

# City of Albany

## Planning and Zoning Commission Minutes September 25, 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, September 25, 2013.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Arkin, Donaldson, Eisenmann, Moss, Pilch  
Absent: None  
Staff present: Community Development Director Jeff Bond  
City Planner Anne Hersch

4. **NEW BUSINESS**

- A. General Plan Housing Element Update Review – The Planning & Zoning Commission will review and take public comment on preparation of the Housing Element portion of the City of Albany General Plan. The study session will include discussion of the Needs Assessment and the Goals, Policies, and Actions portions of the Housing Element.

**Recommendation:** This item is a study session and no Commission action is required.

**Barry Miller**, General Plan consultant- said tonight's presentation would focus on goals, policies, and programs of the housing element. He gave an overview of the housing element and went over the mandated contents: evaluation of previous element, needs assessment, adequate sites analysis, constrains analysis, and goals, policies and action programs. He described the timeline and pace for the night which included discussing five housing related goals and opening up discussion with the Commission and public. The first goal was housing conservation and some proposed policies included supporting reinvestment in housing stock, protecting rental housing stock, recognizing UC Village as an important resource, preserving smaller, more affordable homes, and reducing home energy costs. Programs included code enforcement, minor home repair, monitoring existing/future affordable units, energy assistance for lower income households and weatherization programs.

1 Commissioner Donaldson- noted there has never been a discussion on losing small more  
2 affordable 2-3 room single family homes by allowing them to be built on and creating  
3 bigger homes with second story additions.

4  
5 Commissioner Arkin- suggested preserving smaller homes by allowing homeowners to  
6 subdivide into two smaller lots. He said smaller lots would then result in smaller houses.

7  
8 Commissioner Pilch- seconded Arkin's recommendation. He wondered if efforts could  
9 be spent encouraging smaller affordable units as even a small house in Albany could  
10 be out of reach for low income residents.

11  
12 Barry Miller- noted most of the focus of the programs is on housing production versus  
13 conservation. He detailed the Goal 2: Housing Production. Policies of goal two included  
14 maintaining/enhancing diverse mix of unit types, adding rental housing as well as  
15 owner occupied, building more affordable units, and supporting first time homebuyer  
16 opportunities. Programs included but were not limited to minimum densities on mixed  
17 use sites, working with affordable housing developers, and having incentives for  
18 affordable housing/technical assistance.

19  
20 Commissioner Moss was concerned about sacrificing retail for smaller residential units  
21 and suggested revisiting previous policies on ground floor residential. Commissioner  
22 Pilch supported minimum densities. Commissioner Arkin said clarity, education, and  
23 changes in the rules can allow for second units. Arkin had a few suggestions such as:  
24 striking the no subdivisions rule, applying the same standards for accessory dwelling  
25 units as accessory buildings, and requiring tandem parking to allow for more units.  
26 Commissioner Moss proposed holding a workshop for those who want to convert their  
27 building. He said he would like to see an incentive that lowered property tax to lower  
28 the rent.

29  
30 Commissioner Pilch supported Commissioner Arkin's ideas.

31  
32 Chair Eisenmann said that attached or detached, secondary units should be pursued.

33  
34 Barry Miller- noted that Piedmont has a rent restricted unit requirement as an option. He  
35 presented Goal 3: Special Needs Housing. The policies included senior housing, persons  
36 with disabilities, and residents with extremely low income. The programs included  
37 inclusion of accessible units in new development, section 8 vouchers, and shared  
38 housing options (renting out of rooms). Commissioner Eisenmann asked for better  
39 description of emergency shelters and Commissioner Donaldson asked for a definition  
40 of Universal design.

41  
42 Barry Miller- said this could be up to the City but noted some requirements required by  
43 Cities include 25 bed limit, having people wait inside rather than out, and having  
44 certain hours for intake etc. Miller defined Universal design as a design that meets the  
45 needs of people with all types of mobility needs. Commissioner Arkin noted residential  
46 units were not allowed in some districts and said this should be revisited.

1  
2 Barry Miller- described Goal 4: Reducing Constrains. The policies included incentivizing  
3 housing on commercial sites (in mixed use), working towards context-appropriate  
4 parking, and having competitive fee structures. Programs included dropping the Use  
5 Permit for MF in R-4 zone, allowing second units by right in R-2, R-3, and R-4 and  
6 dropping foot height limit, and permitting SROS in the SPC zone. Commissioner Arkin  
7 suggested four stories as opposed to the current three story standard, enlarging nodes,  
8 and revising the rules so having a building partially below grade and not counting  
9 towards the FAR. He also mentioned eliminating parking restrictions and allowing  
10 sleeping in an accessory building so it would be easier to rent out rooms. Commissioner  
11 Donaldson and Pilch supported Commissioner Arkin's ideas.

12  
13 Barry Miller- described Goal 5: Fair Housing. Policies included ending housing  
14 discrimination working to mediate landlord and tenant disputes, and supporting  
15 partnerships with nearby communities. Programs include continuing City relations with  
16 ECHO housing and removing impediments to fair housing. Commissioner Donaldson  
17 noted R-3 and R-4 districts may have room for consolidating lots.

18  
19 PUBLIC COMMENT PERIOD OPENED.

20  
21 **Ed Fields-** said the old General Plan had the programs in the same line with policies so  
22 you could easily see them working together. He proposed the developers of Sprouts  
23 provide some funds for affordable housing and build units above the Sprouts store.

24  
25 **Debra Collins-** felt there was a rush to bring the housing element forward and thought it  
26 would have been helpful to have more public participation along the way. She  
27 recommended a boomerang program to look at the property tax that is gained by the  
28 dissolution of redevelopment agencies. Commissioner Moss noted the City does its own  
29 bonds and could adjust those prices.

30  
31 **Amber Whitson-** asked where the data would come for their housing program needs.  
32 She recommended having programs just for Albany rather than relying on the programs  
33 of other cities.

34  
35 **Ann Miley-** appreciated the City for responding to Albany's lack of affordable housing.  
36 She recommended the City gather the needed census data and looking to what other  
37 cities are doing for helpful ideas.

38  
39 **Joe Feurera** - was concerned with the October 1<sup>st</sup> deadline for banning camping at the  
40 Bulb. He asked that renter's protection be addressed in the housing element and that  
41 weatherization programs be extended to renters not just property owners.

42  
43 **Bob Outis-** reminded the Commission that it is their job to ensure an appropriate  
44 General Plan especially in light of how the City Council has directed resources in the  
45 past.

46

1 **Julie Winklestein**- mentioned getting the public engaged was a good idea and there  
2 should be a greater publicity effort on the City's part. She pointed out the open house  
3 should be done after the sites analysis and constraints on the timeline not before. She  
4 supported the changing the attitude of NIMBY (Not in My Backyard) to YIMBY (Yes in My  
5 Backyard).

6  
7 **Catherine Sutton**- wanted to see the City provide more than just the basic services at  
8 emergency shelters. She asked how citizens could help in supporting the amendment  
9 of Measure D and noted another speaker Amber Whitson had a complete survey of  
10 people at the Bulb.

11  
12 **Clay Larson**- thought there should be a discussion of height limits (both in feet and  
13 stories) in Albany. He felt eliminating parking standards was unacceptable to the  
14 community and for the most part supported Measure D.

15  
16 **Ken Friedman, Albany Bowl Properties**- would like to maintain the current zoning of his  
17 property and not be limited to just commercial or just residential. He said water tables  
18 were constraints as well. He asked what minimum density and mixed use meant- Barry  
19 Miller said this meant that housing on that site has to be a certain density, for example,  
20 there cannot be single family detached houses on large plots.

21  
22 **Carol O'Keefe**- said at the absolute minimum the height requirements should be  
23 discussed as it was previously in the Climate Action Plan but was dismissed by City  
24 Council. She wanted to encourage making a subgroup of Planning and Zoning  
25 Commission and subgroup of Sustainability Commission to meet with the Traffic and  
26 Safety Commission subgroup to discuss parking. She encouraged early discussion of  
27 these issues to get it out earlier to voters.

28  
29 Commissioner Arkin- encouraged the audience to bring their friends to the open house  
30 so they can share their ideas. Arkin asked if the in lieu housing fee has been paid by  
31 anyone. Jeff Bond indicated that the inclusionary housing development has been  
32 nullified, but depending on the appeals, the in lieu fee and inclusionary fee could be  
33 adopted. He emphasized Commissioners are not developers and cannot determine  
34 what projects come into the City.

35  
36 Chair Eisenmann called for a five minute break.

## 37 38 5. CONSENT CALENDER

39 (Consent Calendar items are considered routine and will be enacted by one  
40 motion. By approval of the Consent Calendar, the staff recommendations  
41 will be adopted unless otherwise modified by the Commission. There will be  
42 no separate discussion on these items unless a Commission Member or a  
43 member of the audience requests removal of the items from the Consent  
44 Calendar.)  
45

1       **A. PA 13-025 Business Sign for Bay Area Retrofit at 427 San Pablo Ave.** The  
2       applicant is received Planning & Zoning Commission approval for a new  
3       business sign at 427 San Pablo Ave. for Bay Area Retrofit on June 10,  
4       2013. A condition of project approval required that the engineered  
5       installation plans be brought back to the Planning & Zoning Commission  
6       for review.

7       ***Recommendation: Review and approve the engineer drawings.***

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

11  
12      Commissioner Donaldson- asked if there was a color issue with this sign.  
13      Anne Hersch indicated there was not.

14  
15      **Motion to approve Consent Calendar:** Donaldson

16      **Seconded by:** Arkin

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

18      NAYES: None

19      **Motion Passes, 5-0**

20

21 **6. PUBLIC COMMENT**

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

27  
28      **Edward Moore-** noted he sent two important letters to the Commission and  
29      urged them to look over it. He mentioned he had put together a preservation  
30      document to qualify the Waterfront as a historical site. He suggested the  
31      Commission excise any writing pertaining to the Waterfront from the General  
32      Plan and CEQA study until Moore presents his findings next summer and then use  
33      his finding to modify the General Plan and CEQA prior to submitting them for  
34      review.

35

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

37

38      **A. PA 13-039, 921 Santa Fe Ave Design Review-** The applicant is seeking Design  
39      Review approval for a 2<sup>nd</sup> story addition at 921 Santa Fe Avenue. The  
40      existing home is 1,549 sq. ft. with two bedrooms and two bathrooms. The  
41      applicant is proposing a 767 sq. ft. second story addition. The second story  
42      addition will include three bedrooms and one bathroom. This will result in a  
43      three bedroom, two bathroom home on a 5,200 sq. ft. lot. The new home  
44      will be 2,316 sq. ft. and 26'2" in height. Two off-street parking spaces will be  
45      provided in the detached two car garage. A rear yard accessory structure  
46      is proposed to remain.

1  
2 **Recommendation: Approve subject to the findings and conditions.**  
3

4 **CEQA: Categorically exempt pursuant to Section 15303, "New**  
5 **Construction or Conversion of Small Structures" of the CEQA Guidelines**  
6

7 Commissioner Moss recused himself because of the proximity issues.  
8

9 Anne Hersch presented the staff report.  
10

11 Commissioner Pilch noted that staff recommendation included the  
12 parking exception- Hersch indicated this was a mistake.  
13

14 **Hiromi Ogawa**, project architect and applicant- noted the two story  
15 design and how she had worked with the family to create the current  
16 layout.  
17

18 Commissioner Donaldson- asked about the reasoning behind the  
19 differentiation in the choice of siding material on the south and east  
20 elevation. Ogawa indicated it was to give texture to a monolithic  
21 elevation. She said by changing this texture detail rather than the  
22 architecture, they were able to maximize the driveway.  
23

