



**MINUTES OF THE SPECIAL MEETING
WEDNESDAY, JANUARY 29, 2020, 7:00 P.M.**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Watty called the special meeting of the Planning and Zoning Commission to order in the City Council Chambers at 7:00 P.M. on Wednesday, January 29, 2020.

2. ROLL CALL

Present: Donaldson, Kent, MacLeod, Jennings, Watty
Absent: None
Staff Present: Associate Planner Christopher Tan
Planning Manager Anne Hersch
Community Development Director Jeff Bond

3. EX PARTE COMMUNICATION DISCLOSURES

Commissioner Kent disclosed an email communication providing information found on the City website.

4. CONSENT CALENDAR

4-1. None

5. PUBLIC COMMENT

None

6. DISCUSSION ON MATTERS RELATED TO THE FOLLOWING ITEM:

6-1. Pre-Application **Study Session Albany Hill Residential Development (600 block of Pierce St.)** – Trumark Homes has submitted plans for community feedback for a new residential development on the west side of Albany Hill. The subject site is an undeveloped 10.79-acre parcel zoned Residential Hillside Development. The applicant is proposing 48 attached single-family homes with an accessory dwelling unit for each home (96 units total). The homes (including ADUs) will range from 2,400 sq. ft. to 3,200 sq. ft. Each home will have a two-car garage and bicycle parking. The architectural design is proposed to be contemporary style. The applicant is proposing to preserve approximately 4 acres of open space. This matter is for discussion only and no action will be taken at this meeting.

Recommendation: Staff recommends that the Planning & Zoning Commission review the preliminary plans, hold a public hearing, and provide feedback to the applicant and staff. This is a study session and no action will be taken.

CEQA: The project is subject to the requirements of the California Environmental Quality Act (CEQA) Guidelines and requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed



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1 projects and to reduce those environmental impacts to the extent feasible. If the project is
2 pursued, a CEQA checklist will be completed to identify specific topics of environmental
3 analysis.
4

5 Planning Manager Anne Hersch presented the staff report dated January 29, 2020.
6

7 **Garrett Hines**, Trumark Homes, reported the proposal is 48 single-family, attached homes
8 arranged in 24 buildings. Each of the 48 homes could be a four-bedroom, 3.5-bath home or a
9 three-bedroom 2.5-bath home with a one-bedroom, one-bath accessory dwelling unit (ADU). The
10 proposal accomplishes an appropriate transition between the R-4 Towers and the existing R-1
11 neighborhoods. The property should be viewed as an extension of the Hillside and Gateview
12 neighborhoods rather than an extension of the R-4 Towers. The intention is to extend Hillside
13 and Gateview Avenues to connect to Pierce Street for emergency vehicle access and emergency
14 evacuation. Making the connections will greatly improve the safety of pedestrian and bicycle
15 circulation. Staff has requested the development be placed as far down the hill as possible;
16 however, Hillside Avenue is located 100 feet above Pierce Street. Street slopes will be a
17 reasonable 6-percent average. The proposal is sensitive to the existing slope in that proposed
18 homes step up with the grade and match the existing slope. The proposal is to develop the lower
19 6.9 acres, complete the streets, and preserve and dedicate 3.9 acres of ridge land as non-
20 urbanized public lands. The architecture is fun and contemporary and is merely a starting point.
21

22 PUBLIC HEARING OPENED

23
24 **John Dvorak** felt the modern architecture is ugly and repetitive. The development is a perversion
25 of ADU intent. The project will flood demand for on-street parking, and drivers will park their
26 vehicles in the Gateview and Hillside neighborhoods.
27

28 **Susan Schwartz**, Friends of Five Creeks, noted Albany Hill and Cerrito Creek combine to form
29 an unusual area, and both have been designated Priority Conservation Areas. She supported
30 the retention of unified open space with quality habitat.
31

32 **Herenna Strong** requested any environmental assessment be made available to the public.
33

34 **Chris** advised that Gateview is very narrow, and traffic is a constant problem. She could not
35 imagine access to the project from Gateview. Monarch butterflies overwinter in the area near
36 Pierce Street during migration.
37

38 **Carol Oberdorfer** was pleased with the progress of improvements to the Albany Hill trail;
39 however, work on Albany Hill may have discouraged Monarch butterflies from overwintering on
40 Albany Hill. She opposed additional housing because housing will fragment open space. Housing
41 should not be allowed on the steep slope of Albany Hill.
42

43 **Carole Fitzgerald**, Friends of Albany Hill, reported 137 varieties of native plants grow on Albany
44 Hill. Monarch butterfly counts have occurred on Albany Hill for more years than any other location.
45 An assessment of cluster trees should be conducted. She read a letter from the director of the
46 Thanksgiving Count.
47



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1 **Allan Bolte** opposed the development because of its impact on traffic, the removal of trees, and
2 the loss of Bay views.
3

4 **Peter Maass** inquired regarding the ability to count flexible ADUs towards the Regional Housing
5 Needs Assessment (RHNA) and the need for the City to create a mechanism that retains
6 inclusionary housing as inclusionary. Perhaps interior stairways could be removed to ensure the
7 spaces are used as ADUs for inclusionary housing.
8

9 **Larry Lynch** believed Albany Hill is an icon for the Bay Area. The proposed development will not
10 have an easement to preserve the hillside all the way to the crest. The existing eucalyptus trees
11 may be nearing the end of their lives; however, removing them at one time will likely destroy the
12 butterfly habitat. The development will diminish the aesthetics of the hillside and the existing
13 wildlife. Destroying the butterfly habitat will violate the California Coastal Act of 1976. Much of
14 the development will violate the City's policies for the site. Possible funding sources could be
15 used to purchase the property.
16

17 **Hillary Sardinas** shared the decline of the overwintering Monarch butterfly population and stated
18 the butterflies need to be protected. The Parks, Recreation, and Open Space Commission should
19 examine the site and discuss purchasing the site, obtaining conservation easements, and other
20 solutions. Albany Hill is an educational experience for children.
21

22 **Ann Claesgens** recalled the development of the area over the past 43 years and animal sightings
23 since 1998. Albany Hill provides one of the last wild spaces in an urban environment, and it
24 should be preserved.
25

26 **Bryan Marten** remarked that balancing housing and habitat is important. He concurred with Mr.
27 Maass' comments regarding ADUs. Low-density, single-family homes are a poor use of a special
28 natural resource. Development should be confined to Pierce Street.
29

30 **Jim Hanson**, East Bay Chapter of the California Native Plant Society, commented that more than
31 100 species of native plants grow on Albany Hill. Albany Hill is a valuable asset. Fish & Wildlife
32 Services filed a petition to protect the Monarch butterfly under the Environmental Species Act,
33 and a decision is due at the end of the year. A comprehensive Environmental Impact Report
34 (EIR) is needed.
35

36 **Aaron Priven** indicated the ideal scenario is additional housing on major transit corridors and
37 preservation of undeveloped land as permanent open space. However, the owners of the
38 property have the right to develop the property. A redesign of the project as dense housing on a
39 small portion of the site could provide as many or more homes, preserve open space, and provide
40 a fair return on investment for the developer. Albany voters are probably receptive to changing
41 the decades-old legislation.
42

43 **Patrice Ayme** advised that the depiction of the project does not correspond to the plans. The
44 project density is less than one-tenth the density of Gateview. The probable cost of the units is
45 \$3 million, which is not affordable. The locations of the ADUs make them unfit for human
46 habitation. The developer has marked protected trees for removal. The Monarch butterfly needs
47 the habitat.
48



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1 **Ted Kempf** stated lead and arsenic will be released into the air during construction of the project,
2 and there is no way to mitigate it. The roads around Albany Hill have only one lane, and additional
3 housing poses a safety issue. Perhaps a compromise could be reached.
4

5 **Constance Ramos** opposed the project. Preservation of Albany Hill and its natural beauty is
6 important. She questioned the actions the developer would take if the Monarch butterfly is
7 declared an endangered species. Cars will not be able to access Pierce Street from the proposed
8 driveway to the project. The ADUs cannot be considered low-income housing.
9

10 **Joe Matera** opposed the project as it will impact the beauty and habitat of Albany Hill.
11

12 **Kate Breeding** raised concerns about the impact of the project on the wildlife corridor and the
13 cutting of 450 trees. High-density housing along Pierce Street would be a good compromise.
14

15 **Michael Oberdorfer** stated Albany Hill is a unique ecological island, and the Monarch butterfly
16 population is in severe decline.
17

18 **Dan Gluesenkamp**, California Native Plant Society, remarked that Monarch butterflies use the
19 trees lower on Albany Hill. The project will be located in a fire zone. He urged the Commission
20 to delay the project because changes are coming in November.
21

22 **Aaron Tiedemann** advised that SB 50, if passed, will up-zone all of California. If communities
23 continue to oppose development, the State will likely enact laws that are worse than SB 50.
24 Opposing housing developments pushes people into homelessness. Higher-density housing
25 would be better, but sometimes the requirements are too restrictive.
26

27 **Bart Grossman** remarked that housing is needed, but affordable housing is desperately needed.
28 The ADUs will not be affordable housing and probably will not be rental units.
29

30 **William Fisher** opposed the project. Albany Hill is Albany's open space and should be preserved.
31 Any development on Albany Hill should include an archaeological study.
32

33 **Kathryn Stine** raised traffic and safety issues. The project's driveway intersects Pierce Street at
34 the crest of hill with limited sightlines in both directions and near a crosswalk used by children to
35 visit Pierce Street Park. Infrastructure may not support the evacuation of residents in an
36 emergency.
37

38 **Ani Deodhar** noted a marked increase in traffic over the past ten years. With traffic congestion,
39 electricity outages, water shortages, and overcrowded schools, additional residents are not
40 needed. The project does not serve the needs of affordable housing.
41

42 **Daniel Prostack** emphasized the importance of increasing housing stock; however, housing
43 should be placed near transit. As open space, Albany Hill provides ecological, educational, and
44 cultural benefits for the community. He opposed the project.
45

46 **Yi-Shan Chen** commented that the project is not a vision for Albany Hill. Albany Hill is a natural
47 playground for all ages. The project will benefit only a few people. With concerns about climate
48 change, paving a natural area is not acceptable.



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1
2 **Jason Patent** was offended by the renderings of the project and by the view of the proposal as a
3 solution to the housing crisis. Developers typically do not hear the community's concerns.
4

5 **Brian Beall** found it difficult to balance the need for housing with the need for open space. Many
6 spaces are available for construction of housing. A project similar to the Towers would be better
7 than the proposed project. He hoped the priority for the project is preservation of the Monarch
8 butterfly population.
9

10 **Jenny Craik** was appalled by the size of the proposed homes when most housing stock in Albany
11 is more modest. She concurred with comments regarding wildlife. She opposed the project and
12 hoped the footprint of any development in the area would be smaller.
13

14 **John Nelson** agreed that a smaller footprint and more density would be better than the proposed
15 project. There should be access to the back of the project from Pierce Street. He agreed with
16 prior comments regarding the butterflies, wildlife, and vegetation.
17

18 **J.A. Lamph**, Hillside Homeowners Association, concurred with concerns about wildlife, traffic,
19 and egress. Smaller and more dense housing could be affordable housing.
20

21 **Vince Rubino** supported comments regarding protecting the environment and the forest.
22 Bicyclists and pedestrians have difficulty navigating Pierce Street because cars park on the
23 sidewalks.
24

25 **Belle Adler** expressed anger with the proposal to exchange open space for luxury housing.
26 Luxury housing will not solve the housing problem in Albany or California.
27

28 **Melissa** remarked that crossing Pierce Street is dangerous. Additional housing will increase
29 traffic and parking congestion.
30

31 PUBLIC HEARING CLOSED
32

33 Planning Manager Hersch advised that the ADUs can be counted toward the RHNA requirement.
34 The City's Inclusionary Housing Ordinance requires an affordable housing agreement, and the
35 Council has the discretion to structure the agreement.
36

37 Commissioner Donaldson noted the Commission's role is to hear public comment and to provide
38 feedback on the proposed concept. The parcel is not part of Albany Hill Park and can be
39 developed. The plan generally conforms with rules and regulations. The plan for duplexes with
40 ADUs is creative. The ADUs will be smaller and relatively more affordable than the large homes,
41 and 15 percent of the ADUs will be required to be affordable housing. The design will probably
42 change drastically as the project evolves. The stairways connecting the ADUs to the main units
43 could practically eliminate the ADUs as separate units. The developer has proposed quite a bit
44 of parking, which should be adequate. Impacts to traffic and parking on Pierce Street are a
45 concern. He was not concerned about the tree removals, but they should be replaced with native
46 trees. The Commission will review a grading plan carefully. Repeal of Measure K would allow
47 more units lower on the hill and preserve more open space. He questioned whether the Albany
48 Hill specific plan is binding. He would have trouble making the findings for significant adverse



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1 environmental impacts because environmental impacts should be mitigated to less than a
2 significant level.

3
4 Planning Manager Hersch reported the text of Measure K specifically references the specific plan.
5 Hillside Residential regulations also reference the specific plan as a guiding document for
6 development on Albany Hill.

7
8 Commissioner Kent commented that a project can be designed around traffic and parking
9 congestion and safety issues. The property owner has a legal right to develop the property, but
10 the Commission can recommend changes to the project. Preservation of open space is the
11 primary interest. Passage of SB 50 could eliminate any review of the project. Everyone wants
12 affordable housing, but developing affordable housing is expensive and complex.

13
14 Commissioner Jennings concurred with Commissioners' comments. Some form of residential
15 development on the parcel would be appropriate and beneficial. Her concerns are the location,
16 the number of units, and sensitivity to the context and environmental conditions. At this
17 preliminary stage, the Commission does not have the technical analysis to meaningfully affect
18 development and mitigate environmental impacts. The specific plan is antiquated, but it indicates
19 the parcel has been slated for housing for quite some time. The opportunity to provide 15 housing
20 units permanently restricted to low and very low income levels is rare. She concurred with
21 comments to place more density on San Pablo Avenue, but economic factors make that difficult.
22 She preferred the developer concentrate housing along Pierce Street and, if possible, have
23 homes front on Pierce Street. A connection between Gateview and lower-density housing to the
24 south would create a continuous community. The developer should respect General Plan policies
25 that refer to maximum preservation of the hillside parcel and provide connectivity with trails. The
26 proposed size of units is out of context and out of proportion to the site. Perhaps the flexibility of
27 the ADUs could be limited to some rather than all of the ADUs to ensure some of the ADUs are
28 affordable. The existing housing coexists with Albany Hill, and development of the parcel could
29 continue the coexistence.

30
31 Commissioner MacLeod indicated the current development proposal does not conform to the
32 specific plan. The proposal will require an enormous amount of cut and fill. The developer has
33 superimposed a concept onto the site regardless of the terrain. The roadways do not respect the
34 terrain and the topography. The specific plan and the Land Use Element refer to minimizing
35 grading and respecting the natural topography. The upper level is a two-story excavation into the
36 earth. Cutting down 450 trees is excessive. He disagreed with the idea that single-family houses
37 are appropriate for the site. The figure on page 18 of the specific plan should be the developer's
38 site plan. A 15-foot retaining wall will be required at the northwest corner, and similar walls
39 will be located around the site. Surrounding existing houses with 15-foot retaining walls is not
40 appropriate. He could not support the project as currently presented before the Commission.
41 Under the planned unit development (PUD), the Commission can approve higher height limits.
42 The Gateview connection should be blocked with bollards.

43
44 Commissioner Kent advised that developments along Taft, Jackson, and Gateview cut into the
45 hillside and utilize retaining walls. The question is the degree to which the developer respects
46 the natural grade.



1 Planning Manager Hersch related that multifamily housing is permissible with a conditional use
2 permit and a PUD application. Measure K limits density to six units per acre.
3

4 Chair Watty supported construction of the proposed density quantity; however, the proposed
5 amount of open space should be 50 percent. Bollards at Gateview and Hillside will obstruct
6 connectivity. The specific plan allows development of this property specifically. Given the rules
7 and allowable density, the questions are the appropriate layout of development on the site and
8 excavation throughout the site or concentrated at the lower portion. She could support a
9 development that fronts Pierce Street and retains a street wall. CEQA analysis will be relevant to
10 development on the site. Traffic and architecture concerns will be addressed once the siting is
11 worked out.
12

13 Commissioner Kent suggested the new homes not obstruct views from the Bay.
14

15 Commissioner MacLeod felt doubling the density on the lower portion and eliminating the upper
16 portion would be the appropriate development of the site. The developer may increase the density
17 of the project through the State Density Bonus Law.
18

19 Commissioner Donaldson reiterated that Measure K limits the density to six units per acre or a
20 total of 60 units on the site. By including ADUs, the developer has increased the number of
21 housing units to 96. Repealing Measure K would provide more flexibility to place a midrise
22 development on the lower portion and to preserve more open space.
23

24 Planning Manager Hersch reported the developer will have to decide whether to proceed with an
25 application.
26

27 **7. NEW BUSINESS**

28 **7-1. None**
29
30

31 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

32 **8-1. None**
33
34

35 **9. NEXT MEETING** – Wednesday, February 12, 2020, 7:00 p.m., City Hall Council Chambers, 1000
36 San Pablo Avenue
37

38 **10. ADJOURNMENT**

39 The meeting was adjourned at 9:47 p.m.
40
41
42

43 _____
44 Submitted by: Anne Hersch, Planning Manager
45

46 _____
47 Jeff Bond, Community Development Director
48