

City of Albany
Planning and Zoning Commission
Minutes December 9, 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, December 9, 2008.

2. Pledge of Allegiance

3. Roll Call

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

4. Consent Calendar

- a. 1055 Ordway. Planning Application 08-071. Design Review.** Request for Design Review approval to allow a 509sq.ft. second-story addition to a single-family home.
Staff recommendation: approve.

Planning Manager Bond pulled item **4a**. Associate Planner Curl noted the green points checklist contained an error. Commissioner Arkin moved approval with the added condition that the windows meet the 2" recess from face requirement and correction to the green points checklist. Commissioner Maass seconded. Chair Panian noted the application number needed to be corrected.

Vote to approve item **4a**:

- Ayes: Arkin, Gardner, Maass, Moss, Panian
- Nays: None
- Motion passed, 5-0.

Findings. 1055 Ordway

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

Required Finding	<i>Explanation</i>
1. <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>	<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>
2. <i>Approval of project design is consistent with the purpose and intent of this</i>	The proposal is in scale and harmony with existing development in the vicinity of the site.

<p><i>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 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 applicant has chosen to create additional habitable space in a manner that creates aesthetically pleasing changes, does not increase the amount of impervious surface on the lot, and will have little to no impact on adjacent neighbors. The addition being setback from both the front and rear walls creates an attractive “layered appearance.”</i></p>
<p>3. <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 addition does not increase the amount of impervious surface and locates only a portion of the first-floor, which reduces the amount of shading and massing.</i></p>
<p>4. <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>

5. Public Comment on Non-Agenda Items

David Arkin reported Evan Flavell liked the new standing seam metal roof on City Hall.

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

- a. **Public Hearing to Receive Comments on a Draft Mitigated Negative Declaration of Environmental Significance for St. Mary’s College High School.** St. Mary’s College High School is an existing co-educational high school serving 630 students on a 12.5-acre site. The school is seeking modifications to an existing conditional use permit to allow an expansion of campus facilities to a maximum of 141,147 usable square feet, including (no increase in enrollment is proposed as part of the project).

Staff recommendation: continue the public hearing opened on November 25, 2008, take testimony from the public, and provide direction to staff and consultant on the draft document. No action on the proposed project is to be taken at this meeting.

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Hal Brandes, the project architect, and Peter Smith, representing St. Mary's, were available to answer questions. Laurie Capitelli, City of Berkeley Councilmember, asked for information regarding the intensity and frequency of use. He opined the mitigated negative declaration was inappropriate because any increase would exacerbate the current impacts to the neighbors. He suggested there be a new parking and traffic management plan and the master plan to list limits of use, or establishment of a discretionary review schedule to include neighbors and staff.

Rich Brown, Ventura Avenue, asked whether the environmental review was for the master plan period, or were there separate reviews for each section. He felt there would be an increase in enrollment. He stated student activities had the largest impact on neighbors. Chris Hamilton, Albina Avenue, noted the project description did not satisfy the legal requirements. He was concerned about nighttime use and traffic.

An unidentified woman, Monterey Avenue, asked for enforceable limitations and a move away from acrimony. Andrew Watry, Monterey Avenue, noted this was a large increase when there were already large impacts, and asked why the school was not working on Hopkins/Gilman corridor improvements.

Donna Dedemara, Albina Avenue, opposed an enrollment increase. Jim O'Fell, Hopkins Street, opposed an enrollment increase, and had concerns about evening and weekend use. John O'Donnell, Hopkins Court, had concerns about traffic, parking, noise, lighting, and creek pollution. He asked the school to encourage students to use public transportation or bicycles. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Moss wanted environmental/public review at every phase of the plan. He felt evening events should be limited. Commissioner Arkin wanted the environmental review document to be clear and thorough. Information on existing and future use was needed. Commissioner Maass wanted a review at every phase. He recommended parking at BART and using a shuttle van. Commissioner Gardner wanted more detail on operational assumptions. The document should also clearly address the standard for revisiting, based on what conditions changed and how much. Chair Panian wanted more information on uses.

b. 842 Talbot. Planning Application 08-074. Front Yard Parking Exception. Request for two front yard parking exceptions to allow a new second-unit to be constructed within an existing single-family home.

Staff recommendation: open the public hearing, take public testimony and discuss the request for the front yard parking exceptions. If deemed appropriate, direct staff to draft findings and conditions of approval for a motion at the January 13, 2008 meeting.

Associate Planner Curl delivered the staff report. Commissioner Moss reported he had met with the applicant and toured the property. Planning Manager Bond asked whether the Commissioners would be comfortable allowing staff-level approval of this type of application. The Commissioners were comfortable with that. Chair Panian opened the public hearing and

invited the applicant to make a presentation. Beth Wright, the project applicant, was available to answer questions.

Ed Howe, Talbot Street, opined there was inadequate parking on site. Ed Fields, Albany resident, read aloud from the state law, which indicated more than one parking space could not be required. No one else wished to speak. Chair Panian closed the public hearing.

Chair Panian wanted clear measurements of the parking area. Commission Arkin moved continuation to the January 13, 2009, meeting. Commissioner Gardner seconded. All of the Commissioners agreed they could approve if there was room for two plus one spaces on site.

Vote to continue item **6b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

A brief discussion regarding secondary residential units in R-2 and R-3 followed.

c. Review and discussion of preparation of the 2009 Housing Element.

Staff recommendation: for discussion only. Provide feedback and direction to staff.

Planning Manager Bond delivered the staff report. Ed Fields believes that maximum size limits on second units should be allowed in R-2 and R02 districts and that state law says that they should be permitted in all districts. Commissioner Arkin found merit in the third scenario. Commissioner Moss stated it would be better to say that we cannot meet housing requirements and Commissioner Arkin added that more realistic estimates may be best. For example, he added that Pierce Street neighbors were concerned about the loss of views and that Albany Hill may be better than scenario 3. He believes a public discussion mapping out areas could be beneficial.

Ed Fields said that other sites other than Albany Hill may be preferred. University Village for example, the housing is not the issue. Commissioner Maass stated that a synopsis of sites with public uses may be beneficial. Commissioner Gardner suggested designated blocks and not sites. Commissioner Panian stated that specified sites dos not mean actually pursuing. Commissioner Arkin used the City of Santa Cruz as an example for good second housing unit promotion.

d. Discussion of Amendments to the Planning and Zoning Code to Correct and Clarify Development Regulations

Staff recommendation: continue Commission discussion initiated at the September 23, 2008, October 14, 2008 and October 28, 2008 meetings. Provide feedback and direction to staff on proposed amendments.

The Commission unanimously agreed that project sites should be posted with a public notice.

7. Announcements/Communications:

a. Update on City Council actions related to Planning and Zoning.

8. Future Planning and Zoning Commission Meeting Agenda Items:

a. Next regular meeting: Tuesday, January 13, 2009, 7:30 p.m.

b. Cancellation of regular meeting scheduled for December 23, 2008

9. Adjournment

The meeting was adjourned at 11:16 p.m.

Next regular meeting: Tuesday, January 13, 2009, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner