

City of Albany

Planning and Zoning Commission Minutes October 9, 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, October 9, 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.)

A. PA 13-057 1020 Masonic Ave 2nd Story Addition & Parking Reduction- The applicant is seeking Design Review & Parking Reduction approval for a second-story addition at 1020 Masonic Avenue. Currently the existing single-story home is 895 sq. ft., has two bedrooms and one bathroom on a 2,500 sq. ft. lot. The home is proposed to increase to 1,276 sq. ft., and includes a new 326 sq. ft. master suite over the existing garage. The roof will change from flat to a front gable details. The front porch will be converted to accommodate the new foyer and stairs. One parking space is provided in the garage. A parking reduction is required as the existing driveway space does not meet the required 18 ft. length standard.

Recommendation: Approve subject to the findings and conditions.

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

Commissioner Arkin- noted the high FAR. He said the plans were a great improvement from previous ones but noted that they were on the lighter

1 side. He asked about various details of the house such as the material
2 detail on the gable end and attic vent details.
3

4 **Ron Bogely**, project architect- noted he would be using real boards for
5 the materials and wood louver for the attic vent.
6

7 Chair Eisenmann asked about the clover leaf on the garage door. The
8 property owners indicated it was there when they bought it.
9

10 Commissioner Arkin mentioned the Commission appreciated a carriage
11 house style garage door with windows should they choose to replace
12 the clover door.
13

14 **Motion to approve Item 4A:** Arkin

15 With condition that the vertical boards by real boards and that should
16 the clover leaf garage door be replaced it be replaced with a carriage
17 style garage door.

18 **Seconded by:** Pilch

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

20 NAYES: None.

21 **Motion Passes, 5-0**
22

23 **5. PUBLIC COMMENT**

24 For persons desiring to address the Commission on an item that is not on the
25 agenda please note that each speaker is limited to three (3) minutes. The Brown
26 Act limits the Commission ability to take and/or discuss items that are not on the
27 agenda; therefore, such items are normally referred to staff for comment or to a
28 future agenda.
29

30 No one wished to speak.
31

32 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**
33

34 **A. Amendment to Planning Application 11-047 745-747 San Pablo Ave.**

35 **Albany Taproom** - The applicant is seeking a Conditional Use Permit
36 amendment to extend their operating hours to 1 am daily and to allow
37 live entertainment with moderate amplification at the Albany Taproom,
38 745 San Pablo Ave. A Conditional Use Permit was approved by the City
39 Council on February 21, 2012 which established a closing time of 10 pm
40 Sunday-Thursday and 11pm Friday-Saturday. The business commenced
41 operation in March 2013 and has been operating in compliance with the
42 Use Permit.

43 **Recommendation: Approve subject to the findings and conditions.**
44

45 **CEQA: Categorically exempt pursuant to Section 15332, "In-Fill**
46 **Development Projects" of the CEQA Guidelines**

1
2 Anne Hersch presented the staff report. Commissioner Donaldson asked if
3 the use permit was to limit both businesses office hours. Anne Hersch
4 noted the use permit applied to just the Tap Room as it was conditionally
5 permitted whereas the restaurant could set their own ours by-right and at
6 their own discretion.
7

8 **Saed Tului**, co-owner of the Tap Room/Grazzy Burger- said they were not
9 looking to open up to 1 am every day, but requested this time because
10 they would like that flexibility some days. He noted the music was mostly
11 acoustic and would be café music similar to the music played at
12 Rendezvous.
13

14 Commissioner Donaldson- asked if there were limitation of hours on the
15 ABC permit. Tului indicated it was up to the City's discretion. He said
16 there was a partition between the two businesses that can be closed
17 and the hours were to be decided. In regards to music, he indicated the
18 musicians would be placed near the bar.
19

20 **Winkie Campbell-Notar**, Albany Chamber of Commerce- encouraged
21 staff to encourage this application as it is the kind of business that adds
22 variety and liveliness to Albany.
23

24 **Brian Parsley**- appreciated the Tap Room's services and supported
25 extending the businesses' hours.
26

27 **Josh Lockman**, 727 San Pablo- was concerned the extension would
28 create a lot noise and traffic in this area. He said he was fine with what
29 was inside of the business but said the business owners would have no
30 control over people leaving this business, drunk or not drunk, at the end
31 of the day should they disrupt the neighborhood.
32

33 Commissioner Pilch- asked for a reminder of the smoking ordinance. He
34 was concerned with extending the daytime hours but was amenable for
35 extending the weekend hours (Friday and Saturday nights). He suggested
36 doing 11 pm for weekday and 1am for weekends. He had no issues with
37 the music.
38

39 Commissioner Donaldson- was concerned about extending the hours too
40 much. He felt the folks currently living in the mixed use buildings had
41 reason for concern and he extended this concern for future residents as
42 San Pablo increases its number of residential units. He felt the current
43 operating hours were restrictive and could approve the applicants'
44 request with the suggestion that the site is monitored and reevaluated in
45 the next six months. He had no issues with the music.
46

1 Commissioner Moss- was concerned with trash disposal late at night. He
2 asked if the applicant could possibly work around noisily dumping
3 recyclables at late hours. Tolui indicated glass bottles were disposed of
4 separately and said he would be willing to work to minimize noisy
5 dumping. He would like to see the hours between The Tap Room and
6 Grazy Burger stay connected. He said he was comfortable with
7 extending the hours to 12 am but not 1 am. Overall he was comfortable
8 with the proposed modifications.
9

10 Commissioner Arkin- clarified some details regarding Albany's smoking
11 ordinance. He thought the noise minimizing effects should be a part of
12 the design of new mixed use developers. He agreed with Commissioner
13 Moss's suggestion of not dumping recyclables after a certain hour. He felt
14 monitoring the project was a good idea.
15

16 Chair Eisenmann- supported the restaurant staying open later as well.
17 She asked staff if they could extend the hours of the bar to 1 am before a
18 legal holiday in addition to weekends. Eisenmann was comfortable with
19 keeping the hours to 11:30 pm on weekdays but not 1am. She was open
20 to reasonable music seven days a week. She said she would be willing to
21 have a yearlong trial period and if problems arise before, the applicant
22 would return to the Commission.
23

24 Tolui- did not think that it was economically feasible to have a restaurant
25 open until those hours particularly since the Tap Room has its own food
26 menu and kitchen. Given the costly price of having a public hearing, he
27 proposed the Commission allow the business to approve his request for a
28 1 am closing time and revoke the permit should there be complaints.
29

30 Anne Hersch- clarified that if the applicant was required to come from a
31 review of compliance, no fee is required; however, if the applicant
32 wished to change the hours of the restaurant again, they would have to
33 pay a fee.
34

35 **Motion to approve item 6A:** Donaldson

36 With additional conditions that:

- 37 - There be no outdoor noisy trash disposal after 11 pm
- 38 -The door be closed when live music is played
- 39 -Staff conducts review of compliance in a year

40 **Seconded by:** Pilch

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

42 NAYES: None

43 **Motion Passes, 5-0**
44

- 45 **B. UC Village Mixed Use Development-** The 6.3-acre project site in University
46 Village is located to the northwest and southwest of the Monroe

1 Street/San Pablo Avenue intersection. The proposed project includes a
2 27,000 sq. ft. grocery store, 17,000 sq. ft. of retail space, and a 175-unit
3 senior housing project. The primary focus of the study session will be the
4 latest design revisions to the senior housing project and grocery store
5 plans.

