

City of Albany

Planning and Zoning Commission Minutes October 15, 2013 Meeting

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2 *Note: These minutes are subject to Planning and Zoning Commission approval. The*
3 *minutes are not verbatim. An audiotape of the meeting is available for public review.*
4

5 Regular Meeting

- 6
7 1. **CALL TO ORDER-** The meeting of the Planning and Zoning Commission was called
8 to order by Chair Eisenmann in the City Council Chambers at 7:00 p.m. on
9 Tuesday, October 15, 2013.

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11 2. **PLEDGE OF ALLEGIANCE**

12
13 3. **ROLL CALL**

14 Present: Arkin, Donaldson, Eisenmann, Moss
15 Absent: Pilch
16 Staff present: Community Development Director Jeff Bond
17 City Planner Anne Hersch
18

19 4. **PUBLIC COMMENT**

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

25
26 No one wished to speak.

27
28 5. **DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

- 29
30 A. **General Plan Housing Element Update Review** (*Continued to a date certain by the*
31 *Planning & Zoning Commission at hearing of 10/9/13*)- The Planning & Zoning
32 Commission will review and take public comment on preparation of the Housing
33 Element. This includes review of the draft element in its entirety, including
34 constraints to housing conservation and production.

35
36 **Recommendation:** The Planning & Zoning Commission forward a recommendation
37 to the City Council to send the draft Housing Element to the State Department of
38 Housing & Community Development (HCD) for review.
39

40 **Barry Miller**, General Plan Consultant- presented Chapter 5 of Housing Element which
41 addresses Housing Constraints. He noted this was taken from 2009 draft updated with
42 the state's comments. He discussed issues pertaining to zoning regulations, open space
43 standards, and parking requirements. He also detailed some standards for specific
44 housing types and other potential government constraints including design review,

1 inclusionary housing, density bonus, building code, processing and permitting, site
2 improvement requirements, fees, and art in public places fees. Non-governmental
3 constraints include infrastructure, environmental (including hazmats), land costs,
4 construction costs, financing, availability of funds, and public opinion. Miller's overview
5 of next steps were: to bring this draft to Council to consider, to submit element to HCD
6 for 60-day review, do public outreach during HCD review, have public meetings to be
7 held once HCD comments are received to discuss possible edits, hold public hearings
8 to adopt element, and work on next Element to begin immediately after adoption.

9
10 Commissioner Moss- asked about AB-1229 and asked if the City was going to build units
11 themselves or if they would prefer to take in a fee and hire a contractor to build the
12 units.

13
14 Chair Eisenmann- asked about the local government's involvement with emergency
15 shelters. Jeff Bond indicated that other small cities in Alameda County contract out with
16 non-profits that provide the services.

17
18 Commissioner Moss- asked how to resolve conflict between adding ground floor
19 residential units on San Pablo versus creating commercial dead zones in that area.
20 Miller said ground floor residential units could be approved with a CUP on a case-by-
21 case basis or only allowed on certain parts of the corridor.

22
23 PUBLIC COMMENT OPENED.

24
25 Chair Eisenmann- noted she would be willing to waive the three minute rule for the
26 public comment period.

27
28 **Lauren Hansen-** said some of the supposed constraints listed out tonight were not
29 actual constraints. She also thought the section on public opinion should be taken more
30 seriously. She recommended the City consider looking into Boomerang Funds.

31
32 Commissioner Donaldson- stated he was bothered that speaker Lauren Hansen did not
33 previously disclose she was a litigant in the lawsuit against the City of Albany. Hansen
34 apologized.

35
36 **Ann Miley-** had a few questions including: how many of the Commissioners were
37 unfamiliar with the lawsuit involving the Housing Element, if it was required that the
38 emergency shelter has a RFP, and what was the status of the Safeway project. She said
39 the comments coming in from the lawsuit seemed to be helpful particularly since the
40 City was so behind.

41
42 **Bob Outis-** disclosed he was an officer and director of Albany Housing Advocates but
43 stated he was speaking for himself tonight. He was upset that the City Council had
44 given the Housing Element such low priority the last fourteen years and used past efforts
45 such as the Voices to Vision effort to rationalize their avoidance of this subject. He

1 suggested Safeway and the racetrack as areas of underutilized land that the City is
2 avoiding in part because of NIMBY-ism.

3
4 **Amber Whitson**- disclosed she was CFO of Albany Housing Advocates which is part of
5 the lawsuit against the City of Albany as well as a litigant in the Amber Whitson and
6 Betty Stevenson vs. City of Albany lawsuit. She was pleased to see suggestions for CMX
7 district.

8
9 **Paul O'Curry**- disclosed he was a member of Albany Housing Advocates. He asked the
10 Commission to consider putting housing units all around the town not just in certain
11 neighborhoods. He suggested looking into some condemned, abandoned houses for
12 these purposes.

13
14 Commissioner Moss- asked if temporary shelters at Golden Gate Fields were available.

15
16 Jeff Bond- noted this was likely under City of Berkeley's jurisdiction and noted working
17 with other cities on this matter was difficult too because there is not a lot of physical
18 bed capacity in other cities. In regards to Safeway, he said the applicants planned to
19 return for a remodel in the future.

20
21 Commissioner Arkin- said the Voices to Vision Project had not been managed by the
22 Planning and Zoning Commission. His comments on the draft included:

- 23
24
- A zero lot line option for the proposed two 2500 square foot lots,
 - Allowing higher density on small lots,
 - Reconsidering how the day light plane regulations could be limiting
 - Being more open to allowing residential uses in other districts by use permits
 - Charging an in lieu fee for applicants who do not build to their capacity.
 - He said he would like to see more incentives to allow second units and asked if
29 the roof area counts as open space.
- 30
31

32 Commissioner Donaldson- supported many of Commissioner Arkin's suggestions. He was
33 interested in the boomerang funding discussed in the Legal Aid letter.

34
35 Commissioner Moss- suggested looking at zero setback lines as well. He proposed more
36 incentives for increasing density.

37
38 Chair Eisenmann- asked if there was a way for the City to decrease the costs of
39 any area of the application fees. She suggested that rather than look to developers to
40 build more units, the Commission should look to Albany property owners who already
41 own the land, and see if it was possible for them to build second units. She pointed out
42 it seemed limiting to allow for only one pre- manufactured home per lot.

43
44 Commissioner Moss- said the City should stop taking a flat rate for projects, but instead
45 taking a deposit and having staff work against that deposit.

46

1 Barry Miller- listed potential edits for City Council to consider for their next meeting.

2
3 Commissioner Moss-asked if the City could work with EBMUD to give water meter breaks
4 for inclusionary housing.

5
6 Jeff Bond-noted that PG&E and EBMUD would likely not give out special exemptions. He
7 said many items mentioned by the Commission are already included in the past.

8
9 **Motion to recommend to City Council to review second draft of the 2007-2014 Housing**
10 **Element:** Arkin

- 11 - Includes review with that the discussion and comment made by public and the
- 12 Planning and Zoning Commission over last set of hearings and forward to state
- 13 for review/comment
- 14 - Incorporation of redevelopment and boomerang funds

15 **Seconded by:** Donaldson

16
17 Commissioner Moss proposed amending the motion to clarify that the boomerang
18 funds would be used preferably for inclusionary and transitional housing.
19 Arkin and Donaldson agreed.

20
21 Ayes: Arkin, Donaldson, Eisenmann, Moss

22
23 Nays: None

24
25 **Motion passes, 4-0.**

26
27 **6. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

31
32 Mr. Bond noted the regular meeting would be cancelled but there would be a
33 special meeting on October 30, 2013.

34
35 Ms. Hersch suggested starting at 6:30 pm as there were a few items on the
36 agenda that would require lengthy discussion.

37
38 Commissioner Donaldson- said he would not be present at the next meeting.

39
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41 **7. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

42
43 Next Planning and Zoning Commission hearing: **Wednesday, October 30, 2013 at 6:30**
44 **pm.**

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46 **8. ADJOURNMENT**

1 The meeting was adjourned at 9:15 p.m.
2 Next regular meeting: Wednesday, October 30, 2013 at 6:30 p.m. at Albany City
3 Hall

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5 Submitted by: Anne Hersch, City Planner

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8 **Jeff Bond, Community Development Director**