

City of Albany

Planning and Zoning Commission Minutes June 12, 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 7:00 p.m. on Wednesday, June 12, 2013.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Arkin, Donaldson, Eisenmann, Moss, Pilch

Absent: None

Staff present: City Planner Anne Hersch

Community Development Director Jeff Bond

4. **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.)

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.

Ed Fields- wanted to discuss the planned unit development agreement. Chair Eisenmann asked Mr. Fields to hold his comment until that agenda item.

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

A. **PA 13-019 Conditional Use Permit for after school program at 1109**

Washington St.- The applicant is seeking a Conditional Use Permit to operate an after school program at 1109 Washington. The program is proposed to serve forty (40) school age children, K-12, from 1pm-9pm Monday-Friday, with an option to enroll up to eighty (80) students. The

1 existing building is 4,354 sq. ft. in area and has fifteen (15) off-street
2 parking spaces. The proposed business will employ five (5) full-time staff
3 who are present during business hours. Summer programs are also
4 proposed to be offered. The operators currently operate TG Taekwondo
5 at 813 San Pablo Ave. ***Carried over from 5/22/13 Planning & Zoning***
6 ***Commission due to lack of quorum.***

7
8 ***Recommendation: Approve subject to attached findings and conditions.***

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

12
13 Commissioner Donaldson recused himself from item 6A.

14
15 Anne Hersch presented the staff report.

16
17 **Don Dryscoll**, representative for applicant- felt a daycare center would
18 greatly benefit the community. He stated the DHS which licenses
19 daycares, requires outdoor spaces. He proposed setting up temporary
20 barriers around a portion of the parking lot to allow for recreational use
21 at certain times of the day. During pickup and drop off times, however,
22 he proposed using the existing parking lot on the site for parking and
23 drop offs. He said his proposed use is low impact on the neighborhood.
24 He opted the parking and entrance be at the Washington end and not
25 the Kains side.

26
27 Commissioner Moss- pointed out that Kains is a one way in and the
28 applicant need an ADA handicap space. The applicant noted here
29 was adequate room and there would be a turnaround spot. Moss asked
30 that this be shown on the plans.

31
32 **Steve Fish**- said his children attend the applicant's taekwondo studio
33 and he has been affiliated with the applicant for years. He supported
34 the applicant's daycare and taekwondo studio.

35
36 **Robert Lieber**, neighbor on Kains - supported the project as presented by
37 staff. He agreed it would be good project to have on that building but
38 said the parking lot was not appropriate for kids to play in, particularly at
39 late hours of the day. He said playgrounds in an R-3 neighborhood were
40 different from a daycare in large building. He said the entrance should
41 be on Washington. He said the entrance on Kains was rarely used in the
42 past. He added playing in the parking lot was noisy. He said if the
43 entrance and exits stayed where they were and the parking lot was not
44 used as a play area, he could support this application. He said the
45 parking spaces should be available at all times and the music rooms
46 were fine as they were proposed.

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Maureen Crowley- said there are tons of kids on Kains and it would be nice to have a fenced in playground for them to play in. She proposed the play area be open to the public, not just those who pay and should be open until reasonable hours- 6 pm being the latest. In terms of parking, she suggested that there be a monitor watching over the children and that they be limited to five minutes to pick up and drop off their child.

Savant Custus- said his children attended the applicant's taekwondo studio. He did not think children would be playing after 6pm and if they did play, would likely play for a short amount of time.

Daesoo Min- described the current operations of the learning center and said currently, there was limited use of the outside space. He planned on using the new space as the classroom and using the existing space they have on San Pablo as a Taekwondo studio. He indicated that parking for staff could be available outside their San Pablo site as the Royal Café closes at 2:00 PM and the owner had agreed to let him use the fifteen spaces there.

Commissioner Moss- asked for clarification regarding using outdoor play space offsite at nearby parks and schools. He pointed out there has been a problem in Santa Monica of too many private groups using public spaces.

Min- replied that they were planning on using public spaces.

Lisa Luoh- clarified that the parks were to be used only for field trips and that during the school year the parks would be used infrequently, maybe once a month. During the breaks and summer, however, the park may be frequented more, maybe once a week for an hour. She also clarified that some of the parking spaces are diagonal, making it hard to exit from the Washington exit. She asked if the parking spaces could be made perpendicular to block out the section of the parking towards the Kains exit.

Commissioner Moss- noted there was not enough room there to make the spaces perpendicular.

Commissioner Arkin- asked if the applicants knew what the state requirements were for outdoor spaces.

Lisa Luoh - indicated the requirement for children under five was 75 sq. ft. per child. For school-age children, she said there may be possible amendments.

1
2 Chair Eisenmann- asked how kids would arrive. The senior director noted
3 that for closer schools, staff members would walk the kids to the site and
4 for schools farther away, the learning center would provide cars. She
5 noted for pickup, many kids are picked up straight from the taekwondo
6 studio.

7
8 **Robert Lieber-** said his property had no setback. He also pointed out at
9 75 sq. ft per child and 40-80 children on site that would be a lot of
10 space. He did not feel a sound wall as proposed by Chair Eisenmann
11 would be a practical solution. He thought there should not be children
12 playing outside after 5:30pm.

13
14 Commissioner Arkin- agreed with the applicant that there was a need
15 for this kind of use in Albany. He had lot of questions about the state's
16 outdoor property. He asked if the space could be located on site
17 without with minimal impact to neighbors while providing a safe
18 environment when it is being used. He thought locating the outdoor
19 space on the southern edge of the property and possibly providing
20 direct access to the space from the interior, would be preferable then
21 using the back door. Overall, he wanted more clarity on what the state
22 requires for open space- both what is required, and what the applicants
23 plan to do there.

24
25 Commissioner Moss- said there were possible limitations that could be
26 made to make the site work, but said he would not use the parking lot
27 for drop off and pick up. He suggested restriping the pavement in the
28 front and having it be monitored as a drop off and pick up spot. He said
29 the north side could be just for staff, and the south could be play area.
30 He requested the applicant's proposal be reflected on the site drawing.
31 He said a possible recommendation would be to limit the number of
32 children allowed to play in the area at first and then see if it was okay to
33 increase this number if the applicant requested in the future.

34
35 Commissioner Pilch- noted there was no play area mentioned in the
36 staff report. He said he would be interested to adding additional street
37 trees and bicycle parking.

38
39 Chair Eisenmann- was generally in support of the program but wanted
40 to see a new parking lay out. She wanted to make sure that there was
41 enough parking so as the student and staff population grow; there was
42 room for both the learning center and the taekwondo center. She
43 recommended the applicant contact the city arborist to plant a street
44 tree.

45
46 Drsyncoll -asked if parking was just from Kains, how people would get out.

1
2 Chair Eisenmann- asked that the applicants work with experts and come
3 back with this information. Commissioner Moss suggested using the
4 multipurpose room as part of the recreation use space.
5

6 The Commission also noted there were issues with the bathroom and
7 library. Chair Eisenmann suggested meeting with the City's plan checker
8 to have a preliminary look at the layout.
9

10 **Lisa Luoh** - noted there have been some changes to the plan and said
11 they would come back with an updated parking plan and classroom
12 structure in the future.
13

14 **Motion to CONTINUE Item 6A to date certain of July 10, 2013:** Moss

15 **Seconded by:** Pilch

16 AYES: Arkin, Eisenmann, Moss, Pilch

17 NAYES: None

18 Motion Passes, 4-0
19

20 Commissioner Moss noted there would be no new notices sent out
21 unless the applicant misses that date.
22

- 23 **B. PA 13-025 Business Sign for Bay Area Retrofit at 427 San Pablo Ave.** The
24 applicant is seeking approval a new business sign at 427 San Pablo Ave. for
25 Bay Area Retrofit. The sign is proposed to be 24 sq. ft. in area and would be
26 a blade sign with visibility on both sides. The sign is proposed to project off
27 of the front gable roof with a guy wire from the ridge. A 6 ft. clearance
28 between the building and the sign is also proposed. The sign is proposed to
29 include the company website address.

30 ***Recommendation: receive report and provide feedback to staff.***

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

34 Commissioner Donaldson returned to the meeting.
35

36 Anne Hersch presented the staff report.
37

38 **Howard Cooke-** said he had to put it on a post because there was a city
39 tree there blocking it. He recommended the Commission take a look at his
40 website as it has an educational purpose. He was concerned that
41 someone will go on the walkway and mess with the sign. He was planning
42 on having the sign engineered and installed higher up. He suggested the
43 Commission watch the "Hillside Homes" video on his website, pointing out
44 that those homes were not built properly to withstand disaster. He noted
45 the homes should follow the Los Angeles Codes.
46

1 Commissioner Moss -stated the City could not follow Los Angeles's codes-
2 but followed the California state code.

3
4 Commissioner Arkin- asked if the size of the sign was an issue.

