **Commissioner Arkin-** notes that they allow a three-foot fence across the front property
7 line, that they allow a six foot arbor at the front property line, and that structures under
8 thirty inches are allowed.

9
10 **Commissioner Panian-** would like to see a graceful termination of the railing, and to step
11 away from elaborate constructions. He feels that a simple railing would be sufficient. He
12 also believes that the windowsills would be important.

13
14 **Motion to approve item 6a with the following additional conditions: Commissioner**
15 **Moss**

16
17 **Special 1-** Front porch columns and the column base shall be articulated. Details shall be
18 provided on the building permit submittal for staff review.

19
20 **Special 2-** Two piece window sill with apron details shall be included and detailed on the
21 building permit submittal for staff review.

22
23 **Special 3-** The front porch is permitted to extend into the front yard setback based on
24 existing conditions. Two pilasters shall be included at the bottom of stairs not to extend
25 beyond 24 inches above grade.

26
27 **Seconded by: Commissioner Eisenmann**

28
29 Ayes: Arkin, Panian, Moss, Maass, Eisenmann

30 Nays: None

31 Motion passed, 5-0.

- 32
33 **b. PA-11-013 Farmers' Market-** This meeting is a continuation of the November 8, 2011
34 hearing where the Planning & Zoning Commission provided a public opportunity to
35 review the market operation. As part of this meeting, the Commission received public
36 testimony and directed that a Subcommittee be formed to understand merchant issues and
37 determine alternative sites.

38 *Recommendation: The Planning & Zoning Commission may take action at the meeting on*
39 *location and operating parameters of the market.*

40
41 Ms. Hersch presented the staff report.

42
43 PUBLIC HEARING OPENED.

44
45 **Ben Feldman, applicant, program director at the Ecology Center and Albany resident-**
46 wants the market to be able to support local business, and is not trying to create difficulties

1 for the businesses. He asks the commission to allow some sorts of entertainment. He would
2 like to have acoustic music, but if music can't be allowed, then some sort of entertainment
3 that doesn't involve music, a clown or juggler for example. He proposes ideas that could help
4 the local businesses, such as setting up a banner with the names of the businesses or to set up
5 a program where customers get benefits for any evidence of shopping at the local businesses.
6 He proposes setting up signs in front of other businesses to prevent farmers' market
7 customers from taking up parking spaces during market hours.
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10 **Richard Liao, Acupuncture at 1033 Solano-** notes that the surprise market near his office
11 created noise that disturbed patients during acupuncture. He notes that the market creates
12 parking and traffic problems, which can be dangerous. He urges the market to find a more
13 appropriate location.
14

15 **David Krebs, Solano Avenue Association-** supports concept of Farmers Market. Solano
16 Avenue Association finds the current location of the market acceptable. He notes that his
17 customers, who have been health conscious, have always wanted a place to get organic
18 produce, and has been positive. He hopes that they can keep the market in Albany.
19

20 **Rishan Fernandez, operates Sam's Log Cabin-** notes that the farmers' market has helped
21 turn his business around. He submitted a petition from Albany residents. He would also
22 vendor at the market. He would like to see it continued.
23

24 **Ben Hensler, resident on Solano Ave-** believes that the market was the best thing that has
25 happened to neighborhood. He notes that they don't have another source of fresh produce in
26 the area, and it is a great addition to the community. He likes that the market provides
27 residents a good place to gather for a few hours a week. He calculated that the market is only
28 open around 100 hours a year, and affects at most 3% of business hours. He believes that
29 having more people on Solano would benefit the businesses, if anything, and that there are
30 ways to mitigate the impact of the market.
31

32 **Ellen Rhoden, Patient of Dr. Liao's acupuncture-** believes that Dr. Liao is a benefit to the
33 community. She notes that his windows are right on the street, and that unless the market
34 takes steps to reduce noise, it would prevent a healing environment. She thinks that the
35 addition of disabled parking could be an important accommodation for the market. She notes
36 that the businesses are taxpaying businesses, while the market doesn't pay tax and doesn't
37 contribute to costs in the same way. She wants to see the reconfigurations for reducing noise,
38 and she isn't sure how the setup and cleanup would work. She likes acoustic music, but there
39 are issues with the local businesses.
40

