

City of Albany
Planning and Zoning Commission
Minutes November 25, 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 Vice-Chair Maas, in the Albany Community Center at 7:30 p.m. on Tuesday, November 25, 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,

4. Consent Calendar

a. Minutes from the October 28, 2008 meeting.

Staff recommendation: approve.

Commissioner Arkin pulled the minutes and stated that on the 7th page, 3rd paragraph three items should be reworded and read as: 1) " Cardroom development agreement;" 2) San Francisco Estuary Institute;" 3) "Ecological reservation," not preservation.

Vote to approve item **4a**:

Ayes: Arkin, Gardner, Maass

Nays: None.

Motion passed, 3-0.

5. Public Comment on Non-Agenda Items

None.

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: Open the public hearing, take testimony from the public, and continue the public hearing to December 9, 2008. No action on the proposed project is to be taken at this meeting.

Planning Manager Bond delivered the staff report and recommended that the item be continued to the next public hearing on December 9, 2008 to allow more time for the public to review the

draft CEQA document. The school would provide a more detailed master plan, and an improved circulation and parking plan. Staff has provided draft conditions of approval with the CEQA document to capture any issues that may not be covered by CEQA.

Commissioner Arkin asked if the closing date for comments should be extended. Planning Manager Bond stated that a couple days after the 9th, perhaps the 12th, would be good practice. Commissioner Arkin followed up by requesting a summary of how students are currently arriving to school. He also would like to see what the unmet demand is and more supporting information on pages 8 and 22. He would like information on student to floor-area-ratio for other schools.

Peter Smith with St. Mary's stated that there are approximately 400 students and 150 parking spaces and an additional 100 would be provided with the plan. He added that the master plan is intended to be general with massing and location but not architectural detail included. He said that the Master Plan was a response to a request from the neighbors.

Rich Brown, neighbor on Ventura, stated that the Peralta Park Neighborhood Association was working on a full set of comments, but they were not completed. He wants more detailed information on the useage of the buildings and believes that adequate information to review the plan is not provided and that assuming that the same number of students will continue to be outside is incorrect. He also believes that a negative declaration cannot be declared, traffic, noise and water runoff all need to be looked at.

Chris Hamilton provided questions to the Commission that they may want to keep in mind, particularly existing and proposed uses. Donna Didamar stated that enrollment is codified at 630 students, with a 5% attrition rate from 600. She is concerned about future increase in enrollment.

Linda Mingle, from Hopkins, said thank you for acknowledging safety concerns and the increase in traffic and that students have no longer been parking on Hopkins. She hopes it is not temporary since Hopkins is not included in the student handbook as a no park area. She believes that items 35 and 36 need to further review and information and that item 39 should have more stringent parking policies.

Robin Ramsey from Beverly Place echoed previous speakers and said that Monterey and Ventura both experienced a spike in parking in this year but students are not driving recklessly, and have been polite. Michael Tompkins stated that past, present and future uses need to be discussed, otherwise the impact of the increased square footage will not be known.

Allison Reynolds, a new Albany resident, stated that the students had been great but that the weekend and evening events had become an issue. She would like Posen blocked off and the parents educated as part of the plan. She is concerned that places of worship are exempt and that school needs to provide more information on building uses.

Commissioner Gardner stated that if the stormwater will be less than significant then mitigation measures should be described. She stated that page 42 for waster removal from the stormwater

should be reviewed in further detail and that no hazardous materials will be handled. On page 57 parking mitigation should be stated like on page 66.

Commissioner Arkin is happy to have the discussion and feedback before the comment closing date and to have more time to review the CEQA document. He asked if this was the final review of the CEQA document. Planning Manager Bond stated that if future projects are consistent with master plan the CEQA document will not be reviewed again.

Commissioner Maass stated that he still needs to continue to review the CEQA document and he is a fan of alternative transportation. He would like to see numbers on the modal split and estimates on the best anticipated uses of the buildings.

Planning Manager Bond clarified that a public hearing would again be held on December 9, 2008 and that the comment period is extended to Friday, November 12. Commissioner Moss added that having email and comments ahead of time is helpful.

Vote to continue item **6a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

b. Compliance with Conditions of Approval related to Window Recess of Planning Application 07-058: 951 Stannage.

Recommendation: Review preliminary staff determination to accept windows as installed.

Planning Manager Bond provided the staff report. Commissioner Arkin stated that a detail showing a two-inch recess should be required during the building permit review. Commissioner Moss stated that nail on fins are removable. Commissioner Gardner believes that looking at the building as a whole and seeing that it is properly constructed and attractive is most important. Commissioner Arkin stated window recess is something that should not be overlooked and that rigid insulation under the stucco could help with both the recess and insulation.

c. Design Review Guidelines. Review and discussion of draft design review guidelines, which have been created over a series of meetings in the last year.

Staff recommendation: Provide direction to staff on appropriate changes and revisions.

Commissioner Arkin encourages photographs be submitted and that an online document of examples would be preferable, perhaps even a blog. Commissioner Gardner likes how the guidelines are coming together and suggested that privacy related to neighbors and views should be discussed.

Doug Donaldson suggested that some of the architectural terms have definitions and that section 4 should be named "Multi-story Homes and Second-story additions." Ed Fields echoed support for the guidelines.

d. Green Building Program Update of Standards of Compliance.

Staff recommendation: Provide direction to staff on appropriate changes and revisions

Commissioner Arkin liked the idea of putting the green points checklist on building permit plans. He feels that the seismic upgrade points are helping smaller projects and suggested that 20% better than title 24 be considered. He also stated that Palo required 70pts as compared to 50.

Commissioner Gardner stated that requiring more points or lessening some areas could be beneficial. Considering how it would affect smaller projects needs to be considered. Commissioner Moss believes there should be a hierarchy for renewable materials, or only get a portion of points if it's not a substantial upgrade.

Commissioner Maass suggested a stick and carrot approach, i.e. extra points or reward for a high green point. Commissioner Gardner stated that the Sustainability Committee could issue a certificate of acknowledgement. Commissioner Moss suggested that additional discretionary items could require a higher number of points.

Ed Fields is concerned that points may be attained but not implemented. Perhaps cutting fees could be an incentive. Commissioner Moss did not want to cut fees. He believes the list to be an educational tool and too much focus on green points deters from that.

Commissioner Arkin added that Marin County has an expedited review process for high scoring points. Commissioner Gardner said that document building permit plans was a positive next step. Commissioner Arkin echoed the idea that the focus on reduction in energy is important.

Vote to require the checklist be required as part of the building permit submittal package, seismic upgrade points will be reduced to 15pts, and an increase of 20% over title 24 is mandatory for the project area. All new implementation measures shall be on a trial basis until July 2009:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

e. Comments Draft Environmental Impact/Report Statement (DEIR/S) for the proposed Berkeley/Albany Ferry Terminal, released by the San Francisco Bay Area Water Emergency Transportation Authority (WETA).

Staff recommendation: Provide direction to staff on any comments deemed appropriate to be expressed in a comment letter on the draft Environmental Impact Report.

Associate Planner Curl provided the staff report. Commissioner Arkin stated that the question of whether Albany is missing out on an opportunity cannot be answered at the beginning of the waterfront process. Commissioner Maass stated that all of the locations has its problems. Commissioner Moss agreed that the question of if Albany is missing out on an opportunity is

unknown. Commissioner Gardner stated that with significant impacts the project could not be approved under CEQA.

Commissioner Arkin agrees with the Traffic and Safety Committee that a ferry somewhere is beneficial. All Commissioners unanimously agreed that bike access should be thoroughly reviewed.

f. Resolution of Intention of the Planning and Zoning Commission to Initiate Amendments to the Planning and Zoning Code to Correct and Clarify Development Regulations.

Staff recommendation: Approve a Resolution of Intention and continue Commission discussion initiated at the September 23, 2008 and October 14, and 28, 2008 meetings on proposed amendments.

Vote to continue item **6g**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

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

Recommendation: For discussion only.

Discussion continued to a later date. Commissioner Arkin stated the desire to hold workshops with the Social and Justice Committee and the City Council about where to locate housing.

h. Review and Recommendation to the City Council Regarding Procedures for Consideration of Development Agreements.

Staff recommendation: Review draft procedures and recommend to the City Council the adoption of the procedures.

Commissioner Arkin was only aware of the card room where a development agreement was needed. Commissioner Moss stated that an 80's development agreement was established for Albany Hill, but the project was not completed. Commissioner Gardner suggested that section 9 be revised to specifically address agreements that are only partially fulfilled.

Planning Manager Bond clarified the process for a development agreement, existing laws would require a vote. Commissioner Moss was in support of how the draft is written. Commissioner Gardner would like specifics on how cancellations are spelled out.

Ed Kains believes that the noticing radius' are not broad enough and there should be increased noticing. He asked if a zoning change could be part of the agreement. Planning Manager Bond responded that a consideration of zoning changes could be part of the agreement and it would be reviewed based on its merit. A planned unit development would have to still be consistent with zoning.

Commissioner Gardner stated that there needs to be enough of a benefit to warrant an agreement.

Commissioner Moss believes the agreement to be more of a business transaction. Commissioner Maass believes that the community would participate on the review of an agreement. Commissioner Arkin believes that there is a place for development agreements as a tool; however, the downside is the possibility of the housing ordinance or others not being applicable.

Commissioner Moss moved to provide a recommendation of approval for the procedures with additional language on cancellation procedures and citywide public hearing notices for citywide zoning ordinance changes.

Commissioner Gardner seconded the motion.

Vote to approve item **6h** with amendments:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

i. Update on the action by the City Council on the Appeal of the Planning & Zoning Commission approval of Planning Application 07-087. Design Review at 904 Santa Fe Avenue.

Recommendation: For information only.

Commissioner Moss recused himself. Planning Manager Bond provided a report. Commissioner Maass mentioned the new no right turn on red at Santa Fe and Marin.

7. Announcements/Communications:

- a. Update on City Council actions related to Planning and Zoning.
- b. Discussion of process for Planning and Zoning Commissioner reappointment.

8. FUTURE PLANNING AND ZONING COMMISSION MEETING AGENDA ITEMS

(Staff discussion and Commission member announcement of status of previous agenda items and requests for future agenda items. No public comment will be taken on requests for future agenda items).

- a. Next Regular Meeting: Tuesday, December 9, 2008, 7:30 p.m.
- b. Cancellation of Regular meeting scheduled for December 23, 2008

9. Adjournment

The meeting was adjourned at 11:22 p.m.

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

Submitted by:

Amber Curl
Associate Planner