24 PUBLIC HEARING OPENED.  
25

26 **Debbie Tang**, neighbor on Southside- was concerned about her privacy  
27 especially in regards to the relation between the project's second story  
28 and the current orientation of her bed and bathrooms. She said the  
29 homeowners have been accommodating, but she wanted more  
30 advice on what could be done.  
31

32 The Commission noted that Tang's light would not be blocked. In terms  
33 of privacy, recommendations included avoiding opposite windows that  
34 face each other, moving windows farther up, or using obscure glass. The  
35 Commission pointed out the windows she was concerned about were  
36 high up and the design was what the Commission would be asking for.  
37

38 Commissioner Donaldson-asked if the water heater was necessary or  
39 appropriate to have its own room and asked if they applicant have  
40 considered using tank less water heater.  
41

42 Ms. Ogawa noted the owners wanted to reuse their current high  
43 efficiency tank water heater. She said the heater was removed from the  
44 laundry room.  
45

1 Commissioner Pilch- asked if the applicant if the reasoning behind  
2 placing the second level where it was and why the bay windows were  
3 eliminated. Ogawa noted it worked in relation to shadowing and where  
4 the PVCs are. She said the bay window did not work efficiently because  
5 of its curvature.

6  
7 Commissioner Arkin- said the FAR was 52.74, but the project was  
8 handsome and appropriate. He thought the playful approach to  
9 materials is valid and fully supported the application as presented.

10  
11 Chair Eisenmann- liked the similar color palette and playful use of  
12 textures. She recommended coming back to a casement in the back.  
13 She asked about stucco relief on the side of the house. Ogawa noted  
14 this was a design proposed by the home owner and was found other  
15 areas on the house.

16  
17 **Motion to approve Item 7A: Donaldson**

18 **Seconded by:** Pilch

19 AYES: Arkin, Donaldson, Moss, Pilch

20 NAYES: None

21 **Motion Passes, 4-0**

- 22  
23 **B. PA 13-048, 1008 Ordway Design Review and Conditional Use Permit-** The  
24 applicant is seeking Design Review and Conditional Use Permit approval for  
25 a two-story addition and remodel at 1008 Ordway Street. Currently the  
26 existing single-story home is 908 sq. ft. on a 3,850 sq. ft. lot. The existing single-  
27 family home has two bedrooms and one bathroom. The two-story addition  
28 is proposed to be 830 sq. ft. and will include three bedrooms and two  
29 bathrooms. This will result in a 1,781 sq. ft. four bedroom, three bathroom  
30 home. The applicant is seeking a Conditional Use Permit for a building  
31 height of 29'9" instead of the required 28'.

32 ***Recommendation: The Planning and Zoning Commission review the***  
33 ***proposed application and provide feedback to the applicant and staff.***  
34 ***Conditions and findings are included as attachments to the staff report***  
35 ***should the Commission choose to approve the project.***

36  
37 ***CEQA: Categorically exempt pursuant to Section 15303, "New***  
38 ***Construction or Conversion of Small Structures" of the CEQA Guidelines***

39  
40 Commissioner Moss returned to the meeting. Chair Eisenmann recused  
41 herself from the item and left for the meeting. Vice Chair Donaldson  
42 took over the meeting. Anne Hersch presented the staff report.

43 Vice Chair Donaldson noted on the staff report, the date the notices  
44 were mailed were omitted and should be put in.

45  
46 Anne Hersch explained the driveway layout.

