

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes May 22, 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, May 22, 2007.

**2. Pledge of Allegiance**

**3. Roll Call**

Present: Arkin, Hitchcock, Maass, Moss, Panian

Absent: None

Staff present: Planning & Building Manager Jeff Bond, Planning Consultant Ed Phillips, Assistant Planner Amber Curl, Planning Clerk Amanda Bennett

**4. Consent Calendar**

**a. Minutes from the April 10, 2007 meeting.**

*Staff recommendation: approve.*

Chair Arkin asked that staff add to the April 10 minutes that item 7a had been continued due to lack of a quorum.

Item **4a** as amended was approved unanimously.

**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. 1600 Posen Avenue, Albany** (also known as 1294 Albina Avenue, Berkeley). **Planning Application 06-091. Design Review.** Request for Design Review approval of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project.

*Staff recommendation: public hearing to receive public comments on a Draft Mitigated Negative Declaration.*

Planning Manager Bond delivered the staff report. Chair Arkin opened the public hearing.

The following people spoke in favor of the application: Brother Edmond, president of St. Mary's; Pete Imperial, principal of St. Mary's; Hal Brandes, the project architect; David Mattson, 1602 Marin; Ron Rossenbaum; Manny Nodar, athletic director of St. Mary's; Paren Meyer, 1531 Posen; Colbert Davis, teacher from St. Mary's; Peter Smith, attorney representing St. Mary's; Stan Nakahara, Berkeley resident; Tim Niecks, 1011 Talbot; Paul Ricardi, Albany property owner; and Tio Madison, St. Mary's neighbor.

The plan was described, including changes suggested by neighbors. It was stressed that the field improvements were a necessary health and safety measure to protect the student athletes.

The following spoke requesting rejection of the initial study as inadequate, or, at least, imposition of clear, measurable, enforceable mitigations: Chris Hamilton, Albina side; Michael Tompkins, 1230 Monterey; Andrew Watry, 1284 Monterey; Richard Crosetti, CEQA consultant; Lucas Guttentag, 1044 Ventura; Dennis Fox, 1538 Beverly Place; and Grace Winekata, Monterey Avenue.

The neighbors opposed separation of this item from the master plan, because of the cumulative impacts. The neighbors wanted to see: noise monitoring of peak events; maps; elevations with human scale reference; and grading plans before the initial study could be completed. Concerns included increased use of the facilities and the associated sounds, lack of privacy, and traffic and parking congestion, as well as the appearance of the walls, fences, bleachers, and storage building.

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

Commissioner Moss wanted drawings and a more comprehensive sound study, as well as wastewater requirements, a growth study on the trees, photometrics on the bleachers, and a sound system proposal. Commissioner Panian stated the design review documents were lacking. On the initial study, he noted page 74, item 17b was marked "no," and should be revisited. Commissioner Maass agreed that the plans needed to be presented in a more final, complete format.

Commissioner Hitchcock was concerned about the amount of use planned for the field, opposed a sound system, and wanted attractive landscaping appropriate to the soil and climate conditions. Chair Arkin liked the stepped wall. He was glad no lights were planned.

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

- b. 521 Talbot. Planning Application 06-088. Design Review. Conditional Use Permit.** A request for Design Review approval to allow construction of a new 803sq.ft. addition, which would create a 1,606sq.ft. home. The applicant is requesting a conditional use permit to allow the extension of a nonconforming north wall, which has a 1'-9" side yard setback where 3'-9" is required.

*Staff recommendation: approve.*

Assistant Planner Curl delivered the staff report. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Shilpa Pathare, the project architect, and Mehdi Saghafi, the property owner, were available to answer questions. No one else wished to speak. Chair Arkin closed the public hearing.

There was a discussion about whether the extension of the non-conforming wall should be allowed, based partly on the likelihood that the foundation would need to be replaced. Chair Arkin suggested a condition that if the foundation did need replacement, the wall would be

moved. He recommended a narrow drip cap and consistent sills all around. Commissioner Maass recommended a larger rear deck for better weather protection for the sliders and better use. Commissioner Panian liked the windows but felt the vent proportion was odd.

Commissioner Panian moved approval with the drip cap and sills. Commissioner Maass seconded.

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

Ayes: Arkin, Maass, Panian

Nays: Hitchcock, Moss

Motion passed, 3-2.

**Findings. 521 Talbot**

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

<b>Required Finding</b>	<b>Explanation</b>
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 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>	<i>The proposal is in scale and harmony with existing development in the vicinity of the site. 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. The proposed project creates a more attractive, balanced and symmetrical home. Real wood trim and sill windows will be used. It also eliminates the awkward staircase on the front façade. It will not expand the footprint of the home and will only increase 3' in height.</i>
3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	<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.</i>
4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection</i>	<i>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination</i>

20.100.050.D.	of design details, and privacy.
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**Findings for Conditional Use Permit Approval (side, northern wall) as required by Section 20.100.030.D:**

<b>Required Finding</b>	<b>Explanation</b>
<p>1. <i>The size, location and intensity of the project are desirable and compatible with the neighborhood and community.</i></p>	<p>a. <i>The proposed project will not increase the footprint of the existing home. It will increase the height of the home by 3' but also create a more aesthetically pleasing home.</i></p>
<p>2. <i>The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures</i></li> <li>b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.</i></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.</i></li> </ul>	<ul style="list-style-type: none"> <li>a. The site is of sufficient size and shape to successfully develop the house addition consistent with City zoning standards relating to size and height. The conditional use permit authorizing a reduction in the otherwise required side yard setback will not degrade the amount of existing or proposed private open space available to the project site. There should be no significant effect on people in the neighborhood caused by the reduction of the side yard standard.</li> <li>b. The project should not have any increased traffic impacts beyond those typical during the initial construction period. Pedestrian access to the site is adequate and will not be impacted by the project proposal.</li> <li>c. The project will not develop new noxious noise, glare, dust or odor emissions beyond those associated with initial construction activities. The project will remain a residential activity with all such characteristics.</li> <li>d. The treatment is appropriate with a finish stucco and horizontal wood siding, which is commonly found in the neighborhood.</li> </ul>
<p>3. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan.</i></p>	<p>The proposed project is otherwise consistent with the City zoning standards and requirements relating to the height, size, location, and bulk for such residential expansions. The maintenance and preservation of the City housing inventory, including reasonable</p>

	<p>expansions of such residential dwellings, are policy objectives of the City General Plan. The site is both zoned and designated in the General Plan for residential use.</p>
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- c. **930 Fillmore. Planning Application 07-033. Design Review. Parking Exception.** A request for Design Review approval to allow construction of a new 640sq.ft. second-story addition to a 1,938sq.ft. home. The applicant is requesting a parking exception to allow one off-street parking space where 2 are required.

*Staff recommendation: approve with revisions.*

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing. Matin MirafTAB, the property owner, was available to answer questions. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Maass noted the elevations and floor plan did not match. Commissioner Panian stated it would be difficult to approve the parking exception. Assistant Planner Curl stated the applicant had approached her about only working on the basement area (no second story). Commissioner Hitchcock recommended redesign of the second-story addition with a larger garage.

Noting the lateness of the hour, the Commissioners approved by unanimous consent an extension of ten minutes.

Commissioner Panian moved approval of the basement work only, with a new stair, removal of the door, and deed restriction language (not a second residential unit). Commissioner Moss seconded.

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

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

**Findings. 930 Fillmore**

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

<b>Required Finding</b>	<i>Explanation</i>
5. <i>The project conforms to the General Plan,</i>	<i>The General Plan designates this area for</i>

<p><i>any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>6. <i>Approval of project design is consistent with the purpose and intent of this 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><i>The proposal is in scale and harmony with existing development in the vicinity of the site. 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. The proposed project creates a more interesting, modern style home. There are few windows on the side elevations, which should reduce privacy issues with neighbors. It is also a partial addition versus a full floor elevation, which reduces the mass and visual impact of the addition. There are many angular roofs and odd shaped windows that create variation in depth and architectural interest.</i></p>
<p>7. <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.</i></p>
<p>8. <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>

**Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)**

<b>Required Finding</b>	<b>Explanation</b>
<p>1. <i>Required spaces cannot be located in front or side yards. .</i></p>	<p><i>The existing side yards are 3’-9” and 4’ which prohibits vehicular access to the rear or side yards.</i></p>
<p>2. <i>Space is not available to provide required parking facilities without undue hardship.</i></p>	<p><i>The applicant would have remove over 16’ of existing conditioned space to create a tandem garage.</i></p>

<p>3. <i>Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i></p>	<p><i>No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.</i></p>
<p>4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i></p>	<p>Not applicable.</p>
<p>5. <i>The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i></p>	<p>The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.</p>

**d. Environmental Review Consultant for University Village Retail Development Project.**

Discussion of staff intention to submit a consulting contract to the City Council related to the California Environmental Quality Act (CEQA) review of an anticipated application for a mixed-use project at University Village, located at San Pablo Avenue and Buchanan Street.

*Staff recommendation: for information and discussion only.*

Commissioner Hitchcock and Chair Arkin recused themselves due to proximity to their residences. Assistant Planner Curl delivered the staff report. Vice Chair Panian opened the public hearing. Bob Lamont, the development consultant for UC Berkeley, made a brief presentation. No one else wished to speak. Vice Chair Panian closed the public hearing.

**e. Green Building Program Standards of Compliance.**

*Staff recommendation: that the Commission recommend to the City Council adoption of Single Family Residential, Multi-Family Residential and Commercial Green Building Program Standards of Compliance.*

Noting the lateness of the hour, the Commissioners approved by unanimous consent an extension to midnight.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing. No one wished to speak. Chair Arkin closed the public hearing. The Commission unanimously supported having mixed-use projects with three or more units be subject to the StopWaste.org green points checklist instead of the LEED green point checklist, to support multi-family housing. The Commission also agreed there should be a six-month “grace period” to allow administrative or implementation changes until the standards of compliance and procedures can be reviewed and discussed for possible revisions.

Commissioner Moss moved recommending the City Council adopt the standards. Commissioner Arkin seconded.

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

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

**7. Announcements/Communications**

**a. Brief status report on the Golden Gate Fields Track Resurfacing application.**

City Council heard this as an information-only item last evening.

**b. Brief status report on waterfront planning process.**

Consultant Neuwirth is underway and will present at the June 26, 2007 meeting.

**c. Possible cancellation of June 12, 2007 Planning and Zoning Commission meeting.**

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

**8. Future Agenda Items**

Commissioner Moss suggested adding to the ordinance a requirement that to be allowed to maximize FAR there must be something else (positive) about the design.

**9. Adjournment**

The meeting was adjourned at 12:00 a.m.

Next regular meeting: Tuesday, June 26, 2007, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Assistant Planner*