

City of Albany
Planning and Zoning Commission
Minutes April 22, 2008, 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 Panian, in the City Council Chambers at 7:30 p.m. on Tuesday, April 22, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian
Absent: None
Staff present: Planning & Building Manager Jeff Bond, Planning Consultant Billy Gross, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the March 25, 2008 meeting.

Staff recommendation: approve.

b. 1015 San Pablo. Planning Application 08-015. Conditional Use Permit. Request for approval of a Conditional Use Permit to allow a new automobile show room with two display vehicles.

Staff recommendation: approve.

c. 834 Pomona. Design Review. Continuation of administrative public hearing for Design Review approval to allow the construction of a new 318 sq.ft. first-floor addition to the south side of the home and a 61sq.ft. addition to the rear of the home.

Staff recommendation: approve.

Commissioner Arkin pulled item **4a**.

Commissioner Arkin noted on page two, second paragraph, he moved approval of the increase in height. On page three, last paragraph, the missing Commissioner name was Arkin. On page 5, first paragraph, by "offset" he meant okay that it was at a different angle.

On page three, item 6c, Commissioner Gardner wanted her statement that the signs in the window had been hanging there long enough to be part of the permit included.

Commissioner Arkin moved item **4a** as amended and items **4b** and **4c**, Commissioner Maass seconded.

Vote to approve the consent calendar as amended:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None
 Motion passed, 5-0.

FINDINGS. 1015 San Pablo

Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
<p>1. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p><i>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. There are many automobile related businesses in the vicinity. The proposed use will not be any more intense or have any additional impacts than the previous use.</i></p>
<p>2. <i>Adverse Impacts.</i> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<p><i>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the existing dwelling and with the City's Design Guidelines. The property is an already developed site that will not physically be affected by the proposed project. The project will not remove any significant vegetation and will not require significant grading. The project will not have an effect on aesthetics of the site, therefore, will not create a visual detriment at the site or the neighborhood.</i></p>
<p>3. <i>Consistency with Zoning Ordinance, General Plan and</i></p>	<p><i>The proposed project will not be detrimental to the health, safety,</i></p>

<p>Specific Plan. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p><i>convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. All of the permitted uses have little to no impact on other tenants in the building or surrounding areas.</i></p>
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FINDINGS. 834 Pomona

Findings for Design Review approval (Per section 20.100.050.E of the AMC)

Required Finding	Explanation
<p>4. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and for a residential development.</i></p>
<p>5. <i>Approval of project design is consistent with the purpose and intent of this section, which states “designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient.”</i></p>	<p><i>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the existing dwelling and with the City’s Residential Design Guidelines. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will not remove any significant vegetation and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood. The garage is proposed to have a shed style roof that is well integrated into the existing home. It is of an attractive style and is preferable in that it has only a one-car garage door. It will also be finished in horizontal wood siding to match the existing home. The first-floor addition will also be finished to match the home.</i></p>
<p>6. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p><i>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The garage will be finished in horizontal wood siding to match the existing home. The garage is setback 5’ from the side property line and</i></p>

	<p>should have little to no impact on adjacent neighbors. The 31sq.ft. first-floor addition at the rear of the home is enclosing an already covered area. It is located on the first-floor, with the same finish as the home. The new deck at the rear of the home has a maximum height from grade to the top of the railing. It is small, attractive and along with the addition should have little to no impact on adjacent neighbors.</p>
<p>7. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated, including Access, Architecture, Natural features, Coordination of design details, Retention and maintenance of buildings, and Privacy.</i></p>

5. Public Comment on Non-Agenda Items

Joan Larson, Albany resident, reported a lack of garbage cans on the east side of San Pablo Avenue. She wanted to know whom to report it to. She also felt the existing ones were ugly and could have a more in-character design. There were also no receptacles for cigarette butts (why not ban smoking?) and no receptacles for recycling. Planning Manager Bond responded that he would follow up on this item with the Public Works department.

6. Discussions and Possible Action on Matters Related to the Following Items

- a. **1030-1130 San Pablo Avenue (northeast corner of University Village at San Pablo Avenue and Monroe Street). Planning Application 07-100. Rezoning. Planned Unit Development. Design Review. Parking Exception.** A request for rezone to San Pablo Commercial, planned unit development, design review and parking exception for a new grocery store and mixed-use development at a site owned by the University of California.

Staff recommendation: take testimony from the public, discuss, and provide direction to the applicant and CEQA consultant. No action is to be taken at this time.

Commissioner Arkin recused himself due to proximity to his residence. Planning Manager Bond and Planning Associate Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Kevin Huffard, UC Berkeley, and Bob LaLanne, the project developer, outlined changes to the plan and were available to answer questions.

Joan Larson, Albany Historical Society, reported an interest in preserving the Gill house, and noted it could be moved north of Village Creek and used as a community center with UC or it could be moved to the waterfront and used with EBRPD.

The following people had concerns about the project: Alice Glasner, Albany resident; Susan Moffat, Albany resident; Kara Kaffe, Friends of Five Creeks; Joshua Brandt, Berkeley resident;

Jackie Hermes Fletcher, Albany resident; Ed Fields, Albany resident; Sol Strand, Albany resident; Phillip Krayna, Friends of Five Creeks; Mike Urbanski, UC Village resident; John Miki, Albany resident; Dan Dole, Berkeley resident; Delia Carroll, Albany resident; Nick Pilch, Albany resident; Ellen Toomey, Albany resident; Mara Duncan, Albany resident; Mia Kithara; Allan Maris, Albany resident; Clay Larson, Albany resident; and Kim Linden, Albany resident. The concerns included: wanting broader noticing of meetings involving this property; wanting sustainable development; pedestrian and bicycle flow; access to the creeks; impacts of parking lots near creeks; storm water; traffic impacts to Solano and San Pablo Avenues; size of store out of character with Albany; lack of information about "recreation area" and "future UC housing area;" lack of visitor parking at senior housing; pesticide use; the plan for the village-facing side of the project; excessive amount of parking spaces; the loss of farmland; noise; road rage; the need for housing for youth coming out of foster care; and the comment period expiring too soon.

Commissioner Gardner recommended development oriented around the creek; the garden to be further from the creek; the loading dock and idling trucks further from the ball fields; the parking to be reduced and/or shared; traffic impacts to be thoroughly studied; and the impact of the senior housing on emergency services considered.

Commissioner Moss planned to submit written comments. He noted that traffic access and circulation studies should take the future housing into account, and should extend all the way to the freeway on and off ramps. Wastewater and storm water should also be closely studied. Commissioner Maass asked why 10th Street was not considered for access. He was concerned about the piecemealing of the application. Chair Panian recommended the EIR back off from this specific plan and consider options, such as underground parking to preserve open space. He asked staff whether the comment period could be extended. No one else wished to speak. Chair Panian closed the public hearing.

Planning Manager Bond announced that the comment period could be extended to May 6. The Commissioners unanimously approved the extension.

There was a five-minute recess while the room cleared.

- b. 1053 Evelyn. Planning Application 08-018. Design Review.** Request for Design Review approval of a new 872sq.ft. second-story addition to an existing single-family home.

Staff recommendation: approve.

Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing. Chris Brady, the applicant, and Jon Matheson, the project architect, were available to answer questions. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin recommended dropping the second floor plate height to eight feet three inches, with the tower to drop proportionally. Commissioners Moss and Gardner agreed. Chair Panian noted it would be acceptable if the applicant revisited the number of lights in the windows and any other details that made the front facade busy. Commissioner Maass

suggested arching the north wall windows or a texture or color change on the bay to break up the massing. Commissioner Arkin noted the bay roof could be tile rather than a parapet.

Commissioner Gardner moved approval with the plate height reduction. Commissioner Moss seconded.