6
7 ***Recommendation: It is recommended that the Commission provide***
8 ***feedback to the applicants on the building and architecture features***
9 ***such as layout, building massing and scale, architectural style, façade***
10 ***treatment, and building materials.***

11
12 ***CEQA: No action being taken at this meeting. An environmental impact***
13 ***report for the project was approved by the City Council in July 2012.***

14
15 Commissioner Arkin recused himself from Item 6B. Jeff Bond presented
16 the staff report. He noted this session would mostly be on the
17 architectural and urban design project components.

18
19 The Commission's questions for staff included: was it worth spending time
20 on the blank wall on the Westside of the Sprouts building, if the
21 developers had a materials board, if staff thinks the parking request of
22 the developers was appropriate, and if art funds could be used on
23 improvements to the creek. Chair Eisenmann suggested text be added
24 to the western side of the building.

25 Jeff Bond said the sight line for the blank wall included motorists on San
26 Pablo and a portion of the parked cars. He said a materials board was
27 provided from Belmont Village but not Sprouts. Based on Walnut Creek
28 parking studies and the Little League Field, he agrees with the
29 developers' parking requests. In regards to art, Bond said art funds would
30 be used on a gateway feature.

31
32 **Tim Sloat**, Senior staff designer of Lowney Architecture- gave a brief
33 presentation of the architecture of the Sprouts project- detailing various
34 aspects of the design. He noted he would bring in a materials board at a
35 later date. The landscape plan was explained by the project landscape
36 architect.

37
38 **Paul McElwee**, HKIT Architects- presented changes to architecture of
39 Belmont Village. He noted considerations in the design included serving
40 as the gateway to Albany, providing transit connections, acknowledging
41 the nearby creek, adhering to sustainable solutions, and providing
42 housing for seniors. He compared the current proposal with the past
43 proposal from the July 24 work session and mentioned some aspects of
44 design development that they have added in response to comments
45 from various City commissions/committees. He briefly discussed some
46 measures of sustainability- indicating the project was aiming for LEED

1 Gold Certification. In regards to public art, he noted three areas the
2 developers were considering including a gateway element, creekside
3 path/fence element, and/or pedestrian level art panels along 10th street
4 and San Pablo Avenue.

5
6 Commissioner Pilch brought up possible conflict between the bus stop
7 and cycle tract.

8
9 Mr. McElwee noted he was working with Caltrans on this issue.
10 Commissioner Donaldson asked if this project would work under the Sign
11 Ordinance.

12
13 Mr. Bond indicated it was.

14
15 Commissioner Moss asked how the meeting with Caltrans has been
16 going.

17
18 Jeff Bond noted Caltrans was working with the engineers to brainstorm a
19 solution that works for everyone.

20
21 **John Lehman**, BKF Engineers- indicated conversations with Caltrans have
22 been mixed, but they were still in the process of coming up with
23 something.

24
25 PUBLIC COMMENT SESSION OPENED.

26
27 **Chris Kent**, Friends of Five Creeks- liked the changes made to Sprouts
28 layout but had minor comments including the change in property lines,
29 the proximity of the trail to major trees, the meaning of the one year
30 maintenance, and whether this would require a permit from Fish and
31 Game. He was skeptical about transplanting the trees. He felt Belmont
32 Village's landscaping was "bogus" and could use more work.

33
34 **Ed Fields**- asked that the Commission request to see on the plans the
35 trees that the developers hoped to replace current trees with. He
36 pointed out there was a short fall of open space and necessary
37 amenities such as a dining room should not count towards this number.
38 He suggested doing a simple Google parking survey comparing the
39 amount of living units around this proposed project versus the one by
40 Walnut Creek. He preferred an alternative to the developer's proposal
41 for the public art requirement.

42
43 **Maureen Crowley**- was outraged concerning the Commission and City's
44 lack of correspondence with her. Her concerns included the
45 replacement of natural vegetation with irrigation dependent
46 landscaping and the unnecessary amount of parking. She requested

1 developers submit a preconstruction plan per survival tree and asked
2 about the City's Preservation Act.
3

4 Commissioner Moss- noted any communication sent to the full
5 Commission could not be responded to as it would be in violation of the
6 Brown Act.
7

8 **Amber Whitson-** pointed out how ridiculous it was to have to provide
9 special parking for bicycles with bicycle trailers when it is illegal to attach
10 a bicycle trailer to a bicycle in Albany.
11

12 **Preston Jordan,** Albany's Strollers and Rollers- said the Traffic and Safety
13 Commission was looking to make amendments to the Municipal Code
14 such as possibly allow bike trailers to be attached to bikes in the future.
15 Overall Stroller and Rollers was pleased with how the developers have
16 been addressing their concerns but they still were worried about conflict
17 between the bus stop location and the cycle track. In addition, Strollers
18 and Rollers requested the bike lockers near short term parking be moved
19 to the northwest side on San Pablo and Monroe. Jordan encouraged the
20 Commission to look at the details of the track along Belmont village.
21

22 **David Sanger-** urged the Commission to reaffirm to Sprouts Albany
23 residents support of this project.
24

25 **Clay Larson-** thought the developers should be held to the open space
26 requirements- meaning outdoor open space- requirements, especially
27 given the high prices they were planning to charge residents.
28

29 PUBLIC COMMENT SESSION CLOSED.
30

31 Commissioner Pilch- was concerned about the open space and would
32 like staff and the applicants to work more on this matter. He agreed that
33 the west side of the store could use more artistic treatment and thought
34 the project was moving on well overall. He was glad that the trees were
35 addressed in the staff report and would like to see developers come up
36 with a plan that indicates which tree are set to be moved or removed.
37

38 Commissioner Donaldson- thought the architecture and site design has
39 improved. He hoped the applicant could work with Caltrans to develop
40 something that would not have too wide curb cuts or use too much
41 concrete. He thought maybe more could be done on the west wall. On
42 the north-facing wall on Belmont Village he suggested bigger windows at
43 the ends of the corridors and some textures. He agreed with staff's
44 recommendation on Sprouts parking and was concerned about the
45 small parking spaces. He thought the open space requirement dealt with
46 outdoor open space, but thought they should try to keep the project at

1 its current size. He agreed with staff's comments on tree removal and
2 raised the issue of more photovoltaic use on the Sprouts building.
3

4 Commissioner Moss- appreciated what Sprouts has done. He was not
5 bothered by the West wall. He thought the next step was to get a good
6 idea about which trees are going and which are going. In regards to
7 Belmont Village, he felt something should be done on the cap on the
8 bare elevation. He said he would like to see community gardens or a
9 park in the proposed retail space should they not find retail tenants. He
10 proposed having a car rental program in the retail space if possible. He
11 also requested to see the cost of the housing units. He agreed with
12 Jordan that the long-term bike parking should be moved. Overall he
13 would like to see both projects move forward.
14

15 Chair Eisenmann- asked that street trees are continuous for consistency
16 sakes. Her concerns included the graphics on the side of the Sprouts
17 building and the public art gateway. She thought the open space should
18 have a relationship with outdoor space such as large windows that
19 acknowledge the outside. She liked the agrarian design.
20

21 Commissioner Donaldson noted Chris Kent's comments were well taken
22 and hoped he would submit his comments in writing and have them
23 passed to the City arborist.
24

25 Chair Eisenmann called for a five minute recess.
26

27 7. NEW BUSINESS

- 28
- 29 **A.** General Plan Housing Element Update Review – The Planning & Zoning
30 Commission will review and take public comment on preparation of the
31 Housing Element. This includes review of the sites analysis, housing
32 constraints, and performance standards for emergency shelter housing.
33

34 *Recommendation:* The Planning & Zoning Commission forward a
35 recommendation to the City Council to send the draft Housing Element
36 to the State Department of Housing & Community Development (HCD)
37 for review.
38

39 **Barry Miller**, General Plan Consultant- gave a brief presentation on the
40 sites analysis of the Housing Element. This analysis focuses on higher
41 density residential sites and commercial sites where residential units are
42 allowed. He discussed the five categories of housing sites focusing on
43 the "vacant commercial (mixed use) properties", "underutilized
44 commercial (mixed use) properties", and "second units" categories. He
45 listed various examples of underutilized/vacant properties all around
46 Albany.

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Commissioner Donaldson asked about offering density bonuses at these sites and adding Safeway to the list of underutilized properties. Miller said density bonuses were not given because the state tries to be conservative and the City can not propose so many units given that they do not have a track record. Commissioner Arkin asked for clarification about the 20 units/acre density. Miller noted this density was net density and densities could be less than 20 units if they showed they were affordable. Miller said he did not eliminate any sites on the 2009 survey even if the improvement value may now be more than the land value. Barry Miller said changes that will affect allowable density will be worked into the next housing element.

Joe Feurera- requested adding a long term rent stabilization section in the housing element. He also asked that the Golden Gate Fields population be reflected in the City's census.

Lauren Hansen-thought it was a mistake to rush the housing element as it will inform the next one.

David Levin- pointed out that compliance data was overdue and was concerned that it would be a harmful to rush this process along.

Amber Whitson- asked whether the zoning of the warehouses along Cleveland Avenue allowed the construction homeless shelters there. She mentioned the Petsmart location on East shore Highway as another possible location.

Bob Outis- asked the Commission not to rush on this process. He wanted to see the whole picture including the constraint analysis. He encouraged Albany to look at other cities and how they are incentivizing secondary units for long term living.

Lisa Kleinbub- questioned if it was realistic to put long term businesses such as Mechanics bank on the list. She encouraged density on Solano and asked that the Commission not rush this process particularly without seeing the constraints analysis.

Julie Winklestein- encouraged the City to give a greater effort towards getting the word out about these meetings to the public.

Ed Fields- pointed out that the Commission gave UC a free pass for affordable housing.

1
2 PUBLIC COMMENT PERIOD CLOSED.
3

4 Barry Miller- noted comments taken from the public and Planning and
5 Zoning Commission would be passed to City Council in some way.
6

7 Commissioner Pilch- noted he would likely abstain from voting should they
8 choose to recommend the draft to City Council.
9

10 Commissioner Moss- proposed having a short meeting next week to discuss
11 the constraints.
12

13 Jeff Bond- said the calendar suggest Tuesday, October 15. The majority of
14 the Commission said this date worked and suggested 7 pm for the meeting
15 time.
16

17 **Motion to continue Item 7B to date certain of Tuesday, October 15 at 7pm in**
18 **the Council Chambers: Moss**
19 **Seconded by: Pilch**
20
21

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

23 (Staff discussion and Commission member announcement of status of previous
24 agenda items and requests for future agenda items. No public comment will be
25 taken on requests for future agenda items).
26

27 **A. Meeting schedule for 2013 and 2014**
28

29 Anne Hersch reminded the Commission that there would only be one meeting
30 for months of November and December as the planned meeting dates are
31 close to Thanksgiving and Christmas. Due to the holidays the first meeting in
32 January would also likely be cancelled. Jeff Bond noted October 30 may work as
33 an extra meeting day if needed.
34

35 Anne Hersch announced the 726 Cerrito appeal was going to council October
36 21, 1017 Ordway was going on November 1, and St. Mary's would be on
37 November 18.
38

39 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**
40

41 Next Planning and Zoning Commission hearing: **Tuesday, October 15, 2013 at 7:00 PM**
42

43 **10. ADJOURNMENT**
44

45 The meeting was adjourned at 10:35 p.m.
46

1 Next regular meeting: Wednesday, October 15, 2013 at 7 p.m. at Albany City Hall

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4 _____
Submitted by: Anne Hersch, City Planner

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8 _____
Jeff Bond
9 **Community Development Director**

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