

City of Albany

Planning and Zoning Commission Minutes March 26, 2014 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

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7 1. **CALL TO ORDER-** The meeting of the Planning and Zoning Commission was called to
8 order by Chair Donaldson in the City Council Chambers at 7:00 p.m. on Wednesday,
9 March 26, 2014.

10
11 2. **PLEDGE OF ALLEGIANCE**

12
13 3. **ROLL CALL**

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

19 4. **CONSENT CALENDER**

20 (Consent Calendar items are considered routine and will be enacted by one motion.
21 By approval of the Consent Calendar, the staff recommendations will be adopted
22 unless otherwise modified by the Commission. There will be no separate discussion on
23 these items unless a Commission Member or a member of the audience requests
24 removal of the items from the Consent Calendar.)
25

26 None.
27

28 5. **PUBLIC COMMENT**

29 For persons desiring to address the Commission on an item that is not on the agenda
30 please note that each speaker is limited to three (3) minutes. The Brown Act limits
31 the Commission ability to take and/or discuss items that are not on the agenda;
32 therefore, such items are normally referred to staff for comment or to a future
33 agenda.
34

35 None.
36

37 6. **NEW BUSINESS**

38
39 **A. General Plan EIR Scoping Session-** The City of Albany will be the Lead Agency
40 and will prepare an Environmental Impact Report (EIR) for the City of Albany
41 2035 General Plan (proposed project). The City is requesting comments from
42 responsible agencies regarding the scope and content of the environmental
43 document. The public is also invited to submit comments regarding the scope of
44 the EIR and issues that should be addressed as the document is prepared.

1 ***Recommendation: Receive the presentation, open the public hearing, and direct***
2 ***staff to include comments in the EIR.***
3

4 **Amy Paulson**, Environmental Consultant from LSA Associates- gave the presentation for the
5 scoping session. She explained that LSA was in the preliminary steps of this project and she
6 was here to listen and make sure the public's comments and concerns were taken into
7 consideration for the EIR. She outlined the EIR procedural steps and opportunities for public
8 input.
9

10 PUBLIC HEARING OPENED.

11
12 **Sol Strand**, 555 Pierce- came up to speak about the digital billboards (Agenda Item 7D).
13 Anne Hersch clarified that the billboards were a part of the Public Works Center project to
14 be discussed later that night.
15

16 Commissioner Pilch- noted an Active Transportation Plan was approved in Albany and
17 asked how that would be related to the General Plan. Paulson said it would be rolled into
18 the General Plan. Commissioner Eisenmann asked about the "Alternatives". Paulson said it
19 provides the "Alternatives" section of the General Plan included more qualitative
20 recommendations such as more or less density. Commissioner Moss asked about
21 undergrounding utilities, the impact of density to standards of living, impacts of parking,
22 and what is to be done to protect retail locations. Chair Donaldson mentioned that even if
23 the Waterfront will not be part of the General Plan, it should be considered.
24

25 Chair Donaldson said he was willing to rearrange the agenda if the Commission voted to
26 do so. Commissioner Eisenmann was concerned speakers who thought their item was later
27 in the evening because of the current agenda would come later and miss their chance to
28 speak if they voted to rearrange the schedule. No motion was made so the agenda
29 remained as it was.
30

31 **B. Study Session on the General Plan Land Use Element-** This is the one in a series of
32 Planning and Zoning Commission Study Sessions on the Albany 2035 General Plan
33 Update. This Study Session will cover land use assumptions for the General Plan,
34 and ideas for land use policies to be included in the Plan. An opportunity for
35 public comment will be provided. The Study Session will immediately follow a
36 scoping session on the Environmental Impact Report to be prepared as part of
37 the General Plan Update process.

38 *Recommendation:* This item is a study session and no Commission action is required.
39

40 **Barry Miller**, General Plan consultant- gave an overview of the existing and proposed land
41 use element and the growth assumptions they are based on. Miller presented some
42 possible new organization of policies promoting principles of the City's growth (such as
43 sustainability, balance between jobs and housing, and walkable, accessible services), as
44 well as characteristics of residential areas (such as small lots, treatment of non-residential
45 uses, and views/vistas). Possible new organization of commercial and mixed-use areas,
46 industrial areas, public and quasi-public areas, areas of special importance, and

1 community design and historic preservation was also discussed. Chair Donaldson thought
2 Miller made good points in the staff report and agreed that the first goal should be
3 preserving the residential character of Albany. He wanted some acknowledgement
4 regarding the growth in personal services that have come up.

5
6 Donaldson felt issues relating to lot mergers/lot line adjustments and minimizing potentially
7 detrimental impacts of residential were not General Plan issues. He was fine with combining
8 some policies for San Pablo and Solano and suggested higher FAR or heights at the nodes.
9 He added he heard a new BART station might be created on Solano soon and should be
10 on the General Plan if this was so. Miller noted this could be taken into consideration.

11
12 Commissioner Moss- encouraged adding incentives for usable open space and making
13 Solano corridor a more vibrant commercial district. Miller suggested doing a future study on
14 ways to improve the success of retail areas. He indicated UC Village was included in the
15 housing counts because it serves the special needs population of students' families.

16
17 Commissioner Pilch- asked that for ways to share the information presented tonight on the
18 website. He felt nothing needed to be done to keep the "residential character" of the
19 neighborhood and welcoming vibrant businesses should be emphasized instead. He noted
20 there were both a Parks Master Plan and an Active Transportation Plan that could be part
21 of the discussion. He thought free parking would be antithetical to business because what
22 people want open parking spaces at businesses.

23
24 Pilch asked Miller about his thinking on not including UC Village housing units in the master
25 plan.

26
27 Mr. Miller said they still have to see how that Master Plan would relate to the General Plan.

28
29 Pilch was also in favor of combining the San Pablo and Solano policies.

30
31 Chair Donaldson- encouraged economic diversity in the new General Plan.

32
33 Commissioner Eisenmann suggested identifying the various areas of Albany and which
34 characteristics they want to encourage. Chair Donaldson asked for public comment.

35
36 **Ken Friedman**, Albany Bowl Property- noted that he owns a large parcel of land in Albany
37 and asked that the Commission be open to keeping land use policies flexible on San
38 Pablo. He said parking does matter and makes a difference. Friedman supported enabling
39 more density/height, notwithstanding the density bonus, at the nodes and liked how
40 Miller's report balanced multiple priorities such as jobs, retail, and residential aspects of
41 Albany.

42
43 Miller noted transportation, more fleshed out policies, or both would be scheduled for the
44 next meeting. He hoped also to bring the transportation aspect of the General Plan to the
45 Traffic and Safety Commission.

46

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

2 **A. PA 13-089 Design Review For an Addition & Second Unit at 1111 Cornell-** The
3 applicant is seeking Design Review approval for a two level addition at 1111
4 Cornell. The subject lot is 5,000 sq. ft. with an existing home that is 959 sq. ft. with
5 two bedrooms and one bathroom and was built in 1915. The applicant is
6 proposing a rear two level addition which will include a new two bedroom second
7 unit, 643 sq. ft. in area, on the lower level. The lower level will also include a new
8 bedroom and bathroom for the main residence. The upper level addition will
9 include a new family room, master suit, half bathroom, and deck. The addition will
10 result in a six bedroom four and half bathroom 2,550 sq. ft. home. Three off-street
11 parking spaces are provided in the attached garage. Changes include a new
12 landscape plan, expanded roof overhang, updated front porch, and covered
13 entry for the second unit.

14 *Recommendation: Continue the application to a date certain of April 9, 2014.*

15
16 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or
17 Conversion of Small Structures" of the CEQA Guidelines*

18
19 Anne Hersch noted this item would return at the April 9th meeting.

20
21 **Motion to Move Item 7A to date certain of April 9th:** Moss

22 Seconded by: Pilch

23 AYES: Donaldson, Eisenmann, Moss, Pilch

24 NAYES: None.

25 **Motion Passes, 4-0.**

26
27 **B. PA 14-007 Design Review, Parking Exception and Variance for 1501 Visalia Avenue**
28 **2nd Story Addition** - The applicant is seeking Design Review, Variance, and Parking
29 Exception approval for a 2nd story addition at 1501 Visalia Avenue. The existing
30 home is 951 sq. ft. with two bedrooms and one bathroom on a 3,450 sq. ft. lot. The
31 applicant is proposing to add 220.2 sq. ft. to the main level for a new family and
32 stairway. A 384.7 sq. ft. second story addition is proposed includes a master
33 bedroom, one bathroom, washer/dryer, walk in closet, and balcony. This will result
34 in a three bedroom and two bathroom home, 1,496 sq. ft. in area, with a
35 maximum building height of 23'2". Due to the shape of the lot, a second off-street
36 parking space cannot be provided so a Parking Reduction is requested.
37 Additionally, a Variance for a setback reduction due to the irregular lot size has
38 also been requested.

39 *Recommendation: Approve subject to the attached findings and Conditions of
40 Approval.*

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

44
45 Anne Hersch presented the staff report.

46

1 **Howard McNenny**, applicant- noted that neighbor concerns regarding the shadows have
2 been addressed and they were please the neighbors could not support the project. He
3 noted it was a modest project and made himself available for questions.

4
5 PUBLIC HEARING OPENED. No one wished to speak. PUBLIC HEARING CLOSED.

6
7 Commissioner Eisenmann- was happy to hear the neighbor has made an agreement with
8 the applicant. She appreciated that the volume of the stair was down and was generally
9 in support of the application. She asked about the lot line and if front yard parking was
10 allowed. Anne Hersch said in this case this would be a rear yard.

11
12 Commissioner Moss- said he could not support it because the applicant was creating their
13 own parking reduction. He said he could agree with the variance but not the second
14 parking space. He proposed a way to move the staircase to allow for two tandem parking
15 spots.

16
17 Chair Donaldson- agreed he could support the variance.

18
19 Commissioner Eisenmann- noted the small lot size could make the additional parking
20 space a hardship. Also there is additional street parking and moving the stairs would take
21 more of the property's allotted open space.

22
23 Commissioner Pilch- said he could support the project given the odd shape of the lot.

24
25 Chair Donaldson asked it this in the flood plain district and if that would create problems.
26 Anne Hersch said it was indeed in the water overlay district but the creek was culverted
27 North and was not a worry at this point.

28
29 Commissioner Moss- said parking impacts would not be known without doing a parking
30 survey.

31
32 **Robert Del Rosario**, property owner- stated that although he had not done a formal study,
33 all the cars in the area park on the same spots each night and there was never a problem
34 finding parking.

35
36 Commissioner Eisenmann- asked if the stairs had been proposed in other places. McNenny
37 said this was difficult to do given the small size of the lot.

38
39 Anne Hersch noted that parking survey was typically done with non-residential properties
40 which did not apply for this residential project.

41
42 **Motion to Approve 7B:** Pilch

43 Seconded by: Eisenmann

44 AYES: Donaldson, Eisenmann, Pilch

45 NAYES: Moss- stated he was opposed for reasons stated above. He believed the stairway
46 could have been placed in a way that allows the two required parking spaces.

1 **Motion Passes, 4-0.**

2
3 **C. PA13-084 2nd Story Addition, Parking Exception, Conditional Use Permit at 638**

4 **Evelyn** - The applicant is seeking Design Review, Conditional Use Permit, and
5 Parking Exception approval for a second story addition at 638 Evelyn. The existing
6 home is 851.5 sq. ft. on a 2,500 sq. ft. lot. The applicant is proposing to remove a
7 previously unpermitted addition, lift the existing home, reconfigure the existing first
8 floor area to include one bedroom and one bathroom, and create new stairs. The
9 applicant is proposing to frame the 705 sq. ft. second story addition and will finish
10 the interior space at a later date. This will result in a one bedroom, one bathroom
11 home 1,467 sq. ft. in area with a height of 23'6". The applicant is seeking a
12 Conditional Use Permit to extend the non-conforming north and west walls and a
13 Parking Exception to allow for one off-street parking space in the front yard
14 setback. Changes from the previous review include a reduction in building height,
15 a new front entrance, and inclusion of architectural details from the existing
16 building design.

17 ***Recommendation: Approve subject to the attached findings and Conditions of***
18 ***Approval.***

19
20 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***
21 ***Conversion of Small Structures" of the CEQA Guidelines***

22
23 Anne Hersch presented the staff report. She clarified the previously proposed 3 foot stucco
24 wall had been removed from the plans.

25
26 **Lorrick Design**, applicant- explained various details of the project.

27
28 Chair Donaldson- was not happy with how the Commission had given feedback to the
29 applicant last time, but was glad that the applicant had worked with staff and
30 Commissioner Eisenmann.

31
32 Lorrick Design noted there were many side entrances in MacGregor houses around Albany
33 and wanted clarification on why it was an issue previously, the Commission noted it was in
34 the design guidelines and that there was not some sort of portal or roof over the side
35 entrances. Lorrick design commented that there was a two and a half feet drop to the
36 lateral so in order to be ADA accessible, the pipe could not move any further back. She
37 noted the client intended to do landscaping.

38
39 Commissioner Eisenmann suggested adding lawn furniture such as chairs and benches.
40 Commissioner Moss asked applicant to be sensitive to the sky with the proposed night sky
41 lights. Commissioner Pilch thought the design was pleasant.

42
43 PUBLIC HEARING OPENED. No one wished to speak PUBLIC HEARING CLOSED.

44
45 **Motion to Approve Item 7C:** Pilch

46 Seconded by: Moss

1 AYES: Donaldson, Eisenmann, Moss

2 NAYES: None.

3 **Motion Pases, 4-0.**

4
5 Commissioner Eisenmann clarified she did not abstain because she did not work with the
6 applicant directly, but just looked over a set of the plans.

7
8 Commissioner Moss noted in the future it should be public stated if a commission was to
9 meet with an applicant and that commissioner should then recuse his or herself from the
10 vote. He stated, however, this was no applicable in this case since Commissioner
11 Eisenmann did not meet with the applicant.

12
13 Lorrick Design- noted it would be helpful for applicants to meet with one of the
14 commissioners prior to the first study session. The Commission noted this was difficult as
15 serving on the Commission was a volunteer position and since some of the commissioners
16 were licensed architects they could be liable if their recommendations did not work well.

17
18 **D. Study Session on Preliminary Design for Proposed Public Works Center at 540**

19 **Cleveland Avenue-** The City is proposing a new 18,280 square foot facility on a
20 0.864 acre parcel to serve the City of Albany Public Works Dept. The site, previously
21 occupied by Western Flange and Forge, is currently vacant. The project includes
22 warehouse for storage of materials and vehicles and office space. The building
23 would contain two levels plus a mezzanine area. The building height is estimated
24 at 39 feet above grade. The project also will include a digital billboard facing I-
25 580.

26 *Recommendation: Review the preliminary project plans and provide feedback*
27 *to staff.*

28
29 *CEQA: An initial study will be prepared pursuant to the California Environmental*
30 *Quality Act Guidelines (CEQA).*

31
32 Jeff Bond presented the staff report. He explained three proposed schemes. Jack
33 Panichapan, architect, went into more detail about the various scheme, indicating the first
34 scheme was simple, the second one was a little more playful with the architectural
35 treatments, and the third one added more curved shapes. He also gave a brief overview
36 of the site plan. Jeff Bond noted Clear Channel would have to provide details of the
37 dimensions of the sign. Commissioner Pilch gave a brief recent history of the digital
38 billboards proposal in Albany.

39
40 **Sol Strand**, 500 block of Pierce- said that there is a distinct neighborhood community at the
41 three condominiums on Pierce and said the digital billboards would negatively impact the
42 views and atmosphere both by these condominiums as well as at the Eastshore Park should
43 that be developed. He also noted the existing East Bay Mall board may have been done
44 without a permit and asked that that be removed as well.

45

1 **Maria Ling**, 545 Pierce- thought the installation of the digital billboards contradicted with
2 the bay friendly motto and atmosphere of Albany. She stressed the light pollution the signs
3 would have and believed the City was getting revenue at the expense of the city and its
4 residents. She also requested that story poles or some sort of 3D representation of the Public
5 Works building be made available as she had concerns regarding the height of the new
6 maintenance building.

7
8 **Sharon Hunter**, 555 Pierce- spoke for herself and her husband, Clifton. She opposed the
9 billboard and was concerned that the impacted view from the digital billboards would
10 decrease her property value.

11
12 **Chris Kirkum**, 545 Pierce- also opposed the digital billboards and was concerned about the
13 new codes regarding the sign. He thought the language of the code was subjective, as
14 the sign, even when directed away from residences, could still be seen. He was also
15 concerned the City was making a bad decision monetarily as the resulting billboard could
16 lead to increased lawsuits and car accidents that would cost the City money. He also
17 estimated that the decreased property values from the condominiums could cost the city
18 up to \$200,000 a year from decreased property taxes.

19
20 **Elaine Song**, 545 Pierce- opposed the digital billboards and voiced her concerns regarding
21 possible light impacts.

22
23 **Barbara Xu**, 545 Pierce- emphasized the view impacts and health hazards of these
24 billboards. She urged the Commission to weigh the costs and benefits of these billboards as
25 the effects are permanent.

26
27 **Ying Xu**, 545 Pierce- strongly opposed the digital billboard. She was concerned in
28 decreases in property value. She indicated that the billboard did not have to be angled
29 towards the residences to impact them.

30
31 PUBLIC HEARING CLOSED.

32
33 Commissioner Pilch- noted the Pacific East Mall billboard was rather garish and did not
34 have the same option to dim the lights at night as this new one would. He thought the
35 quality of these has improved and said non-digital billboards are also lighted at night. He
36 was not aware of the orientation of the sign and said it could have a big impact on the
37 residences. He noted, however, there has not yet been a preliminary design in front of
38 them yet. Pilch said he liked scheme three and could support the tandem parking. He
39 insisted covered bicycle parking be put in place.

40
41 Commissioner Eisenmann- noted there should be street trees. She liked option 2 but was
42 not opposed to option 3 either. She said the curves of scheme 3 may be too similar to
43 Target though. She liked the earth tones and thought the material worked well with
44 surrounding corrugated metal buildings. She said she understood the neighbor's concerns,
45 but they would have to wait for ClearChannel to submit more information. She liked the
46 idea of the 3D model to see height impacts.

1
2 Commissioner Moss- was under the impression that the billboard was hidden behind the
3 building. He noted there has been nothing submitted to the Commission yet and said
4 many of the digital billboards seen around such as the one at the Pacific East Mall are too
5 bright and too antiquated. He noted the proposed billboard would not be like this. He
6 noted changes would most likely be made since and would like to see some ideas bought
7 down to the lower building.

8
9 **Motion to extend meeting for ten minutes:** Moss

10 Seconded by: Pilch

11
12 Chair Donaldson- said make sure to put the PV panels on the plans. He liked the design
13 and agreed with Commissioner Moss's comments. In regards to the digital billboard, he
14 said this Commission would look at it closely, taking into account the residents' concerns.

15
16 Commissioner Pilch- promoted the e-notification system at the City's website to be
17 updated with this item.

18
19 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

23
24 Commissioner Pilch- noted he took Chair Donaldson's place in at the Work Plan meeting
25 and the Commission's goals for the year were accepted by Council.

26
27 Pilch announced he would be absent at the upcoming April 9th meeting.

28
29 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

30
31 Next Planning and Zoning Commission hearing: **Wednesday, April 9, 2014 at 7 pm.**

32
33 **10. ADJOURNMENT**

34
35 The meeting was adjourned at 11:10 p.m.

36 Next regular meeting: Wednesday, April 9, 2014, 7:00 p.m. at Albany City Hall

37
38
39
40
41 _____
Submitted by: Anne Hersch, City Planner

42
43
44
45 _____
Jeff Bond, Community Development Director