

# City of Albany

## Planning and Zoning Commission Minutes May 8, 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 Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, May 8, 2012.

2. **Pledge of Allegiance**

3. **Roll Call**

Present: Eisenmann, Maass, Moss, Panian, Arkin

Absent: None

Staff present: City Planner Anne Hersch  
Community Development Director Jeff Bond  
City Attorney Craig Labadie  
Contract Planner Diane Henderson

4. **Consent Calendar**

None.

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.

**Eric Larson, Madison street resident-** member of Farm Alliance wants commission to investigate zoning allocation of land use as agricultural.

**Eileen Peerson, Madison street resident-** voiced her support for Whole Foods plan at the Gill Tract.

**Robert Marshall, Jackson Street resident-** voiced his support for Whole Foods and hoped to see it as an official business item. He also believed City Council should be the ones responsible for politics regarding work on Gill Tract not P&Z commission.

**Pablo Linsuela, Jackson Street resident-** voiced his opposition of the Whole Foods plan. He is worried that a big corporation like Whole Foods could close out little businesses in the surrounding area. He also voiced his support for conservation of Gill Tract farmland and his worries regarding police violence in response to the occupiers of the Gill Tract.

1 **Liz Ashulman, Albany resident-** wanted clarification on what will happen to historic  
2 agricultural land once commercial land is zoned for Whole Foods.  
3

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

- 7 **a. PA08-038: 1035 San Pablo Ave. AT&T Roof Mounted Antennas Conditional Use**  
8 **Permit & Design Review-** The applicant is seeking Design Review and Conditional  
9 Use Permit approval to allow nine (9) new panel antennas on an existing office  
10 building at 1035 San Pablo Ave. The equipment will be housed in new fiberglass  
11 enclosures behind the existing parapet wall. The south facing enclosure is  
12 approximately 55 sq. ft. and will house six (6) antennas. The north facing enclosure is  
13 20 sq. ft. and will house three (3) antennas. Both enclosures are proposed to shield the  
14 antennas from public view. Related equipment is proposed to remain located on the  
15 center of the roof, though some equipment has been reduced in size. The application  
16 was most recently presented to the Planning & Zoning Commission for action on  
17 April 24, 2012 and was continued to May 8, 2012.  
18

19 *Recommendation: Approve Findings for Denial.*  
20

21 **Commissioner Arkin recused himself due to the proximity of his home to the subject**  
22 **site.**  
23

24 Vice-Chair Panian took over meeting.  
25

26 Ms. Hersch presented staff report dated April 24, 2012.  
27

28 PUBLIC HEARING OPENED.  
29

30 **David Warwick, on behalf of AT&T -** made himself available to questions and brought  
31 larger sets of plans for review. He noted that the newest proposal has been revised to be  
32 more in line with the code.  
33

34 **Greg Brazil, resident at Masonic and past contractor for cellular companies such as**  
35 **AT&T but has since had no relationship with them -** voiced support for cell site,  
36 claiming the site would improve the poor AT&T coverage in Albany.  
37

38 **Winkie Campbell-Notar, Executive Director of Chamber of Commerce-** reiterated  
39 unanimous decision by their board to support panel antennas. The members of chamber  
40 of commerce believe the plan would be helpful for public safety and in appropriate cell  
41 coverage.  
42

43 **Clay Larson, Albany resident -** encouraged Commission to move on findings of denial  
44 for AT&T's Option 1 and Option 2 proposals. He believes Option 3 should be further  
45 developed. He notes he did not see any East-facing antennas in the proposal and thinks

1 the commission should consider the idea that 7-8 ft of parapet wall could constitute a  
2 new structure in the roof.  
3

4  
5 **Julie Beck, representative of Albany Residents Responsible for the Oversight of**  
6 **Wireless (ARROW) and resident of 1000 block of Kains** - recommended unanimous  
7 decision of their group to deny the application. She rejected AT&T's new proposal,  
8 claiming that the proposal still does not solve the previous problem of exceeding the  
9 10% rooftop coverage threshold as specified by the City's building code. In addition, she  
10 questioned how additional units included in the newest plans would fit. In response to  
11 others comments on the coverage improvement these antennas would bring, she  
12 proposed AT&T work with City to find a viable location that does not break city code.  
13 She mentioned other options such as a municipal site and a mobile site.  
14

15 **Doug Donaldson, Spokane St. resident** - urged Commission to support application  
16 because it is in the interest of the community. He suggested denial is not in public  
17 interest and that the rooftop coverage threshold minutia was of little concern to the  
18 public. He brought up issues concerning the cell phone ordinance such as weighing the  
19 importance of collocation versus rooftop coverage and stealth versus building a new  
20 structure on the roof.  
21

22 **Pablo Linsuela, Jackson St. resident** - sided with denial of application. He claimed  
23 AT&T is a large corporation only interested in monetary gains. He suggested finding a  
24 new site for the antennas so they would not disrupt the small town ambience.  
25

26 PUBLIC HEARING CLOSED  
27

28 Commissioner Eisenmann asked for clarification on whether the application was denied  
29 because of 10% roof coverage threshold as discussed by the public or because it opposed  
30 code item 20.24.080 as she believed.  
31

32 Ms. Hersch explained that at April 24<sup>th</sup> meeting there was discussion of both roof  
33 coverage and conformity of existing buildings. She asked if the commission would like  
34 additional findings related to building height.  
35

36 Commissioner Moss stated he did not feel he was receiving a clear application of the  
37 height of the antennas because it was presented originally as not exceeding the 6 ft limit  
38 when it actually did. He was willing to deny it for the reason that the testimonies and  
39 documents did not agree.  
40

41 Commissioner Eisenmann asked for Commission's thoughts if the applicant brought  
42 two questioned items into compliance.  
43

1 Commissioner Maass explained his understanding that there is not sufficient room on  
2 rooftop because of the penthouse mechanical room. He noted that if the structure was  
3 removed, that would be a different story.  
4

5 Commissioner Moss noted the main issue at hand is what is the bigger priority, the  
6 collocation site or the 10% roof coverage rule and height issue. He would like to make  
7 the site work. He views the collocation site as more important than the 10% coverage  
8 because it is where they have discussed wanting the collocation site. He would like to  
9 approve the application.  
10

11 Commissioner Panian had two concerns. The first was if there were any substantial  
12 changes to the previously proposed application that would cause them to reconsider the  
13 denial. The second was to look at whether or not the findings crafted were viable. He  
14 noted he does not see any significant change to the application. He is inclined to deny  
15 the application. In response to collocation, he does not see this specific site as a standard  
16 by which to judge the application.  
17

18 Commissioner Moss disagreed and noted that past single sites were not suitable for  
19 collocation.  
20

21 **David Warwick** stated that the height limits are in accordance to the code. He also noted  
22 that there has been communication between AT&T and Sprint and that all of AT&T's  
23 equipment that can be moved has been moved to the penthouse and that roof coverage  
24 has been kept to its absolute minimum.  
25

26 Commissioner Maass asked would this application would have been more accepted if it  
27 was proposed as a variance.  
28

29 Mr. Bond indicated that variances require that there be an unusual physical  
30 characteristic to the property that is not applicable.  
31

32 Ms. Hersch read the provisions for a variance.  
33

34 Commissioner Moss reiterated that the application is not increasing non conformity,  
35 meets the height limit and should be approved.  
36

37 Commissioner Maass believed applicant met cell tower criteria and noted that there are  
38 not many potential sites for cellular towers in Albany. He recalled the findings of denial  
39 he requested from staff and considered the repercussions such as sending the issue to  
40 City Council or a lawsuit, but he does not know any other alternatives.  
41

42 Commissioner Eisenmann supported the idea of allowing AT&T's equipment on the  
43 roof so that the equipment is not within 50 ft of residential properties.  
44

1 Commissioner Moss believed that it was the antennas that needed to be 50 ft away not  
2 the equipment.

3  
4 Commissioner Eisenmann explained her vote for denial last time was based on height of  
5 structure and distance from other buildings. She asked about the idea of an  
6 administrative AUP (Conditional Use Permit) as opposed to a variance.

7  
8 Commissioner Panian asked the Commission to make a technical decision regarding the  
9 application.

10  
11  
12 **Motion to approve item 6a: Commissioner Moss**

- 13  
14 • With conditions of original staff report with additional finding that the proposal  
15 represent more clearly the applicant desire and the application not increase  
16 nonconforming roof coverage by more than 1 ft and that the final design  
17 construction drawings should be verified by staff to ensure they meet these  
18 conditions.

19  
20 **Seconded by:** None.

21  
22 Commissioner Moss supported his motion by stating to deny the application and go to  
23 City Council could result in a lawsuit.

24  
25 Mr. Labadie explained that either party that objects the Planning Commission's decision  
26 must file an appeal before going to court. Any lawsuit would ultimately challenge the  
27 City Council's final decision.

28  
29 Commissioner Panian mentioned that an appeal can be made within 14 days.

30  
31  
32 **Motion to approve commissions for denial for item 6a: Commissioner Maass**

- 33  
34 • With the findings provided by staff and the decisions and adoption of findings

35  
36 **Seconded by:** Commissioner Eisenmann

37  
38 Mr. Bond clarified, for the record, if the commission would like to add finding about the  
39 height limit being exceeded.

40  
41 Commissioner Eisenmann would like the height limit being exceeded should be  
42 included in findings for denial.

43  
44 Commissioner Moss suggested removing 14.5% coverage as a reason for denial.

45

1 Mr. Bond suggested that the Planning Commission is inclined to deny the application,  
2 they should have as many reasons for denial as possible.

3  
4 Commissioner Eisenmann states she would approve application if the height were  
5 brought down and screening moved back 10 ft.

6  
7 Mr. Bond offered an additional finding for design review portion.

8  
9 Commissioner Maass accepted additional finding that installation of structure exceeds  
10 height limit (20.24.080c).

11  
12 Motion to deny Planning Application 08-038: Commissioner Panian

13  
14 Seconded: Commission Eisenmann

15  
16 Ayes: Maass, Eisenmann, Panian

17 Nays: Moss

18 Motion passed, 3-1.

19  
20 Mr. Bond explained appeals could be made at City Hall to the City Clerk and  
21 Community Development Department by 5:00 pm 2 weeks from the day of the meeting.

22  
23 Commissioner Arkin reentered the room and joined the Commission.

24  
25 **7. NEW BUSINESS**

26 **A. Consideration of installation of multi-colored bike racks in the public right-of-**  
27 **way on Solano Avenue and San Pablo Avenue.**

28 *Recommendation: Review and provide feedback to staff.*

29  
30 Mr. Bond presented staff report.

31  
32 Commissioner Moss asked if the manufacturer was definite.

33  
34 Mr. Bond replied that depended on Albany Strollers and Rollers, but the staff were  
35 flexible.

36  
37 PUBLIC HEARING OPENED.

38  
39 **Amy Smolens, representative of Strollers and Rollers**, would like to add attractive and  
40 sculptural racks to the city. She also mentioned the lack of bicycle parking that hinders  
41 people from biking as transportation. Strollers and Rollers have approached the  
42 Chamber of Commerce and there was positive feedback regarding the installation of the  
43 proposed bike racks. There are six businesses that were enthusiastic about having the  
44 racks. She made herself available for questions.

45

1 Commissioner Moss pointed out the manufacturer was in Minneapolis and that was a  
2 large manufacturer in San Francisco.

3  
4 **Amy Smolens** informed the Commission that the manufacturer Dero has their office in  
5 San Francisco but the racks were manufactured in Minneapolis. The companies in  
6 Minneapolis and San Francisco are the same.

7  
8 Commissioner Arkin asked for clarification on the amount of funding Strollers and  
9 Rollers were providing for the project.

10  
11 **Amy Smolens** explained that Strollers and Rollers were partially funding them. She  
12 indicated that businesses were interested in the racks enough to pay about half cost and  
13 Strollers and Rollers would provide the other half.

14  
15 Commissioner Panian asked if there was a design for the rack yet.

16  
17 **Amy Smolens** indicated that there was a picture of the rack included in the email. The  
18 proposed bike design is called the "bike bike rack" and an image of it was displayed at  
19 the meeting. Smolens added that the bikes were used in other cities and they could  
20 accommodate up to four bicycles including long-tail bikes and trailers at a time. They  
21 will measure the racks on Thursday to ensure that the racks could accommodate this  
22 many.

23  
24 **Winky Campbell-Notar, Executive Director of Albany Chamber of Commerce**, voiced  
25 her support for the bike rack project. She noted that businesses were willing to pay  
26 nearly twice as much for these new racks than they were for the city's traditional green  
27 ones. She indicated the new racks may attract more consumers for businesses and add to  
28 the aesthetic appeal of the streetscape.

29  
30 **Peggy McQuaid, Chair of Arts Committee**, stated Amy Smolens had approached the  
31 Arts Committee with the concept and they had approved it.

32  
33 **Clay Larson, Albany resident**, wondered if the racks had the adequate structural  
34 strength and noted they looked destructible.

35  
36 **Amy Smolens** responded with the observation that the current racks of this type in San  
37 Francisco were durable so the proposed ones in Albany should too. She also said the  
38 racks had a powder finish and thus were more difficult to scratch and damage.

39  
40 PUBLIC HEARING CLOSED.

41  
42 Commissioner Panian voiced his general support of the project but was still unsure  
43 about which color for the racks would be appropriate.

44  
45 Commissioner Moss applauded the variety of colors and the applicant.

1  
2 Commissioner Maass also supported the color idea because they would stand out.

3  
4 Commissioner Eisenmann supported the vibrant colors as well but wanted to see a  
5 consistency in the chosen color for the racks. She preferred yellow.

6  
7 Commissioner Moss favored the variety so they were easily differentiable.

8  
9 Commissioner Eisenmann asked what they would do if they had a lot more racks.

10  
11 Commissioner Arkin thanked staff and Strollers and Rollers for the helpful information.  
12 He indicated his support for the project and the racks contribution to the public art.

13  
14 Ms. Hersch stated that there were 15 available colors.

15  
16 Commissioner Arkin closed the discussion.

17  
18 **B. PA08-031: 1550 Solano Ave. Safeway Design Review and Planned Unit**  
19 **Development- Study Session- The applicant has filed a revised submittal for the**  
20 **construction of a new Safeway store at 1500 Solano Ave. The store is proposed to be**  
21 **58,065 sq. ft. and will have street level stores for other services and retailers. The**  
22 **maximum proposed building height is 49 ft. and the project is proposed to have 197**  
23 **parking spaces for customers as well as members of the public. The Planning and**  
24 **Zoning Commission will make no final decisions regarding the proposed**  
25 **development in the study session. One or more public hearings, will be scheduled**  
26 **with due notice, when the application is ready for final action.**

27 *Recommendation: Receive report and provide feedback to applicant and staff.*

28  
29 Commissioner Moss recused himself from the next two items due to the proximity of his  
30 home to both impending subject sites.

31  
32 Ms. Henderson presented the staff report. She made herself available for questions.

33  
34 In response to questions from the Planning Commission, Ms. Henderson indicated that  
35 there are 140 parking spaces required for Safeway alone and additional spaces for the  
36 retail shops. She also answered a question from Commissioner Panian that the project  
37 currently exceeds height limitations and in the event that parking is less than the code  
38 requires, a PD could be used to address these issues.

39



1 **Ken Lowney, Lowney Architecture**, presented a set of plans for the project and  
2 explained how various aspects of the new design including car parking, bicycle parking,  
3 elevator vestibules and exterior seating would work. He also shared the new  
4 adjustments to their previous proposal and showed a video providing an overview of  
5 the proposed Safeway plan and how it would affect the surrounding area. He also  
6 included information about the materials used for building and said there was a  
7 material board available at the meeting for those interested.  
8

9 Commissioner Maass inquired about the Prodima material the applicant mentioned.  
10

11 Mr. Lowney noted that Prodima is a wood-like material that has a long lifespan and has  
12 been used successfully at other Safeway stores.  
13

14 The Planning Commission reviewed the materials board provided by the staff and the  
15 applicant.  
16

17 Commissioner Arkin asked if the gates shown in the video were ever closed.  
18

19 Mr. Lowney replied that since the store is open 24-hours the gate would probably be  
20 opened most if not all the time but they wouldn't know for sure until the store had been  
21 open and used for some time.  
22

23 Commissioner Arkin also asked how the applicant would meet section 20.24.070.b.3.  
24 regarding the setback with daylight planes where exterior property lines of streets or  
25 abutting residential districts.  
26

27 Mr. Lowney proposed to build to the property line and not meet those setbacks.  
28

29 Commissioner Arkin asked if was referring to a plan unit development or other device  
30 so they would not need to provide those setbacks.  
31

32 Commissioner Eisenmann asked the location of the café upstairs as opposed to keeping  
33 at street level.  
34

35 Mr. Lowney replied that they wanted to connect the café with shopping with Safeway.  
36 He also mentioned a better view on top for the café. He said bars or restaurants could be  
37 downstairs and have the exterior seating.  
38

39 Commissioner Panian questioned the south setback and told the applicant that the  
40 proposed PUD should address these issues.  
41

42 PUBLIC HEARING OPENED.  
43

1 **Jonathan Slack, Curtis St. resident**, brought attention to the pedestrian area near 900  
2 block of Curtis. He pointed out that cars would need to pause at this spot to evaluate  
3 traffic before merging onto Solano. To fix this problem, he proposed an arch bridge  
4 structure be built to give access to the upper terrace. He also suggested modifying the  
5 Neilson St. entry to accommodate trucks.  
6

7 **Clay Larson, Albany resident**, encouraged the Planning Commission to examine the  
8 application and how it addresses section 20.24.070.b.3. He was glad there was talk about  
9 a PUD, but wanted the discussion to be sooner rather than later. He wanted to see if the  
10 design can be changed so that it is compliant.  
11

12 **Steven Donaldson, Cornell St. Resident**, supported the application because he believes  
13 it will revive Solano, improve the streets aesthetic appeal and provide room for small  
14 businesses below the store.  
15

16 **Robert Marshall, Albany resident**, wanted traffic control in the parking lot to be  
17 addressed. He was also concerned about the size of the proposal in a small city like  
18 Albany. He questioned the control of the retail businesses under the store and whether  
19 Safeway would be in charge or the City.  
20

21 **Nick Pilch, Albany resident and representative of Albany Strollers and Rollers**,  
22 thanked the Safeway and architects for providing additional bike parking. He also spoke  
23 about a few concerns on behalf of Albany Strollers and Rollers. While the additional bike  
24 parking now exceeds the guidelines, he questioned if more bicycle parking was needed  
25 since Albany as a city had a greater mode share than the cities that the guidelines were  
26 based off of. The second concern was the covering for additional parking did not  
27 properly accommodate long-tail bikes and bikes with trailers. He noted these issues  
28 could be fixed if a few of the proposed car parking spaces could be converted into  
29 bicycle parking spaces. He was also concerned that bike parking adjacent to the lobby  
30 was too congested and that the proposed parking garage could direct high volumes of  
31 traffic that could discourage walking as a mode of transportation. He proposed keeping  
32 traffic at this spot to a minimum by only allowing trucks in through the Solano garage  
33 entrance.  
34

35 **Caroline Sanders, Neilson resident**, concerned about setbacks. She feels that the  
36 building is too large and tall. She proposed cutting back on the rear portion on Curtis  
37 and Neilson and having setbacks. She was also concerned about parking and traffic. She  
38 wanted the City to consider modifications of Curtis and Neilson thoroughfares.  
39

40 **Todd Abbott, Albany resident, business owner, and President of Chamber of**  
41 **Commerce**, explained the height seemed appropriate for the space of the store. He also  
42 mentioned that the community wants the store to be successful and the size of the store  
43 was dictated by that. In regards to access to parking, he supported the current plan.  
44

1 **Peggy McQuaid, Albany Resident**, reiterated that the driveway was moved to Solano  
2 because the neighbors did not want the driveway on the side streets. She encouraged  
3 those in attendance to refrain from continuously changing the proposed project.  
4

5 **Winkie Campell-Notar, Executive Director for Albany Chamber of Commerce**, noted  
6 that the setbacks would cause a significant loss of parking.  
7

8 Mr. Lowney addressed those who spoke. He agreed with Jonathan Slack's argument and  
9 explained that they had tried various other simulations but the proposed plan was the  
10 only plausible solution to the problem of pedestrian safety on the pedestrian area. He  
11 assured the location has great visibility and that proven methods such as change of  
12 driving surface, change of color, and table top could be used. He also considered  
13 creating an island, but noted that there seemed to be no room. He explained the sloping  
14 of the site, indicating the building was 39 ft in front and 49 ft. in the back.

15 Commissioner Panian asked about the process by which the applicant wanted to permit  
16 the project especially in regards to the PUD. He said that he has been working with the  
17 City on those matters. He proposed not to have setbacks either way.  
18

19 **Joe Pierry, Neilson St. resident**, asked if it was possible to isolate part of Solano with a  
20 stoplight when trucks are exiting.  
21

22 Mr. Lowney said that it was possible, but that might make it troublesome to drive down  
23 that street. He said a traffic study could be done. In response to an inquiry about when  
24 the store's delivery trucks come in, he indicated the trucks come in at all times during  
25 the day.  
26

27 **Commissioner Arkin** questioned the 21 foot floor to rooftop on Safeway store level.  
28

29 **Ken Lowney** explained the space was necessary for high ceilings and mechanical  
30 equipment.  
31

32 **Nancy Brandt, Curtis St. resident**, was concerned that the beverage and other product  
33 trucks would still go through Curtis. She supported regulations of traffic on side streets.  
34

35 Mr. Lowney explained all trucks would enter through the Solano entrance.  
36

37 **Joe Pierry** clarified his concern was about less skilled automobile drivers not truck  
38 drivers. He was confused about the gates being closed at the Curtis St. entrances.  
39

40 **Ken Lowney** assured the gates would be open at all times so it would be easier to park  
41 and reduce traffic at Solano. In response to a question from the public about the  
42 bioswale, Mr. Lowney said the system was to filter storm water and was not assessable  
43 to the public. It is visible, however.  
44

1 **Bruce Judd, landscape architect**, described the bioswale system and proposed  
2 landscape including shrubs and hedges. The bioswale and landscape is built according  
3 to California law.  
4

5 Mr. Lowney shared some vertical landscape elements of the proposal and explained to a  
6 woman in the audience where the little door in the diagram was for trash disposal.  
7

8 PUBLIC HEARING CLOSED.  
9

10 Commissioner Arkin described some recent proposals over the course of the history of  
11 the project and commended the applicant for working with the City and the community  
12 on this even though it is time consuming.  
13

14 Commissioner Eisenmann appreciated the thought in the proposals and liked the  
15 windows and second level's connection to the street below. She expressed concern about  
16 spandrel and preferred an obscure glass. She thought the retail space at the corner of  
17 Curtis and Solano did a great job of hiding the tunnel. She pointed out there should be  
18 more space between the driveway and the entry of the store. While she liked the café  
19 seating, she also questioned if there was enough of it.  
20