5
6 Anne Hersch noted that it was compliant.

7
8 Commissioner Arkin- added that he liked the design particularly since it
9 made the residential looking building more commercial. He mentioned he
10 and the City had looked at the structural strength of some buildings along
11 San Pablo last Saturday and the EERI has been working with the City
12 regarding seismic strengthening and safety of buildings in Albany.

13
14 Commissioner Donaldson- agreed with Arkin that the blade signs were
15 suitable. He was concerned about the 9 ft height clearance and said if
16 they would like the applicant to raise it.

17
18 Anne Hersch noted there was a minimum of a 10 ft clearance.

19
20 Commissioner Pilch- agreed with his fellow commissioners.

21
22 Commissioner Arkin- said the 10 ft would only be in effect over a sidewalk.
23 Otherwise, the limit was 80 inches. He said 9 ft or little higher would be fine.
24 He mentioned the sign might require horizontal guy wires.

25
26 Commissioner Moss- was concerned about the look of the poles and how
27 the design comes together, but said he did not have any issues he wanted
28 to bring up at the moment.

29
30 Chair Eisenmann- said where the thought the sign should be held back
31 from the sidewalk a bit.

32
33 Commissioner Donaldson- suggested to approve with condition that
34 applicant bring engineered drawings to staff and have them review and if
35 necessary bring back to the Commission.

36
37 **Motion to APPROVE Item 6B with conditions outlined in staff report and**
38 **additional condition that engineered drawings are brought back to**
39 **Planning and Zoning Commission as a Consent Calendar item: Arkin**

40 **Seconded by: Moss**

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

42 NAYES: None

43 Motion Passes, 5-0

44
45 **C. 1030-1130 San Pablo Avenue UC Village Mixed Use Development-** The 6.3-
46 acre project site in University Village is located to the northwest and

1 southwest of the Monroe Street/San Pablo Avenue intersection. The
2 proposed project includes a 27,000 square foot grocery store, 17,000
3 square feet of associated retail space, and a 175-unit senior housing
4 project. The purpose of the study session is to provide the applicants an
5 opportunity to present refinements to the project in response to the
6 Commission's review in May 2013.

7 ***Recommendation: receive report and provide feedback to staff.***

8
9 ***CEQA: No action being taken at this meeting. An environmental impact***
10 ***report for the project was approved by the City Council in July 2012.***

11
12 **Notice regarding revised plans and staff report.** *The applicant has*
13 *indicated that revised plans are being prepared and will be submitted to*
14 *the City after posting of this agenda. A supplemental staff report will be*
15 *posted as soon as possible after receipt of the revised plans.*

16
17 Commissioner Arkin recused himself from the discussion due to the
18 proximity of his home and office from the project site. He left for the
19 evening.

20
21 Jeff Bond presented the staff report.

22
23 Commissioner Pilch asked about the east west route bicycle circulation
24 and sidewalk widths. He also asked about low wall treatment on Monroe.

25
26 Bond said staff was thinking of bicyclists as passerby, customers, and
27 visitors. He pointed out the circulation on the plans and said for sidewalk
28 widths, he would recommend 8 ft minimum to allow two people to walk
29 side by side or past each other. Bond showed landscape and parking lot
30 on Monroe. He said he was trying to create tighter look on San Pablo.

31
32 Chair Eisenmann asked if the site was pulled back, would the project meet
33 the appropriate creek setbacks. Bond said the emphasis on creek should
34 be on the senior housing as Cordonices Creek has a bigger ecological
35 value than Village Creek.

36
37 **Ken Lowney, Lowney Architecture-** introduced development team and
38 presented the revised plans. He detailed various aspects of the project
39 such as the art and the materials used.

40
41 Commissioner Pilch asked for clarification of the change to perpendicular
42 parking. He also asked how discussions with CalTrans regarding the cycle
43 track went.

44
45 **Ken Lowney-** pointed out they created a left turn lane. He stated
46 perpendicular parking was easier.

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Jeff Bond- said there was no clear answer from Caltrans. They had concerns about the interaction between the cycle track and the driveway. They offered to do a pre-permit review and requested to see more details.

Commissioner Pilch- noted the Buchanan path was being built and was a similar project.

Commissioner Donaldson wanted to the how customers enter and exit the lot on the site plan. Lowry explained the circulation on the site plan.

Chair Eisenmann asked where the trash storage was. Lowry said it was in the building.

PUBLIC COMMENT PERIOD OPENED.

Ed Fields- said the project needed proper urban design with a street facing store that was parallel to the street as stated in the San Pablo guidelines. In regards to the planned unit development, Fields said Sprouts current plans did not provide the open space by the creeks that was agreed on in the PUD. On the issue of senior housing, Fields said the bicycle and pedestrian path should be on the property provided by the property owner. He said the current plans proposed by Belmont Village are in the creek restoration right of way. He recommended the retail proposed on Monroe be on San Pablo.

Maureen Crowley, Kains resident- was concerned about the preservation of the trees in the project area. She pointed out some of the trees that will likely be destroyed by the development are rare, endangered, and/or perfectly healthy.

Commissioner Eisenmann- asked if any of the rare trees could be relocated. Crowley replied many of the rare trees had preservation groups that could decide this. Eisenmann asked Crowley to provide a copy of her color coded map to City staff.

Chris Kent, 808 Cerrito- said there was a lot potential of the creek. He liked the mural. He said on the site utility plans showed the collection of water going into the creek. As a resident, he had concerns about when trucks came in. He also pointed out the path should be part of the site and not the creek area.

Marcy Lauer- supported this project. She said the scale of this project was better than the Whole Foods one. She supported highlighting the creek and

1 trusted that the developers and City would keep environmental factors in
2 mind.

3
4 **Chris Benyon**, 920 Madison- also supported the project. He said the village
5 and West Albany would greatly benefit. In regards to design, he said
6 perpendicular works better than parallel. He suggested the corner should
7 be a café or coffee shop. He complimented Jeff Bond and Anne Hersch for
8 their work.

9
10 **Robert Lieber**- agreed this project would be a good amenity for Albany, but
11 asked that the project still respect the complete street and open space
12 outlined in the PUD. He added public art was important. He said the art
13 could be on site or partially on site- but the rest of funds paid by the
14 applicant would have to go to the City. He thought there were too many
15 entrances and exits on San Pablo.

16
17 **Peter Goodman**- mentioned he was on the Arts Committee. He did not feel
18 like turning the building 90 degrees would make much a difference. He was
19 concerned the public art would not be seen and would become dirty after
20 some time. He suggested using better places for the art on the site. He also
21 had concerns regarding traffic patterns. He noted to be careful of runoff
22 from affecting the green areas.

23
24 **Susan Schwartz**, Friends of Five Creeks- noted Chris Banen was a member of
25 Friends of Five Creeks and was speaking for them as well. She asked how
26 the storm water requirements would be fulfilled, where the creek and survey
27 lines are and wanted the developers to act on what was agree upon in
28 regards to the creeks.

29
30 **Preston Jordan**, Strollers and Rollers- appreciated that the store was
31 reoriented. He thanked Fields for bringing up the PUD condition. He said this
32 was important because without the path on the property, there would be
33 more pressure for east-west bicycling on Monroe, which is not a bicycling
34 facility. He preferred biking along the path along Corndonices' Creek.
35 Regarding driveways on San Pablo, Strollers and Rollers suggested ways to
36 reduce conflict created from the driveways on San Pablo such as making a
37 right turn in. He mentioned that the circulation plan needed markings on
38 Dartmouth and had a weird crossing on it currently that should be fixed.

39
40 **Eric Larson**, 951 Madison- echoed comments of Fields and Friends of Five
41 Creeks particularly regarding making sure the amenities outlined in the PUD
42 were provided on the project site and not on other land. He asked if the
43 increased permeable surface was compliant with the EIR. He was worried
44 about the creek being used as a drainage ditch.

45

1 **Megan Jenson-** supported the project. She was happy to see changes from
2 the last set of plans and thought this would be beneficial for the community.

3
4 **Todd Abbott,** Vice President of Chamber of Commerce- said the Chamber
5 of Commerce supported this project. He agreed the developers need to
6 abide by the agreements set in the PUD.

7
8 **John Slakis-** supported the project.

9
10 PUBLIC COMMENT PERIOD CLOSED.

11
12 Commissioner Donaldson- appreciated the developers' responsiveness and
13 thought the project was greatly improved. His concerns included: over
14 parking (too many spaces), the new main driveway and access to and
15 from San Pablo Avenue, and what the proposed retail would be. He said
16 freeing up some of the extra parking spaces could create extra land for the
17 project. He echoed comments made by Friends of Five Creeks. He said it's
18 important to have center line on the plans. He was interesting in
19 landscaping in the parking lot. He agreed with Goodman's comments that
20 the mural may not work here. He mentioned the ideas of sculptures or
21 amenities to produce a gateway feature, but he trusted the Arts Committee
22 would come up with something.

23
24 Commissioner Moss- appreciated revisions to the plans. He did not want
25 trucks entering and exiting on San Pablo. He suggested using Monroe and
26 pointed out his proposed path on the plans. The developers believed it
27 would take up too much space and would not work.

28
29 Commissioner Donaldson- asked why the truck access was affecting the
30 design and how the frequency trucks would be there. Lowry said two trucks
31 a day.

32
33 Commissioner Pilch- agreed they should not be designing for the truck
34 traffic. He noted eliminating entrance and exits on San Pablo would help
35 ease pressure on cycle track. His main concern was the proximity of the
36 trucks to the creek. He would rather have the trucks moved to the back. He
37 liked the pedestrian circulation. He thought the developers would need to
38 hire a traffic engineer to go over traffic circulation with. He said the
39 developer needed to implement the PUD. He suggested created retail
40 entrances on San Pablo to improve retail in that area. He wanted to make
41 sure there was enough room for bikes with long tails or trailers. He felt the
42 parking lot is over parked and some spaces should be removed. He agreed
43 that the landscape and treescape element was important. He wanted to
44 see street trees and gateway treatment.

45

1 Chair Eisenmann- agreed the site was over parked and could use less
2 pavement. The developer said they would have to take out the left hand
3 turn lane or truck right turn in.
4

5 Jeff Bond- asked that this site be evaluated by a traffic engineer who has a
6 contract with the City to assist the City engineer. He said he would have a
7 report ready tomorrow afternoon.
8

9 Chair Eisenmann liked that the elements and forms and use of materials. She
10 felt the orientation was more connected to UC Village. She generally
11 approved of the layout. She asked if the path along Cordonices could be
12 revisited. Jeff Bond indicated that it would be.
13

14 Commissioner Donaldson- asked that seating be provided for deli customers.
15

16 **Ken Lowney-** was discouraged with the feedback but said he would go
17 back and revise the plans. He said they were at a minimum for parking for
18 Sprouts.
19

20 Commissioner Pilch- said they could not compromise on the PUD. He thought
21 Sprouts was bringing a suburban project into an urban setting. He did not
22 agree on closing the proposed truck entrance.
23

24 Commissioner Donaldson- said he was not set on closing the proposed
25 place either. He asked that the applicant bring some sort of justification to
26 explain why the project would require this much parking.
27

28 **7. NEW BUSINESS**

29 None.
30
31

32 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

33 (Staff discussion and Commission member announcement of status of previous
34 agenda items and requests for future agenda items. No public comment will be
35 taken on requests for future agenda items).
36

37 Anne Hersch noted the St. Mary's application is set to return to the Commission
38 at the next meeting. She said the last mediation session was in May so the
39 conditions of approval are almost complete.
40

41 Donaldson said he might be in a different meeting on June 26th and Chair
42 Eisenmann noted she would have to recuse herself from the St. Mary's item.
43 Anne Hersch noted the date had been set so that there were hopefully enough
44 commissioners present for a quorum.
45

1 Jeff Bond talked about working with Earthquake Engineering Research Institute
2 to look at the seismic condition of the community. Bond said he asked the group
3 to come present to City Council and the Planning and Zoning Commission when
4 they had enough information to present.
5

6 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**
7

8 Next Planning and Zoning Commission hearing: **Wednesday, June 26, 2013 at 7:00**
9 **pm.**
10

11 **10. ADJOURNMENT**
12

13 The meeting was adjourned at 10:35 p.m.
14

15 Next regular meeting: Wednesday, June 26, 2013, 7:00 p.m. at Albany City Hall
16

17 _____
18 Submitted by: Anne Hersch, City Planner
19

20 _____
21
22 **Jeff Bond**
23 **Community Development Director**