41 **Stephanie Sala, lives on Adams St and owns Five Little Monkeys on Solano-** greatly
42 values the farmers' market. She often brings her children, and believes it is an integral part in
43 raising them. Her business, along with other local businesses, has seen an increase in
44 business on the days of the farmers' market.
45

1 **Kathleen Wilson, resident on Madison Street and realtor-** believes that the market is a great
2 gathering place for the community, and provides fresh produce. She notes that the market
3 helps increase value of homes in the neighborhood. She doesn't want to let handful of
4 business dictate what happens in community, while polls have shown a huge majority of the
5 population in support of the market.
6

7 **Leslie Flynn, Albany resident-** says that the farmers market has given greatest feeling of
8 community that she has had in Albany. She has compassion for business owners and hopes
9 that the owners could find way for businesses to reach out to community and to use the
10 market to benefit their businesses.
11

12 **Brooks Weisman, business owner since 1993-** uses the farmers market with his family. He
13 believes that the market is a wonderful community project. He appreciates the market
14 reaching out to the businesses and trying to find some middle ground to make it work for
15 everyone.
16

17 **Terri Varella, owner of Chroma Solon-** said that the farmers market is a powerful
18 organization, and that the business owners are defending livelihoods. She believes that it is
19 not okay to block access to businesses. She says that the will of the majority imposes on that
20 of the minority, and could create bankruptcy. She says that it is a financial issue and moral
21 question that needs to be resolved. She reads a letter from the landlord that notes that the
22 farmers' market impacts the ability to rent spaces.
23

24 **Tom Cooper, chair of Sustainability committee advocating for Farmers Market-** is thrilled
25 when the market opened last year. He thinks the only negative is that advertising could be
26 better. He is trying to promote getting easy access to fresh organic produce. He noted the
27 community spirit developed around the market. He is in support of the market being an
28 annual market. While being sympathetic to issues raised by businesses, the market draws
29 people to that part of Solano, and could benefit businesses.
30

31 **Joseph Stone, resident on Ramona Ave-** is very happy to find a local farmers market. He
32 has found many new businesses in area by going to farmers market. He noted that there are
33 disabled signs put out for the market.
34

35 **Megan Banyan, resident on Madison Ave-** believes that the market is wonderful resource
36 for Albany. While she thought that the parking would be an issue, there weren't ever any
37 issues, and hopes that the market continues.
38

39 **Homeowner on Jackson Street-** moved to neighborhood partly due to the farmers' market.
40 He noted that San Francisco had a similar situation in the Sunset district, but it got better by
41 the second year, and started to have the market year round.
42

43 **Wendy, owner of Avalon Glass Works-** loved Farmers market. Her business was opened
44 normal business hours, and that traffic is more disruptive than the noise. She found that the
45 market brought in customers, and hopes that it can stay open.

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Delia Carroll, lives three blocks from market- bought a home in Albany eighteen years ago. She thinks that the market provides a community meeting space that the city should support. She has empathy for small business, but urges the business to be flexible and to work with the Ecology Center.

David Loeb, Albany resident- says that the farmers' market has been a tremendous boon to be able to stop by and stock up on produce.

Jim Churm, with the Solano community Church- believes that the market gives a real sense of community. He says that the church would be happy to designate parking space during farmers market.

Tracy Brown, Albany resident and authored at Albany centennial- believes that the market has been the best thing for the west side of San Pablo. She believes that the market provides daytime traffic. She noted that it would bring potential customers to these businesses, and hopes that businesses would look at the big picture. She knows that there are many small issues that are solvable. She notes that the market is only 1/14th of the week.

Ed Fields, Albany resident- echoed what has been said in favor of market. He notes that the individual emails are unprecedented. He thinks that they have missed a real opportunity, that many organizations, rather than trying to compromise, are creating ill-will to themselves. He doesn't want to polarize people. He notes that businesses don't own spaces in front of them. He has never had any problem parking at the market. He encouraged the commissioners to approve year around market, and for vendors to minimize the trucks.

