

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes November 13, 2007, 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 Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, November 13, 2007.

### **2. Pledge of Allegiance**

### **3. Roll Call**

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

### **4. Consent Calendar**

- a. 619 Talbot. Planning Application 07-082. Design Review. Parking Exception.** Request for approval to allow a 342sq.ft., single-story addition to the rear area of an existing single-family home.

*Staff recommendation: approve.*

No one wished to speak on this item. The commissioners unanimously approved item 5a.

### **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. 1030-1130 Pablo Avenue (northeast corner of University Village at San Pablo Avenue and Monroe Street). Planning Application 07-100. Study Session on Application for 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 of interest during the review process.*

Chair Arkin recused himself from this item due to proximity to his residence. Planning Manager Bond and Assistant Planner Curl delivered the staff report. Commissioner Moss asked whether the CEQA document would have to come before the Commission. It would. Commissioner Moss thought the applicant would want to open 10<sup>th</sup> Street. They did not want to at this time. Commissioner Maass wondered whether the housing without kitchen units could be counted as affordable. Commissioner Panian asked whether there would be multiple PUDs. He also asked whether the Gill house was historically significant.

Vice Chair Panian opened the public hearing and invited the applicant to speak. Bob LaLanne, the project developer, and Peter Waller, the project architect, gave a presentation of the proposed project.

The following people presented concerns about the proposed project: Mara Duncan, 848 Solano; Susan Schwartz, Friends of Five Creeks; Ed Fields, Kains Avenue; Joseph Scalice, Village Residents Association; Daniel Dole, Berkeley resident; Ellen Toomey, Albany resident; Clay Larson, Albany resident; Christina Osborn, Adams Street; Maile Urbanez, Village Residents Association; John Martin, UC Berkeley student; Dana Milner, Talbot Street; Kim Linden, Stannage Avenue; Kevin Zwick, Kains Avenue; Ming Lee, Albany resident; and Lloyd Andreas.

Concerns included:

- Short notice to residents; small radius notice rather than City-wide
- Impact on preservation of the Gill tract
- Lack of affordable student housing
- Large, non-union grocery store
- Making creek banks safe and accessible for seniors
- Moving parking away from the creek banks
- Water treatment detail needed
- Fire department access impact on design
- Excessive height
- Circulation, parking, and traffic congestion on San Pablo Avenue
- Traffic safety on site and nearby
- Legality of a land-grant school selling land to commercial interests
- Existing plan for creek allows no building within 80 feet
- Lack of visitor parking at the senior housing
- Lack of parking for existing ball fields
- Impact on possible educational farm at the Gill tract
- Lack of open space
- Albany Police Department should be involved if this is going to become private property
- If the university owns the streets, how does that affect fire and police access?
- Lack of unified development vision
- Parking garage could attract vagrants
- Large store with large number of parking spaces (should scale back)
- The grocery store's prices are too high for students and seniors
- Looks like a WalMart dropped in the village

Positive comments included:

- Nice to have small retail,
- Could have shops along the creek.
- Height okay if it means more open space.
- Excited about grocery store, senior housing, affordable housing, and inclusionary housing.
- Excited about revenue.
- Could parking be on the roof?

- Would be nice to be able to see the creek from Monroe, and walk to the creek from Monroe.

No one else wished to speak. Vice Chair Panian closed the public hearing. Commissioner Maass was in favor of Whole Foods and senior housing, but would prefer more open space, a cafe by the creek, and no parking garage frontage on San Pablo Avenue.

Commissioner Moss encouraged the applicants to meet with the Village Residents Association. He had concerns about traffic circulation, curb cuts on a CalTrans right-of-way, excess hardscape, and lack of attention to pedestrian and bicycle circulation and bicycle parking. He recommended working with staff to plan use of the public art funds to create a plaza and/or nice environmental areas by the creeks. He asked the applicant to address density bonus, affordable units, inclusionary housing, and senior housing. He recommended reducing the parking, moving away from the creek, adding photo-voltaics on the roof, and diversifying the look of the retail units. He asked how the parking entrance through the cafe plaza would work (pedestrian safety) and recommended opening 10<sup>th</sup> Street for trucks.

Vice Chair Panian asked staff to research the legal issues that had come up. He asked the applicant to place an emphasis on pedestrian and bicycle flow by the creeks, recommended wrapping the retail around the garage, cutting the corner off, undergrounding the parking, emphasizing the plaza, and making the Whole Foods attractive and accessible on all sides. He did not like the relationship between the housing and the creek and wondered why it was not student housing. He wondered if an underground garage that close to the creek would be a problem.

There was a brief recess to allow the room to clear.

