

City of Albany

Planning and Zoning Commission Minutes September 26, 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 7:00 p.m. on Wednesday, September 26, 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

- 4. CONSENT CALENDAR**

- A. Meeting Minutes from July 10, 2012**

Commissioner Maass and Eisenmann recused themselves from the item of discussion as they were absent for that meeting.

Motion to approve consent calendar: Commissioner Moss

Ayes: Panian, Moss, Arkin

Nays: None

Motion passed, 3-0

Consent calendar approved by unanimous consent.

- 5. PUBLIC COMMENT**

None.

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

- A. PA 06-053 St. Mary's College High School Conditional Use Permit & Design Review 1600 Posen Ave, Albany** - The Planning & Zoning Commission will continue its discussion following the public hearing opened on September 12, 2012 to review and potentially take action on a Mitigated Negative Declaration, Conditional Use Permit (CUP) request, and Design Review for a new music building at St. Mary's College High School. The CUP

1 proposal includes a proposal for anticipated new buildings on campus as funding becomes
2 available. If approved the CUP will supersede previous CUPs and will establish new
3 operating conditions for the school. Design Review is also sought for a new 13,400 sq. ft.
4 music building on campus.
5

6 **Recommendation from September 12, 2012 staff report:**
7

8 Staff recommends that the Planning and Zoning Commission receive the report and review
9 the draft findings and conditions. Should the Commission take action on the application,
10 staff recommends the following actions:
11

- 12 1. Review the draft Mitigated Negative Declaration (MND) and move to approve
13 Resolution 2012-02 adopting the MND
- 14 2. Review the draft Conditional Use Permit (CUP) findings and conditions and move to
15 approve Resolution 2012-03 approving the CUP
- 16 3. Review the Design Review request for the new music building at St. Mary's College
17 High School and approve the submittal with project conditions
18

19 Commissioner Eisenmann recused herself due to the proximity of her residence to the
20 application.
21

22 Ms. Hersch presented the staff report.
23

24 Commissioner Arkin reiterated the request to continue the agenda item at a further meeting to
25 allow time for mitigation, further discussion for a student drop off site and new information.
26

27 PUBLIC HEARING OPENED.
28

29 **Vivian Kahn**, applicant and representative for St. Mary's College High School- repeated the
30 request for the Commission to postpone making a decision until the school had negotiated with
31 neighbors. She clarified that the Commission's meeting would be on October 10th and the
32 mitigation would be on October 11th and 12th.
33

34 **Joe Light**, representative for Peralta Parks and Association (PP&A)- clarified if the first
35 meeting for the school and neighbors to meet would be October 11th and commission hearings
36 would follow that.
37

38 PUBLIC HEARING CLOSED.
39

40 Commissioner Moss- pointed out issues he wanted to be included in the staff report's conditions
41 of findings. The first was to follow the building code for site lighting as well as to follow state
42 guidelines regarding the swept. He also inquired about traffic counts on Monterey.
43

44 Mr. Bond said this could be arranged either in the negative mitigated declaration or
45 requested from the City of Berkeley.
46

47 Commissioner Panian- said he looked forward to hearing more on the issue after mediation
48 between the school and neighbors.

1
2 Commissioner Maass- clarified if the alternative drop off site was the corner of Monterey and
3 Hopkins.

4
5 Ms. Hersch answered the corner was indeed the corner of Monterey and Hopkins.

6
7 Commissioner Arkin noted the enrollment cap for St. Mary's is not 630 but 600 plus 5%. He
8 said traffic issues should be brought up in the mitigation as well. He included that he would be
9 available if they would like a member of Commission at the mediation meeting. He proposed
10 moving the next meeting to a date uncertain.

11
12 Mr. Bond asked if there were any topics the Commission would like additional information or
13 any other recommendation so that this application could be wrapped up before the end of the
14 year.

15
16 **Patricia Curtin**, the City's outside legal counsel, said a closed session with legal counsel would
17 be an option if necessary.

18
19 Commissioners Panian, Maass, and Moss- agreed the session was not necessary, but would be
20 helpful and said they would be open to having one.

21
22 Commissioner Arkin proposed keeping the closed legal counsel session an option.

23
24 Mr. Bond clarified for the public that the closed legal counsel session would be a time for the
25 Commission to confidentially ask any legal questions they had regarding the application to the
26 city attorney.

27
28 **Motion to continue item 6A to a date uncertain:** Commissioner Panian

29
30 **Seconded by:** Commissioner Mass

31
32 **Ayes:** Panian, Moss, Maass, Arkin

33
34 **Noyes:** None

35
36 Commissioner Eisenmann rejoined the meeting.

37
38 **B. PA #12-040 Design Review & Conditional Use Permit for an addition at 631 San**
39 **Carlos** - The applicant is seeking design review approval for a new 1st and 2nd story
40 addition at 631 San Carlos Avenue. The existing home is 1,479 sq. ft with two bedrooms
41 and one bath on a 3,750 sq. ft. lot. The applicant would like to add a laundry, family
42 room, trash area, and deck. The second floor is proposed to be 823 sq. ft. and will include
43 three new bedrooms, two bathrooms, and an open space area. This results in a three
44 bedroom, three bathroom home. The building height is proposed to be 27'10". Two off-
45 street parking spaces are provided. A Conditional Use Permit is also being sought for the
46 extension of the north wall with a setback distance of 2'0" to the property line.

47
48 **Recommendation: Approve with project conditions.**

Ms. Hersch presented the staff report.

1
2 Commissioner Panian asked about the height of the project and how the ordinance
3 calculates height limitations.
4

5 Ms. Hersch replied that maximum building height was 28 feet, but conditional use permit
6 could grant the second story addition of up to 35 feet. The height is measured from
7 natural grade.
8

9 PUBLIC HEARING OPENED.
10

11 **Howard McNenny, architect and applicant**- clarified that the footprint of the site would
12 be maintained; the only addition would be a second story addition. He said many details
13 and the Tudor style of the house would be the same.
14

15 Commissioner Eisenmann- asked about the shape of the roofline.
16

17 **Howard McNenny**-answered the roof becomes flat at one point to minimize the shadow
18 and height.
19

20 Commissioner Panian- asked about height compliance.
21

22 **Howard McNenny** said that he had it measure and at no point is the house higher than 28
23 feet. He listed items of the plan check that he disagreed with such as the "Hold Harmless
24 Agreement", the sprinkler requirements, and hydraulic calculations. He brought up multiple
25 other issues he felt were not necessary for a second story addition.
26

27 Commissioner Arkin- noted that the conditions of approval are a template and do not
28 apply to all projects. He suggested perhaps having a "not applicable" section on the
29 checklist for smaller projects.
30

31 Mr. Bond, Community Development Director- agreed with Commissioner Arkin. He added
32 customizing conditions of approval would take many additional hours. He added that it
33 may be helpful for the City Attorney to explain the process more clearly.
34

35 Commissioner Arkin- proposed tabling these issues to item 7b- discussion of the planning
36 application.
37

38 Commissioner Eisenmann- felt the design was reasonable and was overall willing to
39 approving the application. She said it may be desirable to raise the pitch of the roof to
40 hide it from the front and to expand the bathroom to eliminate the internal hallway, but
41 did not find any major issues with the application.
42

43 Commissioner Maass- agreed that the application was acceptable and had no problems
44 with the slight variances.
45

46 Commissioner Panian- complimented the design of the project. He noted the project is
47 close to the limits of size and height. He commented on a few awkward transitions on the
48 house and the way the new gable roof could be done in a better way. He is comfortable

1 with approving the setback.
2

3 Commissioner Moss- had no problems with the setback. He suggested the flat roof can
4 reduced and pulled back to the rear of the house. He noted the gable on the south
5 elevation could be extended forward. He also mentioned changing the deck to give the
6 neighbors more privacy and agreed with Commissioner Panian on changing the lower
7 windows.
8

9 Commissioner Arkin- liked nearly everything in the application. He had no trouble with the
10 flat roof piece. He gave some recommendations regarding the window details.
11

12 **Motion to approve item 6B with no further changes to the conditions of approval:**
13 Commissioner Panian
14

15 **Seconded by:** Commissioner Moss
16

17 Ayes: Panian, Moss, Maass, Eisenmann, Arkin
18

19 Noyes: None
20

21 Motion passed, 4-0
22

- 23 **C. Proposed Mini Golf at 1243/1245 Solano Ave.-**The applicant is preliminary feedback on
24 a proposed mini golf course at 1243/1245 Solano Ave. The site is currently vacant and
25 approximately 5,000 sq. ft. in area. The site is proposed to contain an 18 hole mini golf
26 course with a 450 sq. ft. building containing a restroom, birthday party room, games, and
27 a booth to hand out balls and putters. The applicant has not yet prepared plans or signed
28 an agreement pending Commission feedback. No plans have been prepared or submitted
29 to the City.
30

31 **Recommendation: Provide feedback to the applicant and staff and determine if there is**
32 **support for a mini-golf use at 1243/1245 Solano Ave.**
33

34 Ms. Hersch presented the staff report. She said there were no parking space regulations in
35 Albany for mini golf courses, but she mentioned Vallejo did have a regulation of three
36 parking spaces per hole.
37

38 Commissioner Arkin asked what the lot access situation was relative to Masonic.
39

40 PUBLIC HEARING OPENED.
41

42 **Wally English**, applicant- said there would not be access from Masonic, but rather Solano.
43 He explained how he felt the city could use a miniature golf course and would like the
44 Commission to give him feedback regarding the proposal. In response to questions from
45 the Commission, English said he had talked to many owners of miniature golf courses and
46 although this lot is a smaller size, it is not atypical. He also clarified that there would only
47 be room for vending, but not prepared food. He said there would need to be a small
48 building, but the majority of the course would be landscaping. He added it would likely
be a seasonal activity. He indicated the current owner of the lot was open to the idea.

Lani Antzi Quintero and her mother Iris Miranda, neighboring residents- expressed

1 support for the miniature golf course.
2

3 **John Kindle**, Albany resident- also supported the project and thought it would be a
4 benefit to the community, particularly teenagers.
5

6 **Tod Abbott**, Albany resident and Vice-President of Albany Chamber of Commerce-
7 suggested adding an artistic aspect to the golf course to draw more people.
8

9 **Julie Grace**, 913 Ordway- supported the project as well.
10

11 **Patty**, Evelyn resident- was concerned about potentially limited parking and increased
12 noise level on Evelyn. She disliked the idea of having the course in that location and
13 suggested alternatives such as next to the freeway or field.
14

15 **Patty**, Evelyn resident- echoed what the previous speaker said regarding increase in
16 parking and noise. She indicated that seasonal events such as the Christmas tree or
17 pumpkin patch were fine, but not something long term.
18

19 **JJ Quintero**, neighboring resident- viewed mini golf as a trip or vacation environment
20 rather than an everyday activity. He expressed support for the golf course.
21

22 **Wally English**- thanked everyone who shared. He saw mini golf as a great outlet for
23 Albany residents of all ages and hoped to work with residents so that it will be enjoyable
24 by all.
25

26 Commissioner Moss- wanted to see the application move forward. He also hoped to see
27 the hours of operation and more mitigation for the impacts to the surrounding area.
28

29 Commissioner Panian- understood concerns regarding congregation space, parking, and
30 noise, but believed the impacts can be mitigated. He saw the lot as a great location and
31 would like to see something creative in that space.
32

33 Commissioner Arkin- noted that the staff report included proposed hours of operation if
34 the commission wanted to overlook it.
35

36 Commissioner Maass- supported the proposal. He viewed parking as an issue and brought
37 up the use of parking permits for commercial areas as a possible solution. In regards to
38 noise, he felt there could be some mitigation but overall there was little that can be done
39 if the city wants a lively commercial area.
40

41 Commissioner Eisenmann- supported the proposal. She wanted to see plans and good
42 quality buildings. She recognized noise as a problem and challenged the builders to
43 create a noise-mitigating design.
44

45 Commissioner Arkin- saw the application as acceptable as it is a commercial use on a
46 commercial street. He thought the site could draw more bicyclists and walkers. He also
47 brought up issues of design consideration such as security. He encouraged the applicant to
48 hire an architect and proceed with the application.

1
2 Commissioner Moss- recommended the applicant talk with the owner of the adjacent
3 parcel on Masonic about leasing part of that lot as it may alleviate many of the problems
4 the applicant is facing.

5
6 **An Albany parent-** suggested having a staff security person to keep an eye on children
7 during the night hours.

8
9 PUBLIC HEARING CLOSED.

- 10
11 **D. PA 10-019, Design Review & Parking Exception for new commercial building at**
12 **1600 Solano-** The applicant has submitted a revised application for Design Review and
13 Parking Exception approval to demolish the existing building and construct a new two-
14 story 6,410 sq. ft. commercial building containing ground floor retail space and dental
15 offices. Maximum building height is proposed to be 31'9". The subject property is a
16 5,127 square foot lot with an existing 2,766 sq. ft. commercial building on the
17 southeast corner of Solano and Ordway near the Albany-Berkeley border. The
18 applicant is proposing a valet parking garage with twenty four (24) spots, fifteen (15)
19 tandem parking spots, and eleven (11) self-park spots.
20 **Recommendation: Provide feedback to the applicant and staff.**

21
22 Ms. Hersch presented the staff report.

23
24 Commissioner Eisenmann confirmed if the zero lot line was allowable. Ms. Hersch
25 indicated that it was.

26
27 PUBLIC HEARING OPENED.

28
29 **Kava Massih,** Kava Massih Architects - described various aspects of the project with
30 the help of a visual presentation.

31
32 **Howard Graves,** 913 Ordway- expressed concern regarding parking and traffic
33 issues. He thought that if this project were to grant a parking exception, there should be
34 an environmental impact statement.

35
36 **Sue Brokken,** 916 Ordway- expressed concerns regarding parking as well. She
37 wanted to understand how tandem and valet parking would work.

38
39 **Earl Grinstead,** 911 Ordway- noted that the new proposal was not "Albany-esque"
40 and looked out of place. He was particularly concerned about valet parking.

41
42 **Tom O'Brien,** 919 Ordway- stated that according to his own observations of the site,
43 he observed that the parking survey taken underestimated the actual number of cars
44 going in and out of a similar building. He wanted more detail regarding valet parking
45 and parking in general for the new facility. He requested some further surveys be done
46 as he feels the current projected numbers are inaccurate.
47

1 **Karen Lysmer**, 914 Ordway- expressed distress over the commercial changes to her
2 neighborhood over the years. She did not understand the tandem parking idea and the
3 number of cars that are supposed to be able to park there. She thought the increase in
4 commercial properties in the area would decrease property values in that area.
5

6 **Julie Grace**, 913 Ordway- thought the design of the building was out of scale in
7 comparison to the surrounding neighborhood and environment. She pointed out that
8 there is no room to put the required 38 parking spaces and does not find the tandem or
9 valet parking feasible. She was confused about how the number of dental chairs would
10 be enforced and suggested that the building be scaled back so that the allotted space
11 matched its predicted usage. She was concerned about the trees.
12

13 **Kim Howard**, 925 Ordway- echoed the previous speaker's concerns such as limited
14 parking, tree preservation, and the bulk of the imposing structure.
15

16 **Simon Davinski**, 910 Ordway- did not like that the new project would obstruct his
17 view of Solano. He said the building did not fit in with the Solano atmosphere and did
18 not think valet parking would work.
19

20 **Miriam Kaminski**, neighbor opposite of proposed building- said the building is out of
21 scale and compliance and would be hazardous to the residents of Albany. She detailed
22 many potential risks such as traffic, noise, and pollution. She also pointed out
23 inconsistencies between the proposed and realistic number parking spaces the facility
24 requires. She requested Albany do an Environmental Impact Report before any
25 construction is approved. She worried about the negative impact of the building on
26 property values.
27

28 **Nina Homesack**, tenant on Ordway- pointed out how narrow and dangerous the
29 Ordway intersection. She wanted to know how long it would take to build the building,
30 if there would be the use of pile drivers, and if there would be tree replacement.
31

32 **Kava Massih**- did not know where the seven chairs and 38 parking space requirements
33 came from. He explained there would be no pile driving and the project would take a
34 year to build. In regards to valet parking, he indicated valet parking was common at
35 other dental office in the area and a traffic engineer had told them it was feasible to
36 do at this location.
37

38 **Dr. Kasrovi**, property owner- stated that some of the numbers are completely false.
39 While he understands the concerns of the neighbors, he said that some of the conclusions
40 they draw are inaccurate because they do not understand the nature of his business. He
41 explained that there are busy intervals with many short appointments as well as times
42 with long appointments. He said the project had been scaled down already and that
43 they have been working with the neighbors and many of their concerns have been
44 addressed and reflected in the newer plans. He said the building will be owner
45 operated and the need for space in the office is to accommodate new dental
46 technologies.
47

1 **Julie Grace-** suggested the building be sized down and resemble more of Dr. ___'s office
2 on 910 Ensenada.

3
4 **Tim O'Brien-** insisted his counts were accurate for the time he surveyed but was open to
5 other surveys.

6
7 **Dr. Kasrovi-** argued the comparison was unfair because the counts he did at the site
8 did not have a parking lot.

9
10 PUBLIC HEARING CLOSED.

11
12 Commissioner Arkin asked staff what the procedure would be regarding CEQA and
13 requesting and EIR for a project like this.

