

# City of Albany

## Planning and Zoning Commission Minutes February 14, 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 Chair Moss, in the City Council Chambers at 7:30 p.m. on Tuesday, February 14, 2012.

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 November 8, 2011 Planning & Zoning Commission meeting**

*Recommendation: Approve*

**Motion to approve item 4a: Commissioner Moss**

**Seconded by: Commissioner Panian**

Ayes: Arkin, Eisenmann, Moss, Maass, Panian

Nays: None

Motion passed, 5-0.

5. **PUBLIC COMMENT**

For persons desiring to address the Commission on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Commission ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

None.

6. **DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

a. **918 Cerrito St. 2<sup>nd</sup> Story Addition & Parking Exception-** The applicant is seeking Design Review approval for a 700 sq. ft. 1<sup>st</sup> and 2<sup>nd</sup> story addition to the home at 918 Cerrito St.

*Recommendation: Provide feedback to the applicant and staff*

1  
2 Ms. Hersch presented the staff report dated February 14, 2012. Ms. Hersch noted that the  
3 applicant has included a rear dining room in the project plans. This inclusion reduces  
4 the average perimeter height to less than 5 ft.  
5

6 PUBLIC HEARING OPENED.  
7

8 **Howard McNenny, project applicant & architect**, suggested that more than 60 sq. ft.  
9 can be counted and exempted from project FAR pursuant to Section 20.24.050 (B) (1) (e).  
10 He presented photos to the Commission of the average perimeter height measurements.  
11

12 Commissioner Moss noted for the record that he had had conversations with the project  
13 applicant and asked questions for clarification about the project.  
14

15 **Nick Labroth, Cerrito St. resident**, noted that many residents on Cerrito St. added  
16 second stories to existing homes on the block. He expressed support for the project.  
17

18 **Tanya Phillips, Cerrito St. resident**, supported the project request.  
19

20 PUBLIC HEARING CLOSED  
21

22 Commissioner Moss explained that the average perimeter height issues are difficult to  
23 review due to unique site characteristics and small lot sizes in Albany. He suggested  
24 that the average perimeter height should be measured from the back of the house to the  
25 garage. He expressed support for the application request.  
26

27 Commissioner Maass agreed that assessing height and basement on a hillside is difficult.  
28 He credited the applicant for making project modifications. He explained that whatever  
29 action is taken on the application will set precedent in the City. He supported the  
30 inclusion of a window on the front elevation, though noted that if it cannot be included  
31 a trellis or some other detail should be included to break up the wall appearance.  
32

33 Commissioner Panian noted that previous discussion involved building mass and bulk.  
34 He found it ironic that the applicant is proposing to add more room with the rear dining  
35 area to comply with Code. This inclusion flies in the face of previous discussion. He  
36 does not consider newly created crawl space to be appropriate for the application  
37 request. He did not accept the calculations or support the project design or application  
38 request.  
39

40 Commissioner Eisenmann could support the project as long as the dining room is  
41 included in the project calculations.  
42

43 Commissioner Arkin stated that average perimeter height is required to include all four  
44 elevations. When the Zoning Ordinance was rewritten, this was specifically included to  
45 encourage property owners to encourage lower level conversion rather than

1 automatically looking to build a second story. He noted that the stairway exception is  
2 intended to count once and not be double counted. He supported the parking exception  
3 request. He noted that the project is in scale with the rest of neighborhood and FAR. He  
4 asked the Commission if they supported the idea of grading in the backyard.

5  
6 Commissioner Eisenmann asked if the Commission supported the inclusion of a site  
7 survey with sill heights.

8  
9 Ms. Hersch explained that the Commission could include that as a Condition of  
10 Approval.

11  
12 Mr. McNenny noted that the original grades had been modified in recent years making  
13 it challenging to measure natural grade.

14  
15 Commissioner Eisenmann questioned the applicant on the single-ply roof membrane.  
16 Were other roofing options pursued?

17  
18 Mr. McNenny explained that a steel frame had been considered, though that interfered  
19 with the neighbors' view of Oakland, which is why a flat roof was being proposed.

20  
21 Commissioner Panian expressed concern the grade measurements.

22  
23 Mr. McNenny explained that he utilized computer software to show and illustrate grade  
24 measurements.

25  
26 **Motion to approve item 6a: Commissioner Moss**

- 27  
28
  - The stairway exemption allows for only 60 ft. The applicant shall subtract 60 sq.  
29 ft. from the project design and include this information on the building permit  
30 submittal. Any dispute between staff and the applicant can be brought back to  
31 the Commission for review.

32  
33 **Seconded by: Commissioner Eisenmann**

34  
35 Ayes: Arkin, Eisenmann, Moss, Maass,

36 Nays: Panian

37 Motion passed, 4-1.

- 38  
39 **b. Parking Policy Discussion Summary of 1/24/12 Joint Meeting- Planning & Zoning**  
40 **Commission only**-This will include a summary discussion the joint Planning & Zoning  
41 Commission, Traffic & Safety Commission, and Sustainability Committee meeting held  
42 on 1/24/12. This item will include discussion by the Planning & Zoning Commission  
43 only.

44 *Recommendation: Receive the report and provide feedback to staff.*  
45

1 Ms. Hersch presented the staff report dated February 14, 2012.

2 PUBLIC HEARING OPENED.

3  
4 **Rhoda Bennett, 950 Cornell St. resident**, stated she saw no issues with the parking  
5 policies as they are currently written and implemented. She opposed any changes to the  
6 current policies and opposed permit parking and meters. She suggested that due to the  
7 poor economy, paid parking could not be supported by the public. She noted that the  
8 City had similar discussions in 1989 and the public did not support the policies then. She  
9 regarded parking permits as an unnecessary tax. She questioned if policy discussions  
10 related to paid/metered parking were related to discussions in 2012.

11  
12 Ms. Hersch stated that the discussions are from 2012.

13  
14 Commissioner Moss explained that permit parking is intended to prevent employee  
15 parking on residential side streets. He asked Ms. Bennett if it didn't cost anything to  
16 have a residential parking permit and businesses are required to pay for permits, could  
17 she support permit parking.

18  
19 Ms. Bennett noted that she could support that as long as parking meters are not  
20 proposed.

21  
22 **Clay Larson, Albany Resident**, referenced the December 19, 2011 City Council meeting  
23 where the phone survey was discussed. He noted that the Council expressed discomfort  
24 at the idea of including parking policy questions as part of the survey as the survey will  
25 focus primarily on fee collection. He suggested that there would have to be a nexus  
26 between revenue collection and parking policy changes. The major impact of repealing  
27 Measure D will allow for higher density development and that should be stated clearly.

28  
29 Commissioner Panian suggested that the broader policy discussion be more narrowly  
30 defined. He suggested that permits and paid parking won't necessarily solve a specific  
31 problem at this stage. Perhaps more discussion should be spent on identifying problems  
32 and then crafting a solution. Since the discussion has been broad, questions about future  
33 development, encouraging behavior changes and changing the appearance of the built  
34 environment need to be looked at in great detail.

35  
36 Commissioner Maass stated the City is supportive of environmental policies, alternative  
37 modes of transit, and being green. However, the parking policies promote car usage  
38 while citizens have recognized that the car is not the way of the future. He stated that  
39 Measure D is of most interest to the Commission since this is the policy most frequently  
40 reviewed by the Commission for residential remodels and development proposals. He  
41 wasn't convinced that paid or permit parking would generate any revenue for the City.

42  
43 Commissioner Moss noted that the Commission is reviewing too many issues at once.  
44 Each issue needs to be reviewed independently, form permit parking, paid, paid  
45 parking, merchant parking, etc. Assess where the problems are, particularly with

1 Measure D before embarking on broader policy changes. He suggested that diagonal on-  
2 street parking could increase the amount of available on-street parking.  
3

4 Commissioner Eisenmann asked for clarification on Measure D and the three  
5 components of the Measure. She suggested that parking only should be reviewed and  
6 not the rezone and policy changes that were originally included.  
7

8 Commissioner Arkin verified that parking is the only component of Measure D being  
9 considered. He agreed with Commissioner Panian's question of determining the specific  
10 problem related to parking policy. He advocated for a lower parking ratio for home  
11 additions and secondary dwelling units, also codified in Measure D. Permit parking  
12 should be Citywide and not neighborhood specific. He noted that businesses,  
13 particularly automotive businesses as well as property owners with multiple cars, use  
14 the public parking as a resource and strain the available capacity of on-street parking.  
15 He suggested that an in-lieu could be practical for future businesses opening in the City.  
16

17 Ms. Bennett stated that she agreed with Commissioner Moss' statement about  
18 evaluating each policy issue independently. She expressed criticism of a neighboring  
19 group home on her block which eliminated their off-street parking for the creation of a  
20 garden. She stated that private businesses which have parking should be required to  
21 keep it and maintain it.  
22

23 PUBLIC HEARING CLOSED.  
24

- 25 **c. Permitted Land Use Table Amendment Discussion-** The Planning & Zoning  
26 Commission previously reviewed changes to the Permitted Use Tables at the  
27 October 25, 2011 regular hearing. At that time, the Commission directed staff  
28 to modify the table and also expand the discussion for a future date to include  
29 potential amendments to the residential zoning districts.

30 *Recommendation: Receive the report and provide feedback to staff.*  
31

32 Ms. Hersch presented the staff report dated February 14, 2012. She stated that the  
33 redline version of the table is included as an attachment to the staff report.  
34

35 Commissioner Eisenmann asked about next future review.  
36

37 Ms. Hersch explained that this would have to be noticed and brought back to the  
38 Planning & Zoning Commission for a formal recommendation to the City Council.  
39

40 Commissioner Moss stated that the discussion is important and should continue to  
41 move forward for Council action.  
42

43 Commissioner Arkin noted that footnote 2 had strikethrough marks and he was  
44 inclined to modify the footnote to strikeout "along Solano Ave."  
45

1 Commissioner Panian suggested including footnote 2 in addition to footnote 3 under  
2 the first three residential uses detailed in Tale 1 20.12.040.

3  
4 Commissioner Arkin recommended including language in footnote 2 after the semi  
5 colon to read: "use permit is not required when the use is locate on the second floor or  
6 above or ½ the depth of the rear space of a ground floor space.

7  
8 Commissioner Moss stated that footnote 3 can be modified to "residential uses are  
9 permitted" and strikethrough "along San Pablo Ave."

10  
11 *The Commission agreed on the above detailed modifications.*

12  
13 **7. NEW BUSINESS**

14 **None.**

15  
16 **8. Announcements/Communications:**

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

20  
21 Ms. Hersch asked the Commission if they were comfortable holding a public hearing for the  
22 St. Mary's Mitigated Negative Declaration (MND) while the document is out for public  
23 review at a future date.

24  
25 The Commission agreed that that would be fine.

26  
27 Ms. Hersch stated the Council review of the beer pub use permit is scheduled for February  
28 21, 2012.

29  
30 **9. Future Planning and Zoning Commission Meeting Agenda Items:**

- 31 **a. Next Regular Planning and Zoning Commission hearing scheduled for Tuesday,**  
32 **February 28, 2012.**

33  
34 **10. Adjournment**

35 The meeting was adjourned at 9:45 p.m.

36  
37 Next regular meeting: Tuesday, February 24, 2012, 7:30 p.m. at Albany City Hall

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39 \_\_\_\_\_  
40 Submitted by: Anne Hersch, City Planner

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42  
43 \_\_\_\_\_  
44 **Jeff Bond**  
45 **Community Development Director**