- b. 1161-1175 Solano Avenue. Planning Application 07-017. Parking Exception. Design Review. Entertainment Permit.** A request for Design Review approval to allow s remodel and a small addition to 3 commercial units to create a 2,153sq.ft. commercial building at the corner of Solano Avenue and Stannage Avenue. An entertainment permit is also requested, which triggers the need for a parking exception for 3 parking spaces.

*Staff recommendation: receive testimony from the applicant and members of the public. Provide direction to staff on issues of interest during the review process.*

Vice Chair Panian recused himself from this item due to proximity to his residence. He also excused himself from the remainder of the meeting. Associate Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak. Mathew Friedman, Patricia Alarcon, and Hal Brandel, representing Cafe Trieste, gave a brief presentation.

Chair Arkin asked how many sites already existed. There was one in Berkeley, three in San Francisco, and one in Sausalito. Chair Arkin asked about the type and frequency of the musical performances. Mr. Brandel indicated there would be music most evenings, but the volume would be low so that patrons would be able to conversations with one another.

The following people had concerns about the proposed project: Kamala Appel, Stannage Avenue; Clay Larson, Albany resident; Michelle Barger, Stannage Avenue; Dave Danby, Stannage Avenue; and Bob Jones, Stannage Avenue. Concerns included:

- Oversize for an R-1 neighborhood with heavy vehicle and foot traffic
- Noise
- Excessive height
- How the ground floor retail exemption was calculated
- Insufficient parking studies
- Lack of parking in the area

Suggestions included:

- Encourage parking behind the post office
- Lighting for the alley to the parking

No one else wished to speak. Chair Arkin closed the public hearing. Commissioner Moss recommended "parking in rear" signs and planters on the sidewalk. Commissioner Maass wanted smaller signage than the Berkeley cafe, and bicycle parking. Chair Arkin recommended trying valet parking, so that more cars could be fit in the parking area. He recommended the sign canopy be thinner and wrap more, and adding a high window over the bathroom on the west facade. He was concerned the change in floor elevation would make the eastern end inaccessible without a ramp. Commissioner Moss and Chair Arkin both noted a noise study was not required on a previous similar application, and that there were mechanisms in place should noise be a problem.

**c. Recommendation to the City Council Regarding Amendments to the Building & Housing, Fire Prevention, and Grading Chapters of the Municipal Code related to:**

- 1) The Adoption, with amendments, of the 2007 versions of the California Building Code, California Fire Code, California Electrical Code, California Mechanical Code, and California Plumbing Code
- 2) Repair and Reconstruction of Damaged Structures
- 3) Safety Inspections And Posting Official Placards During An Emergency

*Staff recommendation: receive testimony from the public. Provide a recommendation to the City Council.*

Planning Manager Bond delivered the staff report. Commissioners Maass and Moss had no comment. Chair Arkin had confirmed the Fire Marshall supported the 3-foot set-back. Commissioner Moss moved approval. Commissioner Maass seconded.

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

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

**7. Announcements/Communications:**

Chair Arkin announced the agenda would be reordered so that item **7b** would be heard next.

**b. Discussion of planning process for St. Mary's College High School Master Plan**

Planning Manager Bond delivered the staff report. Chris Hamilton, the neighborhood representative, agreed with the staff report. There was consensus among the Commissioners that as long as the negotiations between the school and the neighbors were appropriate and legal and that all of the neighbors were represented that is was fine for the negotiations to continue.

**a. Summary of Board and Commission Training on October 29, 2007**

Planning Manager Bond noted there were useful handouts from the training. Commissioners Maass and Moss reported it had been a good training.

**c. Summary of Council action regarding Waterfront Planning Process**

There was unanimous consent to extend time 15 minutes.

**8. Future Planning And Zoning Commission Meeting Agenda Items**

- a. Special Meeting of November 20, 2007 - Design Review Guideline Update Work Session**
- b. Special Meeting of Fire Board of Appeals (tentative date: November 20, 2007)**
- c. Meeting of November 27, 2007 expected to focus on a discussion of City policies on housing, include discussion of process for preparation of a new Housing Element. (No regular agenda items are currently scheduled for action.)**
- d. Regular meeting of December 25, 2007 to be cancelled.**
- e. Regular meeting of January 22, 2008 to be rescheduled to January 29, 2008.**

**9. Adjournment**

The meeting was adjourned at 11:07 p.m.

Next regular meeting:            Tuesday, November 27, 2007, 7:30 p.m.

Special meeting:                Tuesday, November 20, 2007, 7:00 p.m.

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Submitted by:

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*Amber Curl*  
*Associate Planner*