Vote to approve item **6b** as amended:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

FINDINGS. 1053 Evelyn

Findings for Design Review approval (Per section 20.100.050.E of the AMC)

<u>Required Finding</u>	<u>Explanation</u>
<p>8. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>9. <i>Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the City's Residential Design Guidelines. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will not remove any significant vegetation and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The change in architectural style creates a much different looking home but is still an attractive home. The turret is a unique feature that creates an interesting element in the Spanish styled accents. The applicant has made an effort to add many architectural elements that create an aesthetically appealing homes, for example, wrought iron accents, tile roofs, column accents, etc. The project increases the size of the home without maxing out the square footage allowed for the home and does not increase the amount of impervious surface.</i></p>

<p>10. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p><i>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The project meets all development requirements and the tallest portion of the home is 12' from the property line. The project increases the size of the home without maxing out the square footage allowed for the home and does not increase the amount of impervious surface.</i></p>
<p>11. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy</i></p>

c. Discussion on Floor-Area-Ratio (FAR) calculations for Residential and Commercial Buildings.

Staff recommendation: take testimony from the public, discuss and provide direction to staff on "next steps," if any are needed.

Planning Consultant Gross delivered the staff report.

Chair Panian opened the public hearing. Clay Larson, Albany resident, asked why there were exceptions for stairwells and stairways. No one else wished to speak. Chair Panian closed the public hearing.

There was a discussion about whether the height should be measured from the top of the floor or bottom of floor, from original grade or final grade, and whether below-grade developed space should always be counted in FAR.

Commissioner Gardner stated that the goals for single-family development is different than that for commercial development.

Clay Larson from Adams Street spoke and stated that exceptions for stairways and stairwells makes homes bigger.

Commissioner Arkin believes that most examples along San Pablo Avenue lack detail and appropriate mass for the street and that height should be measured from the floor level above to provide a more accurate measure of bulk. He also suggested modifying green building standards to provide points for efficient use of space, in regards to energy. Commissioner Gardner echoed the suggestion about green building and stated that basements of a defined height should be included in FAR calculations. Commissioner Moss stated that ridding of basements should be encouraged but it may be unrealistic. Commissioner Maas had concerns

about development requirements being too drastically hanged and thus unfair to future applicants.

Planning Manager Bond added that it is difficult to entirely provide parking underground for commercial development, especially since a majority of lots are 100' deep, which does not provide a long enough driveway for entirely sub-grade garages.

Commission Arkin recommended averaging both original and finished grade. Commissioner Panian stated that utility space should be defined, specifically in regards to mixed-use projects.

Clay Larson spoke again and expressed concerns about density in the R-1 districts. He recommended rewriting regulations and not just changing interpretations of existing regulations. He believes FAR to be a limit on mass. He stated that the City of Berkeley was considering setting minimum size standards for commercial portions of mixed-use development.

Commissioner Arkin stated the diagrams in the code need to be clear. Commissioner Moss added that diagrams greatly help in interpreting the code.

d. Referral from the City Council regarding paid parking program(s) to the Traffic & Safety Commission, Planning & Zoning Commission, Albany Chamber of Commerce, and Solano Avenue Association.

Staff recommendation: for information and preliminary discussion only. Schedule substantive discussion at May 27, 2008 Commission meeting.

Commissioner Arkin, Maas and Gardner all stated they were looking forward to reviewing the issue of paid parking programs.

7. Announcements/Communications:

- a. Letter from Steve Pinto regarding Safeway**
- b. Update on Waterfront Planning**
- c. Update on code enforcement and nuisance activities.**
- d. Reminder of closure of Community Development offices on Friday May 2nd through Monday May 5th.**
- e. Reminder of Design Review Guidelines work session on Tuesday, May 13, 2008, 7:30 p.m. in lieu of regular Commission agenda.**
- f. Comments from realtor regarding green points requirements/allocation**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next Regular Meeting: Tuesday, May 27, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 11:29p.m.

Next regular meeting: Tuesday, May 27, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner