

City of Albany
Planning and Zoning Commission
Minutes July 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 Albany Community Center at 7:30 p.m. on Tuesday, July 22, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss
Absent: Panian
Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl,
Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the June 24, 2008 meeting.

Staff recommendation: approve.

b. 937 Polk. Planning Application 08-043. Design Review. Front Yard Parking Exception. Request for approval to allow an approximately 100sq.ft. second-story addition. A parking exception is requested to allow one off-street parking space where two are required.

Staff recommendation: approve.

Commissioner Gardner had questions on item 4b. Commissioner Arkin moved item **4a**. Commissioner Gardner seconded

Vote to approve item **4a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

Item 4b: Commissioner Gardner noted this was 1,000 square feet, not 100. She asked whether this would be a front yard parking exception. She noted the green points checklist indicated this was a less than 50 % addition although this was more than 50%. Associate Planner Curl agreed. Commissioner Moss was not comfortable granting a parking exception for a major remodel.

Vice Chair Maass opened the public hearing and invited the applicant to speak. Jon Matheson, the project architect, stated this was an undersize lot and it would be difficult to add a garage stall. There was a large front setback that could be used for parking. Ed Fields, Kains Avenue, wanted the report to spell out what was not included in the FAR calculation. Associate Planner Curl indicated that was the garage, and that stairwells were counted on one floor only.

Commissioner Arkin opined the front facade had awkward proportions. He suggested the bedroom could be lowered and the windows rearranged. He could approve the parking. Mr. Matheson explained there would be less waste if they kept the upper room and raised it rather than demolishing it. Also the roof was only three years old. No one else wished to speak. Vice Chair Maass closed the public hearing.

Commissioner Arkin recommended a transom window over the garage door and a tile awning or trellis. Commissioner Moss suggested a roof over the parking space and/or recessing the garage door. Commissioner Gardner moved continuation to the September 9, 2008, meeting. Commissioner Arkin seconded.

Vote to continue item **4b**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

5. Public Comment on Non-Agenda Items

There was no public comment.

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

- a. 934 San Pablo. Planning Application 06-074. Design Review. Non-residential Parking Adjustment. Density Bonus. Affordable Housing.** Public hearing for approval of a new four-story mixed-use building with twelve residential units and two retail units. A density bonus and concession modifying the City's floor area ratio requirement are also requested as part of the approval.

Staff recommendation: recommend to the City Council approval of findings and agreements associated with density bonus allowing 12 units of housing and a concession of Floor Area Ratio requirements of the Planning and Zoning Code; and approve design review of the proposed project subject to conditions of approval, including a condition of approval that requires City Council approval of a Density Bonus for this project.

Planning Manager Bond delivered the staff report. Vice Chair Maass opened the public hearing and invited the applicant to speak. Hoss Azimi, the project architect, made a presentation.

Clay Larson, Albany resident, was concerned about Albany's density increasing because it was already so dense. He noted the Adams Street parcels were on a lower grade, which would make the impact of the height greater. He questioned whether planters (and plants) would be less of an encroachment into the daylight plane than railings.

Ed Fields, Kains Avenue, pointed out that if there were fewer units, then the developer could buy fewer parking lifts. He recommended there be deed restrictions to protect the affordable units. The green building box was not checked. The parcel map subdivision for sale should be reviewed.

Christina Osborn, Albany resident, was concerned about the height, massive nature of the structure, and impacts to the neighbors west of the building with all the families on the balconies looking down on them. She stated there was no space for children to play. Maureen Crowley, Albany resident, did not approve of the open space plan. She noted there was no plan for a trash enclosure. She felt the loss of on and off-street parking would be too great. No one else wished to speak. Vice Chair Maass closed the public hearing.

Commissioner Moss saw this proposal as abusing the maximums and not offering the city any amenity. The plan was not pedestrian friendly and invaded the privacy of the neighbors. He opposed the number of units, the size of the units, and the density. He also noted it would be difficult to stucco the sides of the building without permission from the neighbors. He suggested putting balconies low in front and adding open space. He requested three-dimensional renderings.

Commissioner Gardner stated the inclusionary unit should not count toward affordable units. She felt eight units was appropriate, and wanted to see data on a smaller proposal. She opposed the planters. Vice Chair Maass noted inclusionary units were needed, and urban in-fill mixed-use projects were appropriate. The project was big, and the details were what would make it work.

Commissioner Arkin liked that this was a small project. He would like to see the wood or metal siding at the base of the front facade, and more slat material on the rear. He opposed railings in the daylight plane, but not plants. The grade on Adams Street was the true grade. The wall should not be more than 12 feet above that grade. If the number of units were reduced, the developer would simply make larger units that would attract families rather than seniors and students—creating even more need for open space. He moved continuation. Commissioner Moss seconded.

Vote to continue item 6a:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

- b. 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: receive testimony from the applicant and members of the public. Provide direction to staff on issues related to changes in the conceptual site plan.

Commissioner Arkin recused himself due to proximity to his residence. Planning Manager Bond delivered the staff report. Vice Chair Maass opened the public hearing and invited the

applicant to speak. Bob LaLane, the project developer and Peter Wahler, the project architect, made a presentation.

The following people had concerns about or recommendations for the project: Maureen Crowley, Albany resident; Susan Schwartz, Friends of Five Creeks; Christina Osborn, Albany resident; Bill Dann, Stannage Avenue; Ed Fields, Albany resident; Mara Duncan, Albany resident; Nick Pilch, Albany Strollers and Rollers; Allan Maris, Albany resident; Francesco Papilla, Albany resident; Jackie Hermes, Albany resident; Carl Petrofsky, Albany resident; and Mia Kitahara, Albany resident. Issues raised included:

- Too many parking spaces
- Impact on police, fire, and emergency medical services
- Excessive height
- Traffic congestion
- Radioactivity in that neighborhood
- Whole Foods being non-union
- Impact on smaller local markets
- What will the Village Creek side look like?
- Impact to traffic on Dartmouth Avenue
- Lack of bicycle and pedestrian linkage to the Bay
- Piecemealing of project
- Possibility of being deprived of tax revenue in any land deal
- Smaller natural grocery would be more in character with the neighborhood
- Preservation of the agricultural land at the Gill tract
- Loss of access across from Dartmouth Avenue
- Bicycle and pedestrian access and circulation
- Bicycle parking
- "Back-in" angled parking safer for cyclists and pedestrians
- Need for very low and low income housing
- Need for housing for youth coming out of foster care—recommend combining with seniors for the benefit of both
- Lack of financial analysis
- Pollution
- Preservation of trees

No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Moss wanted to see circulation for the whole property, and the traffic study should include circulation all the way to the freeway, and truck noise should be addressed. He questioned whether the financial analysis supported so many senior units and the resultant excess height. He recommended trying to save trees in parking islands.

Commissioner Gardner wanted reduced parking and a park or community garden and better design next to Village Creek. The size and scale were not sustainable or appropriate. She felt the entire "Phase III" should be reviewed, rather than just this portion.

Vice Chair Maass was in favor of senior housing but not a suburban style, automobile centered grocery store and parking lot development.

c. 845 Cleveland. Planning Application 06-077. Lot Line Adjustment. Planned Unit Development. Design Review.

Staff recommendation: approve amendments to the Planned Unit Development allowing building height up to 38' in height measured from natural grade; amendments to Design Review approval to allow the acoustical windows as constructed; and amendments to Design Review to allow tongue and groove wood siding in lieu of corrugated metal siding wrapping the top story, front elevation, rear elevation, and on the side bay windows, subject to staff analysis that water intrusion and rapid weatherization issues cannot be resolved in an aesthetic and cost effective manner.

Planning Manager Bond delivered the staff report. Vice Chair Maass opened the public hearing and invited the applicant to speak. Mike McGee, the property owner, was available to answer questions, but his project manager had been unable to attend the meeting. Clay Larson, Albany resident, was concerned about the height, and that this kind of thing happened in the first place. Christina Osborn, Adams Street, felt it was not an accident. Mara Duncan, Albany resident, was glad this was caught earlier than in some other instances. No one else wished to speak. Vice Chair Maass closed the public hearing.