Richard Quarry, patient of Dr. Liao- notes that he is not against farmers market. He questions the location and the time of the market, and recommends that if the market was on Sunday, it could impact businesses less. He was surprised that reports did not address the impacts on businesses, especially those dealing with healing.

Pete Lauer, resident on Solano- expressed support for the market. He thinks that it is amazing place and community experience, that allows people to get fresh produce.

John Gibbner, resident on Madison Street- loves the farmers market. He believes that the market isn't only about the produce, but also about building the community. He encourages them to keep the market year around. He enjoys the music and the entertainment.

Debbie Yea, resident on Talbot Ave and Deputy Director Ecology Center- thinks that the farmers market brings warmth to the area. She believes that the market has awakened the community. She wants to work with business owners to reach a compromise.

BKU, owner of 1025-1039 Solano office building- notes that the farmers' market effects business directly, specifically his own. His tenants have encouraged him to take action. He wants to re-emphasize that the market should be relocated.

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Catherine Sutton - resident on Madison Street and part of transition Albany- can understand the conflict. She notes that the market has only been active for six months, and thinks that they should give it more time; at least a year, to see the effects.

Winkie Campbell-Notar, Albany Chamber of Commerce- wanted to reiterate that the Chamber Board is in support of farmers market. It increased member businesses consistently during the year. She notes that the market serves as a business incubator.

Peggy McQuaid, Albany resident- feels that the farmers' market has been a community gathering place, but suggests having more tables. She expressed concern for disabled parking, and recommended having more specific parking for people with disabilities. She feels that there isn't anything about the market that can't be worked out. She suggests moving the music up toward San Pablo, and notes that the clowns and jugglers aren't making any noise, and adds to the family feeling.

Lordes Gonzaga, resident on Solano Ave- used to buy 95% of her food at the farmers market in Berkeley. She felt puzzled as to why they have to have a meeting to defend something that she believes should be celebrated. She was encouraged by the evolution of the spirit of community due to the farmers market, and notes that the removal of the farmers market would prompt her to consider moving.

Jon Slackus, resident on Madison Street- notes that he has seen many changes in the community, and has tried to help improve the community. He wants them to look to the future, and how the farmers' market is the center of potential change.

Paul O'Curry- made observations to get businesses to reconsider. He brought up the situation that AC Transit had with Subway. He noted that Albany Hot Tub isn't in front of the farmers' market. He started the first modern farmers' market in Eugene, Oregon in 1974, and explained that the market could become an essential part of the community. He believes that the location of the market should be on the west side, because residents on the other side have the opportunity to go to other markets, and the farmers' market would equalize things.

Kurk Lumpkin, works for Ecology Center and farmers' market- believes that the farmers' market is a great organization. He notes that the Ecology Center will do all they can to accommodate local businesses. He also notes that it gives opportunities for people to connect, and that people who usually go to farmers' markets care about health, and are the kind of people who go to businesses such as acupuncturists or hot tubs. He urges to keep the acoustic music, and notes that even the sound of traffic could be more than the music. He also believes that Memorial Park would be the only other potential location for the market.

Ben Feldman, applicant- notes that they have added handicap parking. He is planning to look at the feasibility of adding another parking spot on Adams Street. He clarified that the Ecology Center staff set up the farmers' market, and that the city only stores some of the materials. He notes that removing the vendor vehicles out of the market would impact

1 customer parking, and that the vehicles provide a sound barrier from the market and
2 businesses. The vehicles also provide a walkway to the sidewalk. He also addresses the
3 suggestion to add tables, and that setting up the tables is something that they would like to
4 do, but there are some logistical problems. He agrees to move the acoustical music, but notes
5 that having a farmers' market on the same day as other close markets could be difficult, and
6 that they chose the day in the interest of attracting more vendors and customers.

7
8 **Commissioner Eisenmann-** proposes setting up the vehicles in the middle of the road, and
9 setting up tables to the side.

10
11 The applicant notes that by law they are required to have a fire lane of adequate length, and
12 using Commissioner Eisenmann's suggestion would create fire lanes that don't reach
13 regulations.

14
15 **Commissioner Moss-** asks whether they have talked to the acupuncturists, because Dr. Liao
16 has two offices, and they could try to synchronize their schedules.

