

City of Albany

Planning and Zoning Commission Minutes January 22, 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

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, January 22, 2014.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Arkin, Eisenmann, Moss, Pilch

Absent: Donaldson

Staff present: Community Development Director Jeff Bond
City Planner Anne Hersch

It was noted Commissioner Donaldson may join the meeting later on in the evening.

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 review of comments received from the California Department of Housing and Community Development and refinements to the final draft of the 2007-2014 Housing Element.

Recommendation: The Planning & Zoning Commission review the proposed changes to the Housing Element in response to HCD comments.

Barry Miller, General Plan consultant- gave a brief summary of the housing element process an overview of the agenda packet. He detailed the comments made by the HCD including: providing evidence that the City has capacity to meet RHNA in 1999-2006, providing evidence that the City can realistically meet the current RHNA requirements, that the City provide additional demonstration that the CMX zone has adequate capacity to meet emergency shelter needs, documentation of multi-family permitting fees, explaining why design review is not a constraint, and strengthening key policies with more committal language. Other public comments include: clarification on "shared housing", expiration date for existing affordable units, and updated information on Albany Bulb. He also detailed the City's response to these comments and document edits.

1 Commissioner Pilch- asked that the PowerPoint presentations be posted on the General
2 Plan website if they have not been already.

3
4 PUBLIC HEARING OPENED.

5
6 **David Levin**, attorney at Bay Area Legal Aide- emphasized the importance of public
7 participation in this process. He suggested that the City provide more notices for events
8 where the public could comment, offer more information on how to sign up for the
9 City's mailing lists, and consider looking into options to notice in different languages to
10 encourage more participation among people whose first language may not be English.

11
12 **Lauren Hansen**, attorney with Project Interest Law Project- agreed that emergency
13 shelter should be permitted in the Solano Commercial and R-3 districts, if not by- right,
14 then by Conditional Use Permit. She said the current shelter at the bulb is not sufficient
15 and proposed more shelter should be provided in more districts throughout the City.

16
17 **Commissioner Moss**- said more units could be built on a site than Hansen says.

18
19 **Catherine Sutton**- wanted clarification on whether pollution from the freeway was
20 being taken into account, if second-units in the R-2 district were by-right, and more on
21 the affordable housing fund.

22
23 **Robert Outis**- said there needs to be zero-based planning because of the missteps in
24 the past. He suggested using the Gill Tract for affordable housing.

25
26 **Caryl O Keefe**- suggested that new incentives be created for home-owners to create
27 secondary units that are affordable to low-income individuals or families. She asked
28 about the workload requirements and how these needs can be accommodated.

29
30 Barry Miller- noted the pollution issue would be covered in the environmental document
31 that to be included in the study. He said currently second units are not permitted in the
32 R-2 or R-3 zone. He added that an affordable housing fund exists and continues to
33 grow. In regards to second units, Miller said a model similar to Piedmont's which permits
34 deed restricted second units may be an option.

35
36 Jeff Bond- noted that a walking tour was done with the lawsuit before and said a similar
37 kind of function might be available in the future for the public. In terms of staff, the
38 department was visioning their support needs for the coming years and he envisions
39 having someone on staff who would be familiar with affordable housing.

40
41 Commissioner Arkin- asked about citizen petitioned buildings with blighted graffiti. Miller
42 responded this referred to complaints about the GoodYear building in the 1990s. He
43 said a note may be made regarding the FAR for various uses of buildings on the San
44 Pablo Corridor. He added there was a new building on Solano between Stannage and
45 Kains despite the rule on no new buildings on Solano Ave Corridor. He asked if smaller
46 parcels could be made developable.

1
2 Commissioner Moss- asked where state laws might overrule decisions made here.

3
4 Commissioner Eisenmann- encouraged the idea of increasing the number of second
5 units in the city to meet housing requirements as opposed to expecting large
6 developers to come in and produce new housing units.

7
8 Commissioner Arkin- asked about the January 28th Housing meeting. Bond noted this
9 was put together by members of the community under the name Diverse Housing
10 Committee.

11
12 Miller explained the "no residential on ground floor rule" in the San Pablo Commercial
13 district. Commissioner Pilch suggested allowing residential on the ground floor with a use
14 permit. Commissioner Moss disagreed for reasons previously discussed.

15
16 **5. CONSENT CALENDAR**

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

22
23 Anne Hersch- noted there was a typo for item 5C- the minutes should be October 9th
24 not 2nd. She said this item would be moved to next meeting's agenda, but the
25 remaining three sets of minutes were ready to be voted on tonight.

- 26
27 **A. Planning & Zoning Commission Meeting Minutes of September 11, 2013**
28 **B. Planning & Zoning Commission Meeting Minutes of September 25, 2013**
29 **C. Planning & Zoning Commission Meeting Minutes of October 2, 2013**
30 **D. Planning & Zoning Commission Meeting Minutes of December 11, 2013**

31
32 Commissioner Eisenmann pulled item 5E for discussion.

33
34 **Motion to approve items 5A, 5B, 5D:** Arkin

35 Seconded by: Moss

36 Ayes: Arkin, Eisenmann, Moss

37 Nays: None

38 Abstain: Pilch (stated he did not read the minutes)

39 **Motion passes, 3-0**

40
41 Anne Hersch- presented the staff report for item 5E.

- 42
43 **E. PA 13-085 1016 Pomona 2nd Story Addition Design Review-** The applicant is
44 seeking Design Review approval for a second-story addition at 1016 Pomona.
45 The existing single-story home is 840 sq. ft., with two bedrooms and one
46 bathroom on a 4,200 sq. ft. lot. The addition will be located at the rear of the

1 home and includes a new first floor family room and a second story master
2 suite. The addition is 696 sq. ft. in area, 348 sq. ft. on each level. The building
3 height will increase from 13'3" to 21'8". The existing home is Spanish Eclectic
4 in appearance and the addition has been designed to retain the same
5 architectural style. Two off-street parking spaces are provided in the
6 driveway.

7 **Recommendation: Approve subject to the project conditions and findings.**

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

11
12 **Don Waters**, on behalf of applicant- said the out building could be used as an
13 office/studio space and was finished. He said there was a front elevation.

14
15 PUBLIC HEARING OPENED.

16
17 No one wished to speak.

18
19 Commissioner Moss- would like some relief articulation on the blank front wall.
20 Commissioner Arkin agreed and suggested adding a window over the toilet, tub or stair
21 area. Commissioner Eisenmann agreed that the owner could benefit from the house
22 having more character. Commissioner Arkin stated he was inclined to approve of this
23 application tonight with staff review of modification. Commissioner Pilch agreed and
24 preferred to see two windows.

25
26 **Motion to approve Item 5E**, pending the application's submittal and further articulation
27 of the east façade in the forms of additional windows and possible other treatments
28 discussed pending staff approval: Arkin

29 Seconded by: Pilch

30 Ayes: Arkin, Eisenmann, Moss, Pilch

31 Nays: None.

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

33
34 Waters suggested adding two windows with red wood lattice brackets. The commission
35 agreed this would be a viable option.

36
37 **6. PUBLIC COMMENT**

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

42
43 No one wished to speak.

44
45 **7. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

46

1
2 **A. Amendments to the Planning and Zoning Code Related to Sign Regulations to**
3 **Allow Digital Billboards in the Commercial Mixed Use Zoning District** - The
4 Planning & Zoning Commission will review and consider making a
5 recommendation to the City Council regarding amendments to the Planning
6 and Zoning Code Sign Regulations to allow digital billboards in the
7 Commercial Mixed Use Zoning District. The key regulatory element to the
8 proposed amendment is to limit approval of a digital billboard to situations
9 where an agreement is negotiated to require an existing static billboard be
10 removed.

11
12 *Recommendation: Prepare recommendation to the City Council.*

13
14 *CEQA: Categorically Exempt per Section 15332 "Infill Development*
15 *Projects" of the CEQA Guidelines*

16
17 Jeff Bond presented the staff report. He said tonight's meeting was to get a
18 recommendation to the City Council meeting on February 18. Commissioner Pilch
19 asked about the power consumption of the billboards. Bond was not sure, but
20 indicated staff would make sure they would be using the greenest options.
21 Commissioner Moss was in favor of the billboards facing the freeway. Commissioner
22 Arkin was comfortable with the environmental tradeoff, but suggested using
23 photovoltaic panels on the actual billboard itself. Commissioner Moss suggested
24 adding a minimum percentage of photovoltaic panels.

25
26 **Motion to approve item 7A:** Moss

27 Seconded by: Arkin

28 Ayes: Arkin, Eisenmann, Moss, Pilch

29 Nays: None.

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

31
32
33 **B. PA 13-070 1357 Marin Second Story Addition Design Review-** The applicant is
34 seeking Design Review approval for a two-story addition located at the rear
35 of the existing home at 1357 Marin. A small first story addition is proposed and
36 will be 158 sq. ft. to accommodate an expanded living room, dining room,
37 kitchen, family room, and bathroom. The second-story addition is proposed to
38 be 1,100 sq. ft. and will include three (3) bedrooms and two (2) bathrooms.
39 The overall building height is proposed to increase from 15' to 26'. This will
40 result in a three bedroom, three bathroom, 2,530 sq. ft. home. The existing 440
41 sq. ft. two-car garage is located at the rear of the property and is proposed
42 to remain.

43 *Recommendation: Provide feedback to the applicant and staff.*

44
45 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*
46 *Conversion of Small Structures" of the CEQA Guidelines*

1
2 Anne Hersch presented the staff report.

3
4 Commissioner Moss recused himself from this item due to proximity issues.

5
6 PUBLIC HEARING OPENED.

7
8 **Timothy Low**, applicant- made himself available for questions. He said the windows on
9 the left and right elevation were both sliders.

10
11 Dale Fousel- asked some clarification questions including: discrepancies regarding how
12 many rooms were in the house, new additions to the plans, and where the garage is
13 presented on the plans.

14
15 Anne Hersch- said there are proposed to be three bedrooms and three bathrooms.

16
17 Commissioner Pilch- said the left elevation seemed too plain and preferred casements
18 as opposed to the proposed slider windows.

19
20 Commissioner Arkin- suggested that new windows should have at least two inch
21 recesses from the glass, that the horizontal line of the upper window sills be used as a
22 drip detail all around the building, and that the new bay windows be expressed in a
23 different finishing material or color. He proposed making the stairway more of a bay
24 because the proposed winder stairway is illegal.

25
26 Chair Eisenmann- was curious about the decision of removing the fireplace and
27 chimney. She suggested changing some details to add more character to the house.
28 Commissioner Arkin asked why the balcony illustrated looked to be cantilevering out of
29 the building structure and how that would structurally work.

30
31 Low- said the balcony is 2/3 in and 1/3 out so no supporting poles were needed. He
32 said the mislabeled fourth room and subterranean garage were part of the old plans
33 and has since been changed. He said he did not want the second story to look
34 different from the first and so he kept the slider windows. He said the chimney was in
35 poor shape and was to be removed.

36
37 **C. PA 13-040 833 Solano Ave New Single-Family Construction Study Session-** The
38 applicant is seeking preliminary Design Review feedback for a new three-
39 story single family home at 833 Solano Avenue. The Planning & Zoning
40 Commission provided feedback to the applicant on September 11, 2013. The
41 lot is 3,750 sq. ft. with an existing 1,000 sq. ft. single story home which is
42 proposed to be demolished. The proposed home will include three
43 bedrooms, two and a half bathrooms, two car garage, and roof decks on
44 the second and third levels. The new home will be 2,053 sq. ft. and 25' in
45 height. Two off-street parking spaces will be provided in the attached
46 garage.

1 *Recommendation: Provide feedback to the applicant and staff.*

2
3 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*
4 *Conversion of Small Structures" of the CEQA Guidelines*

5
6 Anne Hersch presented the staff report. Commissioner Moss rejoined the meeting.

7
8 **Ronald Havens**, applicant- said he went by point-by-point and corrected all of the
9 details the Commission pointed out at the last meeting. He said he added a full lighted
10 door and window. He went through various details he added. He noted he did not
11 know a landscaping plan was needed but he did plan to fully landscape the place.

12
13 Commissioner Moss- asked why the applicant was going so low. Havens said he hoped
14 to mitigate the impact of the mass.

15
16 Commissioner Arkin- asked what type of window was proposed. Havens said they
17 would be aluminum clad Sierra Pacific windows.

18
19 Sunny Kwan- brought up concerns regarding the property line location and impacts to
20 her privacy.

21
22 Alexa Hauser- asked the applicant to consider drought tolerant landscaping options.

23
24 Commissioner Moss- said unfortunately Albany did not have a view ordinance. Chair
25 Eisenmann though the window placement was in a fair location. With regards to the
26 survey, she invited the applicant to hire their own surveyor or have a talk with the
27 surveyor the neighbor hired so they have consistent ideas of where the survey line is.

28
29 Havens- validated where the survey markers located.

30
31 Commissioner Pilch- saw no reason why the applicant would increase the ceiling height
32 back up to nine feet after previously reducing it down to eight. Commissioner Arkin said
33 if he could he would approve it tonight, but since it was not noticed the application
34 would be voted on another date. He said the added arches are unnecessary and the
35 roof over the doorway did not need to be that tall. Commissioner Moss disagreed with
36 the applicant and was concerned about the slopes. He suggested flipping the door to
37 the stairway from the backyard so that it swings out.

38
39 Havens- said any pins out in the survey were not set by him but he did plan to have
40 surveyors.

41
42 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

46

1 **A. 2014 Planning & Zoning Commission Work Plan**

2 *Recommendation: Approve draft Work Program for City Council review.*

3
4 Commissioner Donaldson joined the meeting.

5
6 Anne Hersch went over the work plan for the Planning and Zoning Commission. She said
7 there were two appeals filed for the University Village application. She said Safeway has
8 opted to do a modest remodel that accommodates the pharmacy and would return
9 to the Commission when they are ready. Jeff Bond noted that City Council look more
10 closely at the work plan and suggested if the Planning and Zoning Commission had
11 anything they wanted to discuss as part of the plan, to submit it to City Council for
12 approval.

13
14 **Motion to approve Item 8A:** Arkin

15 Seconded by: Pilch

16 Ayes: Arkin, Donaldson, Eisenmann, Moss, Pilch

17 Nays: None.

18 **Motion Passes, 5-0.**

19
20 **B. Selection of a Planning & Zoning Commission Chair & Vice-Chair for 2014**

21 *Recommendation: Make nomination(s) and vote for members to serve as*
22 *Chair and Vice Chair.*

23 Commissioner Moss nominated Commissioner Doug Donaldson as Chair and
24 Commissioner Nick Pilch as Vice Chair. Commissioner Arkin agreed with the
25 nominations.

26
27 **Motion for Commissioner Doug Donaldson as new P&Z Commission Chair and**
28 **Commissioner Nick Pilch as new P&Z Commissioner Vice Chair:** Moss

29 Seconded by: Arkin

30 Ayes: Arkin, Eisenmann, Moss, Pilch

31 Nays: None.

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

33
34 Anne Hersch said the new Chair and Vice-Chair would take over starting the next
35 meeting.

36 **C. Deadline for Receiving Correspondence-**Review of the City Council policy for
37 deadline to receive correspondence.

38 *Recommendation: For Discussion only*

39
40 Commissioner Moss indicated it was difficult to read through and take in
41 correspondence that has been submitted right before the meeting. The Commission
42 discussed having the correspondence deadline to be noon before the meeting and
43 any correspondence submitted after would receive a note that the Commissioners may
44 not read it in time for the meeting that day.

45
46 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

1
2 Next Planning and Zoning Commission hearing: **Wednesday, February 12, 2014 at 7**
3 **pm.**
4

5 **10. ADJOURNMENT**
6

7 The meeting was adjourned at 10:43 p.m.
8 Next regular meeting: Wednesday, February 12, 2014, 7:00 p.m. at Albany City Hall
9

10 Submitted by: Anne Hersch, City Planner
11

12 _____
13 **Jeff Bond, Community Development Director**