Commissioner Arkin noted that the plans had been incomplete but the City had missed that (meaning it was not entirely the applicant's fault). The building would not be taller than the freeway, not blocking views, not gaining better views, and open space was preserved, so he would be able to approve the height. He felt the flattened Palladian on the gable bays with three windows was out of character with the rest of the project. Furring out the face of the bay could solve the window recess problem. He would prefer pigmented stain on the wood siding. He wanted to see the window trim.

Commissioner Gardner could approve it. Commissioner Moss was disappointed with the quality of the drawings and lack of detail. The nonmetal window frames would be a maintenance problem. He was not comfortable approving it. Vice Chair Maass agreed.

Mike McGhee, project applicant said that there was no mal intent or intention of noncompliance. Planning Manager Bond recommended a subcommittee of two Commissioners review the project. Vice Chair Maass supported the idea. Commissioner Arkin suggested that construction drawing be reviewed by the Commission on larger projects. He added that windows could be 2'x2', insulated sheath.

Commissioner Arkin then moved approval to amend the PUD to allow an increase in height, that that a 2" recess in windows be provided, simulated divided light muntions for the windows, and the bays shall be finished in a wood tongue and groove siding with a semi-stain, all of which is subject to review and approval by the review subcommittee. Commissioner Gardner seconded the motion.

Commissioner Arkin amended the motion, adding that a sample of the window jam, sill, and corner be provided during subcommittee review.

Vote to continue item **6a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

d. Annual Report on the St. Mary's College High School Athletic Field Renovation Project.

Staff recommendation: hold a public hearing to review the annual report and provide direction to staff and St. Mary's High School.

Commissioner Arkin moved to extend the meeting 45 minutes. Commissioner Gardner seconded the motion.

Brother Edmond spoke and stated that the construction schedule was not definitive but was hoping for substantial completion by December 30. He added that the speaker system was used for 10 minutes on May 16, 2008 for the groundbreaking ceremony.

Rich Brown spoke and wanted to make sure that landscaping and fencing was completed before a certificate of occupancy was issued.

Pete Imperial, school principal, responded to a neighbor's statement about people playing on the field outside of permitted hours. He stated that they could not find the person that had been playing at the field.

Rich added that he would like to thank the school.

Chris Hamilton believes that the school needs to continue to communicate better the neighbors.

Commissioner Arkin stated that posting of permitted hours was important. Commissioner Gardner stated that all mitigation measures needed to be in place prior to final sign off of the building permit. Vice Chair Maass stated that he was happy that things were going well.

e. City Council request for comments and recommendations on establishing Paid Parking Program.

Staff recommendation; provide initial comments and recommendations to assist the City Council in its discussion regarding the potential of establishing a paid parking program in the City of Albany.

Planning Manager Jeff Bond delivered the staff report.

Commissioner Moss stated he'd like the opportunity for the Commissioners to respond individually.

Christina Osbourne did not like the idea of parking meters. She'd like information on the amount of money that would be generated by such a program. She added that evenings and Sundays should not be charged.

Commissioner Moss stated that enforcement hours should be expanded, not meters installed.

Mara Duncan echoed the notion that making decision without revenue or dollar information didn't make sense. She added it needed to be a community decision and that she did not support parking meters. Ed Fields spoke and echoed the comments made by both previous speakers.

Commissioner Gardner asked for information about the maintenance, it's frequency, the required contract, etc. Planning Manager Bond stated that fiscal impacts were important but that the affects on land use should be the focus. Commissioner Arkin stated that he'd like the discussion of the item earlier on the agenda.

7. Announcements/Communications:

- a. **Report on Planning and Zoning Commission Special Meeting on July 15, 2008 regarding preparation the 2009 Housing Element**
- b. **Update on City Council actions related to Planning and Zoning.**
- c. **Update on Civic Center Project**
- d. **Letter from Loni Hancock**

Planning Manager Bond stated that he'd like to formally recognize Lilly Jacobson who has interned with the city for the summer.

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Regular Meetings of August 12, 2008 and August 26, 2008 will be cancelled for summer recess.**
- b. **Next Regular Meeting: Tuesday, September 9, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at **?:?? p.m.**

Next regular meeting: Tuesday, September 9, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner