

City of Albany

Planning and Zoning Commission Minutes July 10, 2013 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 Eisenmann in the City Council Chambers at 6:30 p.m. on Wednesday, July 10, 2013.

2. **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)

To provide opportunity for the Planning and Zoning Commission to discuss litigation threatened by representatives of the Peralta Park Neighborhood Association, related to Planning Application 06-053 for Design Review and Conditional Use Permit for St. Mary's College High School located at 1600 Posen Avenue.

Anne Hersch noted the Commission was in closed session and there is no information to be reported for this item.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Present: Arkin, Donaldson, Eisenmann, Moss, Pilch

Absent: None.

Staff present: City Planner Anne Hersch

Community Development Director Jeff Bond

Planning Intern Sara Muse

5. **CONSENT CALENDAR**

(Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a Commission Member or a member of the audience requests removal of the items from the Consent Calendar.)

A. **PA 13-015 Zoning Clearance for Sprint at St. Mary's College High School 1600**

Posen- The applicant has filed a zoning clearance application for an existing Sprint facility at St. Mary's College High School. The scope of work includes removal and replacement of three (3) existing antennas located on the rooftop of the gymnasium building. The new antennas are will be larger than

1 the existing antennas and will mount on new pipe mounts. The facility was
2 originally approved and constructed in 2002. The antennas will be completely
3 screened from view and will be located behind the existing screen wall.

4 ***Recommendation: Continue to a date certain of July 24, 2013 to allow the***
5 ***applicant to make corrections to application materials.***

6
7 Commissioner Eisenmann recused herself from Item 6A.

8
9 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***
10 ***Conversion of Small Structures" of the CEQA Guidelines***

- 11
12 **B. PA 13-019 Conditional Use Permit for after school program at 1109 Washington**
13 **St.-** The applicant is seeking a Conditional Use Permit to operate an after
14 school program at 1109 Washington. The program is proposed to serve forty
15 (40) school age children, K-12, from 1pm-9pm Monday-Friday, with an option to
16 enroll up to eighty (80) students. The existing building is 4,354 sq. ft. in area and
17 has fifteen (15) off-street parking spaces. The proposed business will employ five
18 (5) full-time staff who are present during business hours. Summer programs are
19 also proposed to be offered. The operators currently operate TG Taekwondo at
20 813 San Pablo Ave.

21
22 ***Recommendation: Continue to a date uncertain so that the applicant has***
23 ***additional time to prepare revised exhibits. Staff will send out notices when the***
24 ***application is ready to be scheduled for public hearing.***

25
26 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***
27 ***Conversion of Small Structures" of the CEQA Guidelines***

- 28
29 **C. PA 13-026 648 Key Route Blvd Accessory Structure Remodel-** The applicant is
30 seeking Design Review to remodel an existing accessory structure at 648 Key
31 Route Boulevard. The existing home is 1,362 sq. ft. and is proposed to remain.
32 The existing shed is 280 sq. ft. and is proposed to remain the same size. The
33 applicant has proposed a new half-bathroom in the accessory structure. The
34 applicant has proposed to remove existing slab and footing, windows and
35 doors, trash, sidewalks, and siding to remodel the existing structure.

36 ***Recommendation: approve subject to the attached findings and conditions.***

37
38 Commissioner Donaldson recused himself from Item 6C.

39
40 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***
41 ***Conversion of Small Structures" of the CEQA Guidelines***

- 42
43 **D. February 13, 2013 Planning & Zoning Commission Meeting Minutes**

44 ***Recommendation: Approve***

- 45
46 **E. February 27, 2013 Planning & Zoning Commission Meeting Minutes**

1 *Recommendation: Approve*

2
3 **Motion to APPROVE Consent Calender noting abstentions below:** Arkin

4 **Seconded by:** Moss

5 AYES: Arkin, Donaldson, Eisenmann, Moss, Pilch

6 NAYES: None

7 Abstained: Eisenmann for Item 6A, Donaldson for Item 6C

8 Motion Passes, 5-0

9
10 **6. PUBLIC COMMENT**

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

16
17 None.

18
19 Commissioner Arkin clarified that if anyone in the public was there for the project
20 at 648 Key Route, it had been approved and these people may go home.

21
22 **7. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

23 **A. PA 13-029 578 Cleveland El Cerrito Tires Auto Repair Conditional Use Permit &**
24 **Parking Exception**

25
26 The applicant is seeking Conditional Use Permit and Parking Exception approval to
27 locate El Cerrito Tires at 578 Cleveland Ave. The building is approximately 25,000
28 sq. ft. and is located on Cleveland Ave. between I-80 and I-580. The applicant is
29 proposing to offer tire sales/installation, vehicle maintenance and auto body
30 repairs and refinishing. Seventeen (17) off-street parking spaces are proposed. The
31 business will operate seven (7) days a week.

32 *Recommendation: approve subject to the attached findings and conditions.*

33
34 *CEQA: Categorically exempt pursuant to Section 15332, "In-Fill Development*
35 *Projects" of the CEQA Guidelines*

36
37 Anne Hersch presented the staff report.

38
39 Commissioner Arkin- asked to balance the proposed signage area to what is
40 allowed there. Anne Hersch said that issue was under the Planning and Zoning
41 Commission's discretion.

42
43 Commissioner Donaldson- asked if about the building's green requirements. Anne
44 Hersch said she would have to check but thought it was the most points practical
45 option because it was a renovation project. Hersch noted the building was over
46 10,000 square feet.

1
2 Commissioner Pilch- wanted more information about the signage and details of
3 the plan. He asked about the five signs along the east and west sides and the
4 strange shapes on the plans.

5
6 **Steven Leung, applicant-** noted those signs would advertise the services of the
7 business and would be facing both the road and the freeway. He noted the
8 shapes were lifts and stacks of tires proposed to be near customers would be
9 moved away from customers.

10
11 Chair Eisenmann- asked if these signs would be illuminated or boxed signs. Leung
12 said there would be lights along the side of the building but the signs themselves
13 were not illuminated. He clarified the elevations were the lower elevation.

14
15 Commissioner Moss- asked about details for the lifts and exhaust of paint booths.
16 Leung replied that the lifts would not be piston-plunger type and described their
17 solution to the paint exhaust problem.

18
19 Commissioner Donaldson asked if the applicant felt the parking was adequate.
20 Leung indicated that it was. He also asked about paving the outside and doing
21 landscaping. Leung replied that that he was looking into paving, but had not
22 looked into landscaping the outside yet. He noted the building has been vacant
23 for at least four years.

24
25 PUBLIC HEARING OPENED.

26
27 No one wished to speak.

28
29 PUBLIC HEARING CLOSED.

30
31 Commissioner Arkin- liked the idea of automobile oriented use between two
32 freeways. He felt the signage was handsome and suggested the submittal of side
33 signs be subject to staff approval.

34
35 Commissioner Donaldson- supported the application and had no issues with
36 parking. He urged the applicant to add as many amenities as he can. He
37 recommended adding some landscaping.

38
39 Commissioner Moss- appreciated the business. He had issues with lighting of the
40 exterior because there is the night sky requirement. He said washing the walls with
41 light would be more helpful than using stanchions for light.

42
43 Commissioner Pilch- liked the application and concurred with everything that has
44 been including Commissioner Moss's comments on the lighting. He also liked
45 Donaldson's suggestion of landscaping.

46

1 Commissioner Moss- said over 25 parking spaces would require two ADA spaces
2 and currently there was only one.
3

4 Chair Eisenmann- agreed with her fellow Commissioners and felt the parking
5 exception was fine. She agreed with the signage being staff approved. She
6 recommended contacting the City arborist to put up street trees. Commissioners
7 Donaldson and Pilch seconded this recommendation.
8

9 **Motion to APPROVE Item 7A with conditions outlined in Staff Report:** Donaldson

10 **Seconded by:** Pilch

11 AYES: Arkin, Donaldson, Eisenmann, Moss, Pilch

12 NAYES: None

13 Motion Passes, 5-0
14

15 **B. PA 13-027, 711 Madison Street 2nd Story Addition Design Review & Parking**
16 **Exception**
17

18 The applicant is seeking Design Review & Parking Exception approval for a 2nd
19 story addition at 711 Madison Street. The existing home is one bedroom, one
20 bathroom, and is 840 sq. ft. The applicant is proposing to add 539 sq. ft. on the first
21 floor and 539 sq. ft. on the second floor. The second story addition will include a
22 porch, living room, dining room, kitchen, family room, deck, two bathrooms, and
23 two bedrooms. The new home will be 1,657 sq. ft. and 22'3" in height. The home
24 has one off-street parking space contained in the garage. A Parking Exception is
25 required to allow the second parking space to encroach in the front yard setback.
26

27 *Recommendation: The Planning and Zoning Commission review the proposed*
28 *application and provide feedback to the applicant and staff. Conditions and*
29 *findings are included as attachments to the staff report should the Commission*
30 *choose to approve the project.*
31

32 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*
33 *Conversion of Small Structures" of the CEQA Guidelines*
34

35 Sara Muse presented the staff report.
36

37 Commissioner Donaldson asked if a site survey was done on this location,
38 particularly regarding the fence on the rear of the north side.
39

40 Anne Hersch said a site survey was not submitted with the application but could
41 be requested from the applicant.
42

43 **Joshua Roofener-** asked what the minimum setback was from the fence line. Anne
44 Hersch said the side yard setback was 10% of lot width-in this case, 3.33 feet.
45

1 Commissioner Donaldson said he had been referring to the North side. The
2 Commission noted the drainage should be looked at more closely and staff should
3 make sure it is done property per Public Works standards.
4

5 PUBLIC HEARING OPENED.
6

7 **Lesa Malanche, neighbor**- was concerned about privacy issues. She said in the
8 past, previous contractor's excavation work had ruined her yard. Malanche
9 pointed out current project was a two story addition as there was going to be
10 work on both the new second story as well as the basement. She noted there were
11 two offsite driving spaces- the driveway and the garage. Other was concerned
12 the applicant would try to remove her fence since there was no room to build. She
13 also expressed concern regarding the massing and windows on the side of project
14 site looking into her property.
15

16 **Cheng Sing Choon, neighbor**- noted he did not speak English well but would try his
17 best. He noted past issues with the dirt excavation in the past. He voiced concerns
18 regarding the excavated dirt and drainage of the project.
19

20 Chair Eisenmann suggested moving the wall back and fixing the drainage in the
21 speaker.
22

23 **Joshua Roofener** - addressed Malanche's concerns by stating the two windows
24 she indicated were going to be bathroom windows made of frosted glass. He
25 pointed out based on the orientation of the building would not affect the
26 neighbor's sunlight and the new proposed alterations did not include a split level
27 house. The contractor believed adding square footage of this property would
28 increase the value of surrounding homes.
29

30 Commissioner Donaldson- asked if the contractor was working for a new applicant
31 and not the same one that he applied to two years ago. He also asked about the
32 dirt excavation.
33

34 **Mr. Roofener**- did not know much about the excavation but noted that the dirt
35 was not consistently increasing at three feet. He did not know the dirt was
36 distributed dirt. He said the work he was doing was within the property lines. He
37 said there would be no additional living space done where the crawlspace is. He
38 noted the staircase would encroach 1 ½ feet within that space but that was all.
39

40 Commissioner Pilch- clarified that there was a bedroom over the garage on
41 another level.
42

43 Chair Eisenmann- asked if there were plans to adjust the grading.
44

45 **Roofener**- replied that he did not have time to review the revised plans yet.
46

1 PUBLIC HEARING CLOSED.
2

3 Anne Hersch- noted that if the Commission wanted to make a decision, staff
4 provided findings and conditions with the staff report. She also noted there was a
5 letter included in the packet from the Public Works department indicating there
6 were items that were not compliant with the City's standards. Hersch asked that if
7 the Commission were to approve this item, that compliance of this site per Public
8 Works standard included as a condition. She said this issue arose because the
9 previous applicant illegally connected to the sewer line.