17
18 **Dr. Liao, acupuncturist-** would prefer the market to be Sunday morning. He isn't able to
19 change his schedule.

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21 PUBLIC HEARING CLOSED.

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23 **Commissioner Panian-** wants everyone to be more flexible. He notes that no one has said
24 that a farmers' market is simply bad, and the problem is to accommodate everyone, and to
25 find a way to make it work. He thinks that there is almost no space planning on the block,
26 and thinks that they should do a better job of preventing trash. He wants to see a real space
27 planning, with designated spots for booths. He wants to eliminate the cars, because he thinks
28 that there isn't enough space.

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30 **Commissioner Moss-** notes that in his neighborhood, there aren't any trucks on the street,
31 and that the businesses aren't complaining. He notes that single loading the street would
32 give businesses more visibility, and allows customers to walk in front of the businesses,
33 instead of being isolated in the middle. He thinks that while they have to address the
34 concerns of the few, the vast majority of residents benefit from the market, and the market
35 provides the neighborhood something that they have needed for years. He strongly supports
36 year round operation. He wants to keep it where it is.

37
38 **Commissioner Maass-** had liked the idea of finding another spot for the market, and was
39 hoping for it to work out on Washington Street, but it didn't. He notices the effect the market
40 has had on the neighborhood, and believes that the market is in the right spot. He
41 acknowledges that there will have to be some modifications, and likes the ideas of having
42 banners, and exchange for receipts. He thinks that the market would have to go longer for
43 the impact of the market to become clear, and believes that the market will ultimately benefit
44 the businesses. He thinks that Dr. Liao should discuss the sound issue with his landlord, and

1 work out a solution. He believes that moving some of the vehicles out would be ideal, and
2 would improve the visual scene.
3

4 **Commissioner Eisenmann-** notes that it is clear that the farmers' market is a good asset. She
5 also notes that while she came into the meeting thinking that having the market on
6 Washington Street would be good, she agrees with Commissioner Maass. She thinks that
7 they should move forward cautiously, to move forward with six months, and to leave out the
8 music. They should test some more things and make changes as necessary. She agrees that
9 they should move out the trucks. She thinks that they could include the businesses in the
10 market, so that they are getting more than a banner and advertisement.
11

12 **Commissioner Arkin-** notes that the question is how to integrate the market with the
13 particular block, and make it better. He thinks that the opposite side of San Pablo would be
14 another good location, to make the market a more central part of Albany, but acknowledges
15 that there would be problems with AC transit. He notes that the market needs to be cautious
16 as to whom they let in to play acoustic music, and to make sure it doesn't get too loud. He
17 thinks that they should pick specific vendors to be placed in front of the more noise sensitive
18 businesses. He suggests that the businesses on the block look at weather stripping, glazing,
19 and window improvements that would keep out not only farmers' market sound, but also
20 traffic noises. He thinks that they should have designated handicapped parking on both San
21 Pablo Avenue and Adams Street. He likes the idea that parking in front of businesses could
22 be marked as not farmers' market parking. He also thinks that they should limit or eliminate
23 the trucks. He thinks that the businesses and the market could co-advertise. He likes the idea
24 of a reconfiguration, and notes that the fire marshal in Albany is amenable to solutions. He
25 thinks that it is time to make the market year round.
26

27 PUBLIC HEARING OPENED.
28

29 **Ben Feldman, applicant-** says that he cannot commit to completely removing the vehicles.
30 He says that the markets that don't have trucks are more established. He is concerned about
31 recruiting vendors, about the safety and security of the vendors, and about the parking
32 problem. He thinks that there is an opportunity to remove some of the vehicles, but can't say
33 how many would be reasonable.
34

35 **Commissioner Panian-** asked the applicant what he considers to be a reasonable physical
36 arrangement, and whether he is prepared to submit a scale drawing.
37

38 **Ben Feldman, applicant-** agrees to get a scale drawing taking into consideration the concerns
39 raised. He thinks that they could remove the vehicles on the north side of the street, where
40 most of the concerns seem to be.
41

42 **Commissioner Panian-** notes that he will be more involved in preparing and setting up the
43 infrastructure, and the city will be less involved. He thinks that the logistics, like setting up
44 boxing areas and other backhouse operations should be considered.
45

1 **Ben Feldman, applicant-** clarifies that the commissioner is speaking of the back stock and the
2 area to setup, and notes that removing the vehicles would exacerbate the situation.

3
4 **Commissioner Moss-** believes that a great compromise would be to move the trucks to the
5 south side of the street, and remove all trucks from the north side, allowing truck vendors
6 and opening up the businesses.

7
8 **Terri Varella-** notes that Subway and other businesses would still be blocked, and that since
9 the trucks are high, they block out the sun for around six and a half hours.

10
11 **Commissioner Arkin-** notes that the applicant has indicated willingness to make changes to
12 find a site plan that works.

13
14 **Commissioner Panian-** notes that when they are faced with difficult compromises and
15 physical arrangement, they are often helped by small alternatives.

16
17 **Commissioner Eisenmann-** wants the applicant to understand that they really don't want
18 the trucks. She assumes that the vendors go to many other farmers' markets that don't have
19 trucks, and shouldn't be a new system.

20
21 **Ben Feldman, applicant-** says that the Ecology Center will take everything into account, like
22 reducing trucks, improving access to businesses, and music.

23
24 **Commissioner Maass-** notes that keeping or removing the trucks turns into the problem of
25 keeping the vendors happy, and trying to get them to return. He assumes that extending the
26 market to be yearlong would be a compromise to make the vendors happier.

27
28 **Ben Feldman, applicant-** notes that the Ecology Center's desire to keep the market open year
29 round is mostly in the interest of benefiting the customers. He believes that vendors would
30 be less likely to want to go to the market in the winter, and have no access to their vehicles.
31 They are interested in building a market, and he thinks that vendors would still be interested
32 due to the long term possibility. He still thinks that vendors would be less attracted to a
33 market where they have no access to their vehicles. He thinks that initially, a year round
34 market would benefit the customers, but could benefit the farmers in the long run. He is in
35 agreement to limiting the musicians, and be attentive to the issues.

36
37 PUBLIC HEARING CLOSED.

38
39 **Commissioner Panian-** thinks that the applicant should return and work with the staff to
40 move forward.

41
42 **Motion to continue: Commissioner Panian**

43
44 **Seconded by: Commissioner Maass**

45

1 **Commissioner Eisenmann-** asks whether to continue would be to give people a chance to
2 vote, or whether it would be decided now.

3
4 **Ms. Hersch-** says that it could be determined in a subsequent hearing, with tangible
5 evidence.

6
7 **Commissioner Eisenmann-** asks if they could give the market six months, with the
8 opportunity to extend it for six months, to give them a chance to change things.

9
10 **Ms. Hersch-** says that it could be written in the conditions of approval to account for it.

11
12 **Commissioner Arkin-** thinks that they need to give some degree of certainty to give the
13 vendors. He thinks that continuing would give the applicant a chance to increase detail, to
14 talk with the fire marshal, and to make changes.

15
16 **Commissioner Moss-** thinks that they should reconsider making the market year round. He
17 points out that they don't force businesses to come back every six months.

18
19 Ayes: Panian, Maass, Eisenmann, Arkin

20 Nays: Moss

21 Motion passed, 4-1.

22
23 **7. New Business**

24
25 **None.**

26
27 **8. Announcements/Communications/Discussion:**

- 28
29 a. City of Albany Planning and Zoning Update "E-Notification"
30 b. Update on City Council agenda items related to Planning and Zoning activities.
31 c. Review of status of major projects and scheduling of upcoming agenda items
32

33 **9. Future Planning and Zoning Commission Meeting Agenda Items:**

- 34
35 a. Next Regular Planning and Zoning Commission hearing scheduled for Tuesday, March
36 28, 2012.

37
38 **10. Adjournment**

39 The meeting was adjourned at 10 p.m.

40
41 Next regular meeting: Tuesday, March 28, 2012, 7:30 p.m. at Albany City Hall
42

43
44 _____
45 Submitted by: Anne Hersch, City Planner
46

1 _____
2 **Jeff Bond**
3 **Community Development Director**