

City of Albany

Planning and Zoning Commission Minutes June 11, 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
2
3
4
5
6
7 **1. CALL TO ORDER-** The meeting of the Planning and Zoning Commission was called
8 to order by Chair Donaldson in the City Council Chambers at 7:00 p.m. on
9 Wednesday, June 11, 2014.

10
11 **2. PLEDGE OF ALLEGIANCE**

12
13 **3. ROLL CALL**

14 Present: Arkin, Donaldson, Eisenmann, Moss, Pilch
15 Absent: None
16 Staff present: City Planner Anne Hersch
17 Community Development Director Jeff Bond
18

19 **4. CONSENT CALENDAR**

20 (Consent Calendar items are considered routine and will be enacted by one
21 motion. By approval of the Consent Calendar, the staff recommendations will be
22 adopted unless otherwise modified by the Commission. There will be no separate
23 discussion on these items unless a Commission Member or a member of the
24 audience requests 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 the
31 Commission ability to take and/or discuss items that are not on the agenda; therefore,
32 such items are normally referred to staff for comment or to a future agenda.

33
34 No one wished to speak.

35
36 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

- 37 **A. PA 14-032 Design Review & Parking Exception for 1031 Ordway-** The
38 applicant is seeking Design Review and Parking Exception approval for
39 a second story addition at 1031 Ordway. The applicant is proposing to
40 add 408 sq. ft. to accommodate a new family room, bathroom, and
41 expanded master suite with bathroom. The height is not proposed to
42 increase. This will result in a 2,018 sq. ft. three bedroom, three bathroom
43 home, on a 3,675 sq. ft. lot. The home is Craftsman in appearance and
44 no change is proposed. A Parking Exception is also being requested to

1 allow the second off-street parking space to encroach into the
2 required front yard setback.

3
4 ***Recommendation: Approve subject to the attached findings and***
5 ***Conditions of Approval.***

6
7 ***CEQA: Categorically exempt pursuant to Section 15303, "New***
8 ***Construction or Conversion of Small Structures" of the CEQA Guidelines***
9

10 Commissioner Eisenmann recused herself from this item for proximity reasons.
11 Anne Hersch presented the staff report.

12
13 ***Alex Bergtraun***, architect and applicant- described the process in designing the
14 new changes to fit well with the existing house and surrounding neighbors.

15
16 Commissioners Arkin, Moss, Pilch and Chair Donaldson all commended the
17 handsome design of the project and supported the application.

18
19 **Motion to Approve Item 6A:** Pilch

20 Seconded by: Moss

21 AYES: Arkin, Donaldson, Moss, Pilch

22 NAYES: None.

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

24
25
26 **B. PA13-077 Design Review, Conditional Use Permit & Parking Exception**
27 **for 805 Talbot Ave.-** The applicant is seeking Design Review,
28 Conditional Use Permit and Parking Exception approval for a second
29 story addition 805 Talbot Ave. The subject site is a 2,500 sq. ft. lot with
30 an existing 647 sq. ft. with one bedroom and one bathroom. The
31 applicant is proposing to add 885 sq. ft. of new living area. The home
32 will be reconfigured to include a new single-car garage, new family
33 room, two new bedrooms and two new bathrooms. This will result in a
34 1,490 sq. ft. home. A Parking Exception is required to allow the second
35 off-street parking space in the required front yard setback. A
36 Conditional Use Permit is required to allow a vertical extension of a
37 non-conforming wall 8 inches off of the northern property line.

38 ***Continued from March 12, 2014 to a date uncertain pending the filing***
39 ***of a Conditional Use Permit and project modifications.***

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

43
44 ***CEQA: Categorically exempt pursuant to Section 15303, "New***
45 ***Construction or Conversion of Small Structures" of the CEQA Guidelines***
46

1 Commissioner Eisenmann rejoined the meeting. Anne Hersch presented the staff
2 report.

3
4 **Ron Bogley**, architect and applicant- reviewed some changes that were made in
5 response to previous comments from the Planning and Zoning Commission. He
6 questioned the decision of moving back the building and requested that the
7 building be allowed to stay where it is. He also requested the window in the
8 shower be changed back to a small 2 ft x 2 ft window.

9
10 In response to questions from the commissioners, Boglie indicated he was
11 measuring the 20 ft from the garage doors and that the story pole heights have
12 not changed. Chair Donaldson noted the poles need to be adjusted as they are
13 misleading.

14
15 PUBLIC HEARING OPENED. No one wished to speak. Chair Donaldson noted the
16 Commission had received some written correspondence about this item prior to
17 this meeting. PUBLIC HEARING CLOSED.

18
19 Commissioner Moss- proposed resolving the front shower window by keeping the
20 smaller window and adding some articulation to make the window appear more
21 recessed than it is. Moss was not willing to go below 18 ft for the setback and
22 thought the project would be attractive.

23
24 Commissioner Eisenmann- agreed with the 18 ft requirement. She suggested
25 moving the shower windows by the toilet or elsewhere in the bathroom and
26 creating a feature on the façade to bring light in a different way. She thought this
27 project would be a contribution to the neighborhood.

28
29 Commissioner Arkin- thought the project was handsome and agreed with the 18 ft
30 setback.

31
32 Commissioner Pilch- acknowledged the neighbor's concerns and agreed with the
33 18 ft. He proposed a condition be made to move the story poles to represent the
34 true proposed height and asked that these changes be brought to staff.

35
36 Chair Donaldson- thought the front window was too large and out of proportion.
37 He noted the property owner's car was measured at 20 ft and wanted some
38 confidence that the owner's car could fit in the driveway. He requested a survey
39 be done as a condition of approval to determine, for certain, the property line.
40 He responded to comments made in a letter by neighbor, Sherry Yeager. He
41 noted the City could not do anything about disputes between neighbors and said
42 the rules for height and bulk were not arbitrary. He stated all the Planning and
43 Zoning Commissioners did live in and care about the neighborhood.

44
45 Commissioner Arkin- disagreed with moving the poles if they approve the
46 application tonight. Commissioner Eisenmann agreed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Motion to Approve Item 6B: Arkin

-with the parking exception allowing for 18 ft front setback to the primary wall of the residence

-allowing a bay window over the front door with a two foot extension into front yard and a vertical window in the bay that may have solid or obscure panel in its lower half

Commissioner Donaldson suggested adding the amendment to have the corners staked by a surveyor

Commissioner Arkin added the condition that the property boundary staked by a surveyor before construction

Seconded by: Pilch

AYES: Arkin, Donaldson, Eisenmann, Moss, Pilch

NAYES: None.

Motion Passes, 5-0.

C. PA14-030 Conditional Use Permit & Parking Exception for a Chinese Cultural Center at 636 San Pablo Ave.-

The applicant is seeking Conditional Use Permit and Parking Exception approval for a new Chinese cultural center at 636 San Pablo Ave. The program will offer folk dancing, ping pong coaching, and tutoring services. The program will be run by four volunteers with six students per volunteer. The proposed operating hours are 3pm-6pm Monday-Friday and 9am-6pm on Saturday and Sunday. The applicant is seeking a Parking Exception for twelve parking spaces for the cultural center as no off-street parking is provided.

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

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

Anne Hersch presented the staff report.

Mabel Yeung, architect and applicant- noted the columns would not be covered with metal panels as originally proposed but with stucco. She noted this was a non- profit center that the owner hoped would benefit the city through cultural services and seminars.

Anne Hersch clarified the CUP included hours of operation and any changes would have to be made as an amendment.

Commissioner Moss agreed with the stucco but proposed Yeung change textures on the building as well. Yeung described the classes would likely have around six

1 students each except when they have travelling scholars lecture which could
2 bring in around 20-30 students.

3
4 **Clay Larson**- commented the parking on Adams and Kains was typically
5 problematic and was surprised at the results of the pictorial survey. Larson
6 appreciated Commissioner Pilch's comments regarding the hours of operation
7 and pointed out a line in the application that the hours were approximate
8 depending on activity. He noted the parking exception may be different for a true
9 cultural center than the ping-pong and SAT class center that is proposed.

10
11 PUBLIC HEARING CLOSED.

12
13 Anne Hersch noted the hours of operation could be made more specific.
14 Commissioner Moss suggested a condition of approval that the hours of operation
15 be posted inside. Commissioner Eisenmann asked if there were broader intentions
16 for this center besides just ping pong and tutoring.

17
18 Commissioner Arkin- supported the change of the use for this location from a DNA
19 lab to a more inviting quasi public use and front façade. He felt the hours were
20 fine for the district and was in support of approving the project with the stated
21 conditions. He was fine with the change from metal panel to stucco and
22 suggested two bike racks be put in, though not necessary.

23
24 Commissioner Moss- wanted staff to look at a larger number of bicycle parking to
25 accommodate usage. He suggested putting racks inside. Commissioner Pilch
26 agreed with the suggestion to add bike parking.

27
28 Commissioner Pilch- was not concerned with parking, but thought this should be
29 revisited in the event that the business hours change.

30
31 Commissioner Eisenmann- was willing to approve this project.

32
33 Chair Donaldson- thought the addition of bike racks was a good condition and
34 thought it was a good idea to be able to put bike parking inside.

35
36 **Motion to approve Item 6C:** Eisenmann

37 -with additional condition that the bike racks be placed on the sidewalk with a
38 recommendation that interior bike racks be put in

39 - staff specify hours of operation with applicant

40 Seconded by: Moss

41 Commissioner Moss suggested the motion be amended to require the posting of
42 the operation hours inside the building

43 Commissioner Eisenmann accepted this amendment.

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

45 NAYES: None.

46 **Motion passed, 5-0.**

1
2 **D. Proposed Amendments to the Planning & Zoning Code Applicable**
3 **City-Wide Regarding Secondary Residential Units-** the City of Albany
4 Planning & Zoning Commission will hold a public hearing to
5 consider a recommendation to the Albany City Council for a
6 proposed Zoning Code Amendments that would update the
7 Code consistent with State law and implement policies in the
8 City's adopted Housing Element for 2007-2014. The amendments
9 include changes to the development standards, parking
10 requirements, allowing second units by right in the R-2 & R-3
11 Zoning Districts, and a legalization program for previously
12 unpermitted units. These proposed changes affect properties in
13 the R-1, R-2, and R-3 Zoning Districts.

14
15 *Recommendation: Adopt Resolution 2014-02 recommending that the*
16 *City Council adopt Code amendments related to second units.*

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

20
21 Anne Hersch presented the staff report and answered questions from the
22 Commission.

23
24 **Alexa Hauser-** was delighted to see the project moving forward and
25 recommended if the term "legalization" is to be used, that on the forms the public
26 sees, "legalization" is used as well in place of "amnesty".

27
28 PUBLIC HEARING CLOSED.

29
30 Commissioner Arkin- recommended changing the language of the revisions
31 regarding the 9 ft wall as the current language sounds deceiving and should
32 include language regarding the daylight plane. Anne Hersch clarified the
33 recommended edits.

34
35 Commissioner Eisenmann brought up the issue of Airbnbs and Anne Hersch noted
36 she felt these units should be evaluated for safety reasons. Chair Donaldson had
37 concerns about the tandem parking.

38
39 **Motion to Approve the Draft Resolution of Item 6D with modification of turning the 9**
40 **ft wall within 3 ft of the property line to a 9 ft height limit with daylight plane of 45**
41 **degrees up to 16 ft maximum height:** Arkin

42 Seconded by: Moss

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

44 NAYES: None.

45 **Motion Passed, 4-0.**

1
2 In regards to the Draft Secondary Residential Amnesty program, Commissioner
3 Arkin pointed out that some of the old "substandard" buildings noted in the
4 "Structural Hazards" section were still in good condition and a note of this and a
5 reference to the code that the time that structures were built should be sufficient.
6 Chair Donaldson proposed they separate the excerpt from the state health and
7 safety codes as an attachment and have a property inspection as described.

8
9 Chair Donaldson asked this item to be brought back as a discussion item at a later
10 date.

11
12 **7. NEW BUSINESS**

13 **A. Discussion of Secondary Residential Units Rent Restriction Program**
14 **Applicable City-Wide-** The Planning & Zoning Commission shall provide
15 further direction on review the background information on Secondary
16 Dwelling Unit rent restriction program and provide direction to staff on
17 potential policies.

18
19 *Recommendation: Receive the report and provide feedback and*
20 *direction to staff. No formal action is required.*

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

24
25 Anne Hersch presented a staff report and replied to questions from the
26 Commission.

27
28 PUBLIC HEARING OPENED.

29
30 **Kevin Omi-** spoke in support of the previous item (6D). He noted he was the pastor
31 of a church that has served immigrants in need of affordable housing.

32
33 **Alexa Houser-** liked the idea of graded rent restrictions based on household
34 income level and wondered if it could be extended to 12 of 15 years instead of 10.

35
36 PUBLIC HEARING CLOSED.

37
38 The Commissioner discussed a number of items related to the program including
39 parking reduction as a possible incentive, maximum square footage of affordable
40 units, and how owner-rented units would work.

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
45 be taken on requests for future agenda items).

46

1 **A. Housing Element Certification**

2 Anne Hersch announced the HCD approved the Housing Element. She said the
3 initial study session for the Housing Element for the next planning period would be
4 July 23.

5 **B. San Pablo Ave. Specific Plan (El Cerrito)**

6
7 Hersch noted there would be a study session in July regarding this item and
8 acceptance of comments for the EIR was out already.

9
10 Chair Donaldson dedicated the meeting in memory of Mayor Peggy Thompson.

11
12 **9. ADJOURNMENT**

13
14 The meeting was adjourned at 9:41 p.m.

15
16 Next regular meeting: Wednesday, June 25, 2014, 7:00 p.m. at Albany City Hall

17
18
19 _____
20 Submitted by: Anne Hersch, City Planner

21
22 _____
23 **Jeff Bond, Community Development Director**