10
11 Commissioner Pilch- asked staff for any information they had on the change in
12 grading. He also asked if the Commission could make it a condition that the dirt
13 be removed.

14
15 Anne Hersch- noted there was excavation on the inside of the home. She noted
16 the previous work was all done without permit. Hersch said yes, the Commission
17 could make this condition. Pilch wanted to add a condition concerning
18 compliance with Public Works. He said a site survey may be a good idea.

19
20 Commissioner Moss- said he did not think they could make findings for a parking
21 exception because the excavated area is on the same level with the garage. He
22 said the area is big enough to tandem park cars there if the dining room were
23 removed. He said there were ways to make this project work without an
24 exception. Chair Eisenmann suggested shifting the garage back. In regards to
25 grading, Moss wanted to verify what happened to the dirt during the past
26 excavation. He said the drainage would be worked out with the City engineer and
27 had no issues with the design.

28
29 Commissioner Donaldson- did not have problems with the backyard extension. He
30 was not concerned about the windows and wanted to see the project move
31 forward. He hoped the past issues at this project could be resolved. He was
32 concerned about parking but said the unused space should be used for parking.
33 He said a site survey should be done.

34
35 Commissioner Arkin- noted they were well under the primary zoning ordinance
36 issues such as FAR and height. He said they should investigate the drainage and
37 loads put on the wall. Arkin encouraged the applicant to get an easement for the
38 site water. He felt the design was fine, but suggested doing a hip roof rather than
39 a gable at the rear. He was comfortable with the Commission's suggestions to
40 move the garage door back a foot, to create a parking space. He was
41 comfortable with approving it.

42
43 Commissioner Pilch- recommended looking at the site survey for the project prior
44 to approval. Commissioner Donaldson noted it would need to be a licensed
45 surveyor.
46

1 **Motion to APPROVE item 7B with the findings and conditions outlined in staff report**
2 **with additional conditions:** Donaldson

- 3
- 4 - Site should provide minimum 16 ft parking space in the front which could be
 - 5 done by inseting the garage door and expanding length of proposed garage.
 - 6 - Site Survey done by licensed surveyor to be prepared and submitted at time of
 - 7 building permit. Survey results are to be reviewed by staff. If modifications are
 - 8 needed that would make the project nonconforming, the project be brought
 - 9 back to the Planning and Zoning Commission.
 - 10 - The project be brought to City engineer to ensure compliance with illegal
 - 11 connection of storm water to sanitary sewer and proper drainage
 - 12 - Illegal sewer connection corrected by applicant
 - 13 - Sewer cleanout should be restored in accordance to City standards

14

15 Anne Hersch repeated the six conditions.

16

17 **Seconded by:** Arkin

18 AYES: Arkin, Donaldson, Eisenmann, Moss, Pilch

19 NAYES: None

20 Motion Passes, 5-0

21

22 **8. NEW BUSINESS**

23

24 None.

25

26 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

27 (Staff discussion and Commission member announcement of status of previous
28 agenda items and requests for future agenda items. No public comment will be
29 taken on requests for future agenda items).

30

31 Anne Hersch noted the approval at 1495 Solano AT&T Facility has been called up
32 for review by City Council set tentatively for September 3.

33

34 Commissioner Donaldson said the interviews for the EIR consultant for the General
35 Plan are Friday and he would be serving on the interview panel.

36

37 Anne Hersch indicated the documents and PowerPoint presentations presented at
38 previous meetings would be available online before the next meeting.

39

40 **C. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

41

42 Next Planning and Zoning Commission hearing: **Wednesday, July 24, 2013 at 6:30 pm.**

43

44 **D. ADJOURNMENT**

45

46 The meeting was adjourned at 8:47 p.m.

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Next regular meeting: Wednesday, July 24, 2013, 6:30 p.m. at Albany City Hall

Submitted by: Anne Hersch, City Planner

Jeff Bond
Community Development Director