21 Commissioner Maass appreciated the details of the application and various issues that  
22 the applicant is dealing with. He was concerned about pedestrians and the Solano side  
23 entrance. He agreed with Clay Larson that the PUD should be discussed soon. He  
24 thought a possible set back would work on Solano so that the retail would work better.  
25 He hoped that the tenant signage would not be too corporate.  
26

27 Commissioner Panian thanked the applicant and public on willingness to reconsider  
28 various aspects of the project. He said the proposal seems to meet the various criteria  
29 but there were still some compromises that need to be made. The main compromises he  
30 mentioned were the height, daylight plain, and parking. He said these items should be  
31 addressed if the application comes back as a PUD. He added he wanted less parking.  
32

33 Commissioner Arkin commended the applicant for addressing various issues. He liked  
34 the streetscape and proposed truck entrances. He disagreed with the idea that the  
35 building should be setback. In response to a previous question on the retail shops, he  
36 noted the businesses would need to contact the City for a business license and this was  
37 not a Planning and Zoning issue. Commissioner Arkin also shared Commissioner  
38 Panian's concern regarding parking. He wondered if these parking spaces would be  
39 available for Safeway employees and Solano shoppers, but supported the ideas of less  
40 car parking. He noted that there was a Climate Action Plan in Albany and that to create  
41 more parking spaces would encourage people to drive more cars and thus oppose the  
42 plan. He recommended lowering height and having some setback of the store level  
43 could address some concerns.  
44

1 Commissioner Eisenmann mentioned she would be open to talking more about the idea  
2 of a variance.

3  
4 Commissioner Arkin closed the study session and called for a three-minute break.

5  
6 **C. PA 12-018 1401-1411 Solano Food Market and Condo Project- Study Session -** The  
7 applicant is seeking preliminary design review feedback for a proposed mixed use  
8 project for a new food market and residential condos at 1401-1411 Solano Ave.  
9 Previously, the site was used for the Six Degrees on Solano restaurant. The applicant  
10 has prepared a plan which will contain ten (10) food stalls with related open seating.  
11 Five (5) condo units are proposed for the second level. Fourteen (14) off-street  
12 parking spaces are proposed. The proposed building height is 35 ft.

13  
14 *Recommendation: Review the proposed plans and provide feedback and direction to the*  
15 *applicant.*

16  
17 **Commissioner Eisenmann recused herself due to the proximity of her office to the**  
18 **subject site.**

19  
20 **Commissioner Moss had recused himself earlier due to the proximity of his home to**  
21 **the subject site.**

22  
23 Ms. Hersch presented the staff report. She also clarified that the proposal was both a  
24 food market and court. She mentioned that seating would be provided and it would be  
25 publically assessable space with various kiosks.

26  
27 PUBLIC HEARING OPENED.

28  
29 **Y. Min Chung, architect for proposed project and applicant,** clarified that the project  
30 proposes a change of the existing commercial building into a multi-use building. She  
31 described the existing space as three tenant spaces with four up-street parking spaces.  
32 She stated that the difference between Carmel and the parking pad was roughly 6 ft. and  
33 the building sloped up from east to west. The owner proposed to remodel the rear of the  
34 building with a covered sub grade parking garage and rear shopping area on top of the  
35 garage. These level changes would allow for street access to the shop from Solano. She  
36 indicated interest in a small food market, two shops or restaurants and two stories (five  
37 condos) on top of the shops. She said the square footage of the proposed project would  
38 be the same as the existing building. She was interested in additional parking spaces as  
39 the Planning Commission deems suitable. She proposed the four existing parking spaces  
40 as well as ten parking spaces for the condos. She also expressed interest in keeping the  
41 existing brick façade but adding three skylights to the existing ceiling.

42  
43 Commissioner Arkin asked how the applicant intended to meet the day light plain on  
44 the rear of the property.

