

City of Albany
Planning and Zoning Commission
Minutes September 25, 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 7:35 p.m. on Tuesday, September 25, 2007.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Hitchcock, Maass, Moss, Panian¹

Absent:

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

4. Announcements and Discussion of Agenda

Chair Arkin asked for a show of hands regarding who was present for the discussion on Waterfront planning. Three people raised their hands.

5. Consent Calendar

a. Minutes from the July 24, 2007 and September 11, 2007 meetings.

Staff recommendation: approve.

Chair Arkin had the following corrections to the minutes: July 24, 2007, page nine, item g was a discussion about design review, not about vinyl siding; September 11, 2007, page seven, item d, second paragraph, add that the project had 50 points with the help of local credits, but would have needed more to achieve green points certification.

With those amendments, the Commissioners approved the consent calendar by unanimous consent.

6. Public Comment on Non-Agenda Items

There was no public comment.

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

a. Waterfront Planning Process - Recommendation to the City Council regarding draft report prepared by Don Neuwirth concerning a work program for waterfront planning.

Staff recommendation: provide comments to the City Council.

Planning Manager Bond and Planning Consultant Neuwirth delivered the staff report.

Commissioner Panian arrived during the presentation.

¹ Commissioner Panian was not present at roll call. He arrived during the staff report for item **7a**.

Chair Arkin opened the public hearing. Norman LaForce, Sierra Club, spoke in favor of option three with the caveats that there should be clear scopes of work and deliverables; the information needed for the public to have an informed discussion must be identified; and nothing should be attempted that would require a Measure C vote, general plan, or zoning change, because that would be providing up-zoning to the owner and getting nothing in return. He recommended waiting for an application.

Preston Jordan, Albany resident, spoke in favor of Instant Runoff Voting (IRV).

Trevor Grayling, Albany resident, spoke in support of option four or doing nothing at all. He noted visioning had been done repeatedly, was expensive, and went nowhere because the owner did not participate.

No one else wished to speak. Chair Arkin closed the public hearing. He commended Planning Consultant Neuwirth on his report, which reflected community concerns and asked frank questions. Commissioner Moss agreed, and noted the report was concise and understandable. He would like an overall plan for the city rather than a piecemealing approach. He was also concerned about stretching staff too thin.

Commissioner Hitchcock asked what portion of the land was owned by the city, and wondered what could be done to make the area more appealing so that more residents would become involved. Planning Consultant Neuwirth noted that would be the bulb, which is supposed to be leased to the state, and Buchanan Street. He noted if the creeks were to be restored, the street would need to be elevated or relocated. He stated he would not recommend option four without owner participation.

Commissioner Panian wondered if there was some way to bring developers in. He asked whom Planning Consultant Neuwirth had been communicating with at Golden Gate Fields. Planning Consultant Neuwirth replied that he had been in communication with Peter Tunney, and Peter Tunney had been in communication with corporate but did not have a reply from corporate.

Commissioner Maass noted the waterfront is a prime location. He did not want to do nothing, but without the owner recognized it would be difficult to move forward. He asked Planning Consultant Neuwirth his opinion of IRV. Planning Consultant Neuwirth stated it was one of several tools that might be of use, but cautioned against planning by the ballot box or letting tools drive the process. He stressed that education and explanation of the options was crucial before asking voters to make these choices.

Chair Arkin noted there were funds budgeted for this process, and that information gathering could proceed (traffic, soils, ecology, toxicity, connections to community). He recommended creative approaches for the next steps, such as using committees and commissions, design charettes, and maybe an open ideas competition. Commissioner Moss noted the racetrack had done some soils testing recently in connection with a generator permit.

- b. 1600 Posen Avenue, Albany*. Planning Application 06-091. Design Review.** Request for Design Review of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project. Mitigated Negative Declaration proposed.

*The site is also known by the mailing address of 1294 Albina Avenue, Berkeley.

Staff recommendation: approve the proposed mitigated negative declaration and approve design review subject to findings, applicable mitigation measures, and additional design conditions recommended by staff.

Planning Manager Bond and Planning Consultant Phillips delivered the staff report. Chair Arkin noted he had received phone calls from Rich Braun and Pete Imperial on this item. He also noted that only an applicant has the right to request postponement of a hearing. Commissioner Moss stated he met with Peter Smith. The commissioners received two printed communications that were too late to be included in the staff report, as well as a Posen Street perspective drawing from the applicant.

Chair Arkin opened the public hearing and invited the applicant to speak first. The following people spoke in favor of the application: Brother Edmond, St. Mary's President; Pete Imperial, St. Mary's Principal; Debbie Wanlin, Albany High School Athletic Director; Manny Nodar, St. Mary's Athletic Director; Devon Conway, architect, Bill Goodlus; landscape architect; Patrick Hearne, St. Mary's Physical Trainer; Paren Meyer, 1531 Posen; Jennifer Winch, 7 Hopkins Court; and Tim Neefsee, 1011 Talbot.

The following people had concerns about the application: Chris Hamilton; Richard Crosetti, CEQA consultant for the Peralta Park Neighbors; Dennis Fox, 1538 Beverly Place; Albert Reese, 1521 Posen; Donna Dedemara; Grace Minekata, 1230 Monterey; Lucas Guttentag, 1044 Ventura; and an unidentified woman, Monterey Avenue. Most asked the commission to hold off on making decisions to allow more time for negotiations between the neighbors and the school.