14
15 Mr. Bond- said that the city must follow state guidelines and that under CEQA
16 guidelines, this project would be exempt. He did say traffic counts and speed surveys
17 could still be done, however, to give information to the commission.

18
19 Commissioner Maass- did not understand what is considered "Albany-esque" as many
20 more modern buildings are appearing in Albany. He brought up the issue of parking
21 permits to protect residential parking.

22
23 Commissioner Panian- said that from the urban planning point of view, the project is a
24 welcome change. He said that as far as parking is concerned, conditions should not be
25 crafted until further surveying was done. He noted he valued new creative buildings
26 that may not be the same as old Albany styles, but had something new to offer.

27
28 Commissioner Moss- requested a comparison between an ITE report on orthodontist
29 offices and some actual numbers at this site. He expressed disappointment in truck
30 double parking and challenged the City to look more at this issue. He suggested
31 reincorporating some aspects of the old building at Ensenada to give this new building
32 more presence.

33
34 Commissioner Eisenmann- suggested pushing the building back at the upper levels and
35 bringing in other material options to integrate with the corrugated metal so that it will
36 be more in character with the rest of the street. She also proposed a matte finish paint.
37 She asked about parking requirements for Isong Orthodontics.

38
39 Mr. Bond- said that it was a large parking exception. He said a parking survey was
40 done for this area and it was found that it was must tighter than other areas.

41
42 Commissioner Arkin- thanked the applicant for adjusting the project form previous
43 plans. He supported tandem parking, but did not see valet parking as a realistic
44 solution. He mentioned the ideas of lifts, offsite parking, and exceptions based on
45 parking survey. He recommended improvements to the façade on Ordway such as
46 balconies and wood. He also echoed the commission's ideas of stepped seating and
47 lowered grading.

48

1 Mr. Bond- spoke on behalf of the staff and offered to host and facilitate question and
2 answer or information sessions to members of the public who wanted more clarification
3 of the regulations and ordinances related to this project.
4

5 The commission suggested further parking options such as negotiating with AT&T for
6 some space or expanding some of the surrounding area for off street parking.
7

8 **7. NEW BUSINESS**

9

10 **A. 423 San Pablo Ave-** Update on the status of the Building Permit for Verizon
11 Wireless at the Crown Castle Tower at 423 San Pablo Ave.

12 **B. Planning Application & Building Permit Submittal during the Appeal Period-**
13 The Planning & Zoning Commission requested a discussion of the Design Review
14 application and also discussion of building permit submittal prior to the appeal
15 period expiring.

16 **C. Report on San Pablo Avenue & Buchanan Street Complete Streets Planning**
17 **Process**

18 **D. Report on San Pablo Avenue Stormwater Treatment Demonstration Project**
19

20 A. Mr. Bond presented the staff report.
21

22 PUBLIC HEARING OPENED and CLOSED as no one chose to speak.
23

24 Mr. Bond provided explanation of the methods used to measure the strength of the pole.
25

26 B. Ms. Hersch presented the staff report and pointed out the wrong application was put
27 on the agenda. She detailed the recent updates made to the planning application
28 particularly the aspect of the self-certification checklist.
29

30 The Commission recommended including in the application a space to remind
31 applicants that their project required a conditional use permit or other special
32 circumstances. They also encouraged building applications to be submitted after the
33 planning application was done so as not to drag a project.
34

35 C. Mr. Bond presented the staff report. He said there would be meetings with various
36 interest groups about San Pablo Avenue and a walking tour.
37

38 D. Mr. Bond presented the staff report. He said an estuary group would be creating a
39 demonstration rain garden around Marin and Dartmouth.
40

41 The Commission requested meeting with the design team to discuss the streetscape
42 aspects.
43

44 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

45

- 46 a. Update on City Council agenda items related to Planning and Zoning activities.
47 b. Review of status of major projects and scheduling of upcoming agenda items.
48

1 Mr. Bond stated that the maintenance center and Pierce Street Park project was making its
2 rounds about the other various commissions.
3

4 **9. FUTURE PLANNING AND ZONING COMMISSION MEETING AGENDA ITEMS**

5
6 Next Planning and Zoning Commission hearing: **Wednesday September 26, 2012 at 7 pm.**
7

8 **10. ADJOURNMENT**

9
10 The meeting was adjourned at 11:00 p.m.

11
12 Next regular meeting: Wednesday, October 10, 2012, 7:00 p.m. at Albany City Hall
13

14
15 _____
16 Submitted by: Anne Hersch, City Planner
17

18
19 _____
20 **Jeff Bond**
Community Development Director