1  
2 **Howard McNenny**, project architect and applicant- described various  
3 aspects of the project including materials, window detailing, and use of  
4 gable. He said the chimney is tall because of the wood burning  
5 fireplace. He said he did not oppose covering the chimney and noted  
6 that the height change was minor.  
7

8 **Suz-Ana Morandin**, 1021 Ordway- said rules were created for a reason  
9 and was concerned giving an exception to this project could  
10 encourage others to exceed the limits as well. She did not understand  
11 parking completely but said she did not want to lose more parking.  
12

13 Commissioner Arkin- noted the FAR did not reach the limit which was  
14 good. He also liked the more boxed in chimney. He had no concerns  
15 about parking and providing off street spaces. In terms of height, Arkin  
16 read the findings necessary to allow a height Conditional Use Permit and  
17 said this project met these findings and made sense. He says the  
18 windows should not cause a problem privacy-wise. Overall, Arkin  
19 supported the project and the CUP.  
20

21 Commissioner Moss- had a hard time supporting the height increase.  
22 Overall he felt the project needed greater articulation. He said the  
23 addition on the rear is a kitchen and proposed lowering this height to 8 ft  
24 instead of the proposed 9 ft. He said the house could be stepped and  
25 made into a split level. He also mentioned the side walls were massive  
26 with no articulation or difference in style or materials and suggested  
27 changing some of the masses to add interest. He pointed out the large  
28 windows in the basement and asked what they were used for.  
29

30 McNenny- the basement would be used for storage mostly.  
31

32 **Mei-Oy Gee**, property owner- said she did not want a split level as she  
33 tripped easily. Commissioner Moss said many applicants have changed  
34 their design just to fit into the height requirement and he did not see this  
35 project as having the findings needed to allow this height exception.  
36

37 Commissioner Arkin- recommended keeping the gable over the master  
38 bedroom but also introduce a slope to the area over the bathroom so  
39 that the house is under the height limit.  
40

41 Commissioner Pilch- did not think making the house a split level would  
42 work and agreed with Commissioner Arkin's suggestions.  
43

44 **Peter Damm**, property owner- said they had tried to appeal to the  
45 neighborhood and did not want a monolithic look either.  
46



1 Commissioner Pilch- asked if architect and owners agreed to  
2 Commissioner Arkin's proposal.  
3

4 Mr. McNenny replied yes, if it was the only way it would be approved.  
5 Pilch was inclined to approve the application. He asked the applicants  
6 consider a gas fireplace instead of a wood burning one.  
7

8 Vice Chair Donaldson- said a Conditional Use Permit should not be  
9 thought of as an exception, but rather be looked at as a variance. He  
10 was comfortable with the roof design and was inclined to approve this  
11 application as well. He echoed Commissioner Pilch's suggestions on  
12 using a glass fireplace instead of a wood burning one.  
13

14 **Motion to approve item 7B with possibility of a Conditional Use Permit to**  
15 **exceed 28 ft might still be required for a small portion of the roof but that**  
16 **the design feature a hip across the portion of the roof incorporating the**  
17 **master bath:** Arkin

18 -with condition that the chimney be boxed in or to get a gas fire place

19 **Seconded by:** Moss

20 AYES: Arkin, Donaldson, Moss, Pilch

21 NAYES: None

22 **Motion Passes, 4-0**  
23

24 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

29 Anne Hersch said the St. Mary's use permit was appealed to City Council as well  
30 as 726 Cerrito and 1017 Ordway. They will be presented at Council on different  
31 dates.  
32

33 Commissioner Pilch asked whether street trees were needed for applications.  
34 Anne Hersch noted the City arborist has a list of appropriate trees and looks at the  
35 plans to see where to put them.  
36

37 Jeff Bond noted series of meetings starting in October may need an earlier start  
38 time as the UC Village is an upcoming agenda item. The Commission agreed 6:30  
39 pm was a fair meeting time.  
40

41 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**  
42

43 Next Planning and Zoning Commission hearing: **Wednesday, October 9, 2013 at 6:30**  
44 **pm.**  
45

46 **10. ADJOURNMENT**

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2  
3  
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6  
7  
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The meeting was adjourned at 9:51 p.m.  
Next regular meeting: Wednesday, October 9, 2013, 6:30 p.m. at Albany City Hall

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Submitted by: Anne Hersch, City Planner

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**Jeff Bond, Community Development Director**