Issues included: noise from the playing field and track; expansion of hours of use; trees not tall enough and not evergreen (what will view be like in winter?); wanting to be included in meeting with city arborist; lighting cutoff/dark-sky; loudspeakers; area beyond the gym lacking landscaping; vegetation not dense enough; lack of street trees; lack of screening for bleacher ramp; increase of bleacher footprint; lack of alternatives; bleachers not transparent; reduction of property value; and size and height of storage building.

Chair Arkin recommended continuing the item to allow the neighbors and the school to continue their negotiations. Commissioner Panian wanted to move on the mitigated negative declaration. Commissioner Moss did not want to delay the process but had concerns about field use hours, etc. Commissioner Hitchcock was not ready to move on the mitigated negative declaration due to concerns regarding noise. Commissioner Maass was ready to move forward and indicated he would have liked the City Attorney to have been present to opine on the CEQA consultant's report.

Planning Manager Bond asked what the Commissioners would want to see at the future design review discussion. Chair Arkin hoped the neighbors, landscape designer, and City Arborist

could meet and report back. Commissioner Moss wanted the hours of operation and use of the field spelled out.

Commissioner Panian moved approval of the mitigated negative declaration. Commissioner Maass seconded.

Noting the lateness of the hour, the Commissioners approved a 30-minute extension of time by unanimous consent.

Vote to approve the mitigated negative declaration:

Ayes: Arkin, Maass, Moss, Panian

Nays: Hitchcock

Motion passed, 4-1.

Commissioner Moss moved continuation of design review to the October 9, 2007, meeting. Commissioner Panian seconded. Commissioner Panian wanted to see design options for the storage building with an enforceable level of documentation showing window, eave, and siding detail. Commissioner Moss wanted details on the exterior lighting and operation of the lighting – motion sensors, timers, etc. Commissioner Hitchcock wanted to see story poles.

Vote to continue design review:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

There was a brief recess while the room cleared.

- c. **529 Stannage. Planning Application 07-064. Design Review.** Appeal of staff decision to deny the residing of an existing home from T 1-11 to vinyl siding.

Staff recommendation: deny appeal and affirm staff's decision to deny request.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak. Andre Veira, from Sears, spoke in favor of the appeal. He submitted photos showing homes with this kind of siding. Hickson Meier, 527 Stannage, spoke in favor of the appeal. Mrs. Nakahara, spoke in favor of the appeal. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin appreciated the low cost and durability of the material, but noted that polyvinylchloride puts dioxin emissions into the air and this siding might also contain heavy metals, in conflict with the intent of the Green Building Ordinance. He stated that there were other materials such as fiber cement board, stucco and wood products that are affordable. He recommends denying the request because of concerns for public health, safety and welfare.

The applicant responded that they also had concerns about long-term maintenance work and costs of other materials. Mr. Viera also stated that the higher costs also results from insulation costs and that vinyl is in cars, bottles, windows, etc.

Commissioner Maas stated that although there are other homes in the city finished vinyl siding the city is trying to make changes and this is a difficult project because it's the first case to be reviewed for the vinyl siding. Commissioner Panian stated that the a policy not allowing vinyl siding needed to be written into either the design guidelines or green building ordinance, but needed to be explicitly stated somewhere.

The Commission unanimously moved for continuation of another 15 minutes.

Commissioner Hitchcock stated that it appeared there were safety and health concerns and that allowing vinyl siding would seem to be contradictory to the green building ordinance.

The applicant stated the issues had shifted from aesthetics to health. He stated that there are defects and undesirable components of all materials and that it's the right as a consumer to choose which materials to use.

Chair Arkin moved to deny the request and modify finding number three to say, "Vinyl siding negatively affects public health and safety, and is not in the interest of the general welfare in that it contains dioxins and other toxic chemicals, and releases hydrogen chloride gas when it burns. It is not compatible with the majority of finish materials found in other homes and does not contribute to the overall aesthetics of the city."

Commissioner Hitchcock seconded. Commissioner Panian stated that the wording should be in an ordinance and that something so significant should not be thrown into a finding. He also stated that the public should be educated on materials, not punished for improving their home. He felt that singling out one applicant was not okay. Commissioner Maas said he was of the same mindset as Commissioner Panian and that Sears nor the applicant had adequate time to refute.

Vote to deny request.

Ayes: Arkin, Maass, Moss, Hitchcock

Nays: Panian

Motion passed, 4-1.

The Commission unanimously agreed that a recommendation that the City Council waive the appeal fee in the event that the Commission's decision is appealed.

8. ANNOUNCEMENTS/COMMUNICATIONS:

a. Safeway Community Meeting Update

b. Design Review Guideline Update Work Session: October 16, 2007

c. Future Agenda Items

9. Future Planning And Zoning Commission Meeting Agenda Items

10. Adjournment

The meeting was adjourned at 12:10 a.m.

Next regular meeting: Tuesday, October 9, 2007, 7:30 p.m.

Special meeting: Tuesday, October 16, 2007, 7:00 p.m.

Submitted by:

Amber Curl
Assistant Planner