45

1 Ms. Chung explained that the abutting properties are commercial.

2  
3 **Winkie Campbell-Notar, Executive Director of Albany Chamber of Commerce,**  
4 indicated that this project has not been brought to the Chamber of Commerce but this  
5 was the type of economic development the chamber would support.  
6

7 PUBLIC HEARING CLOSED.  
8

9 Commissioner Panian praised the project for bringing various services closer to the  
10 community and also providing additional housing. He had two concerns. The first was  
11 that the existing façade may be outdated and un-retrofitted and should be changed. The  
12 second was that a comprehensive parking survey should be done and there should be a  
13 thoughtful approach to how parking should be done and what exceptions should be  
14 allowed.  
15

16 Commissioner Maass supported the general idea of housing and the market. He was  
17 concerned about similar issues as Commissioner Panian. He expressed concern about  
18 the disconnected feeling that exists between the existing façade of the commercial part of  
19 the project and the housing part. He suggested pushing the building further to the street  
20 even if this meant demolition of the existing structure. In regards to parking, he said  
21 parking provided for the residents might take away from those provided for the staff.  
22 He mentioned that a residential parking permit might solve the issue but Albany does  
23 not have one. He believed that the amount of parking spaces would still need to be  
24 determined.  
25

26 Commissioner Arkin supported the idea but had a number of concerns. The biggest  
27 concern was that the residential element of the building would not be to the sidewalk.  
28 He preferred a one story retail store. He proposed working with the existing structure  
29 because of its character. He was impressed with the circulation of people in the project.  
30 He did not believe the small lot could fit two layers of parking, but he mentioned the  
31 idea of car lifts. He asked if outdoor seating would count towards outdoor parking.  
32

33 Ms. Hersch replied that they would have to look at the square footage as the code likely  
34 does not allow provisions to subtract out of the building area.  
35

36 Commissioner Arkin also suggested allocating less area to restaurant and more to retail  
37 to solve the square footage issue. He requested a more consistent window type on the  
38 front façade and recommended simplifying the project in some area.  
39

40 Commissioner Maass proposed bringing the residential element closer to the street and  
41 having outdoor seating in the rear.  
42

43 Commissioner Arkin added seating could also be placed on the roof. He encouraged the  
44 applicant to visit 1703 Martin Luther King Jr. Way in Berkeley to see an example of a  
45 retail and residential multi use building. He also pointed out the proposed Safeway

1 project is 750 ft away from this project and indicated off-site parking is allowed and  
2 arrangements may be made between business owners to meet part of their parking  
3 obligations.  
4

5 Commissioner Panian brought up the idea of creating tandem spots for residents. He  
6 also suggested giving thought to simplification of the project.  
7

8 Ms. Chung stated that the owner had wanted to do tear down the brick and do a seismic  
9 retrofit but in previous meetings, there had a lot of public disapproval regarding tearing  
10 down the existing brick façade.  
11

12 The commission agreed that the site was not historic and that they were open to changes  
13 to the existing structure.  
14

15 Ms. Chung indicated bicycle parking would be available in the garden and mentioned  
16 the idea of an atrium.  
17

18 The Commission suggested more thought regarding keeping parking spaces to a  
19 minimum.  
20

21  
22 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**  
23

- 24 **a.** Update on City Council agenda items related to Planning and Zoning activities.  
25 **b.** Review of status of major projects and scheduling of upcoming agenda items.  
26

27 Ms. Hersch shared that the City Council had approved the Bay Friendly landscape provisions  
28 recommended by the Planning Commission.  
29

30 **9. FUTURE PLANNING AND ZONING COMMISSION MEETING AGENDA ITEMS**  
31

- 32 a. Next Planning and Zoning Commission hearing scheduled for Tuesday, May 22, 2012.  
33

34 **10. Adjournment**

35 The meeting was adjourned at 11 p.m.  
36

37 Next regular meeting: Tuesday, May 22, 2012, 7:30 p.m. at Albany City Hall  
38  
39

40 \_\_\_\_\_  
41 Submitted by: Anne Hersch, City Planner  
42  
43

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