

City of Albany
Planning and Zoning Commission
Minutes July 14, 2009, 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 Maass, in the Albany Community Center at 7:30 p.m. on Tuesday, July 14, 2009.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian

Absent: None

Staff present: Planning Manager Jeff Bond, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the June 9, 2009 and June 23, 2009 meetings.

Staff recommendation: approve.

b. 821 Stannage. Planning Application 09-032. Design Review. Request for Design Review approval to allow raising the home 2'-8" to bring the existing two-story home up to current building code.

Staff recommendation: approve.

Commissioner Panian noted he would recuse himself from item **4b** because of proximity to his residence. Commissioner Moss pulled item **4b**.

Item 4a

Chair Maass noted he would abstain from the vote on the June 23, 2009, minutes, and Commissioner Gardner noted she would abstain from the vote on the June 9, 2009, minutes. Commissioner Panian had notes on the minutes: on June 9, 2009, page four, number eight should read "air" rather than "sir;" and on June 23, 2009, he would strike the phrase "talking about parking less."

Commissioner Panian moved approval of the June 9, 2009, minutes as corrected. Commissioner Arkin seconded.

Vote to approve the June 9, 2009, minutes:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Commissioner Panian moved approval of the June 23, 2009, minutes as corrected. Commissioner Arkin seconded.

Vote to approve the June 23, 2009, minutes:

Ayes: Arkin, Gardner, Moss, Panian

Nays: None

Motion passed, 4-0.

Item 4b

Commissioner Moss stated a parking exception would be required. Planning Manager Bond reported the Commission could approve design review at this meeting and have the parking exception come back on consent. Commissioner Arkin asked whether it would be a front yard parking exception. Commissioner Moss stated it would.

Commissioner Arkin moved approval of design review with the parking exception to come back on consent on the July 28, 2009, meeting agenda. Commissioner Moss seconded.

Vote to approve the item **4b**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

Findings. 821 Stannage

Findings for Design Review approval (Per section 20.100.050.E of the Albany Muni. Code)

Required Finding	<i>Explanation</i>
<p>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></p>	<p><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></p>
<p>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</i></p>	<p>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 project will not require significant grading or excavation. Most of the existing trees on-site will remain, and only those that are necessary to remove for the completion of the project will be removed. The project will not create a visual detriment at the site or the neighborhood.</p> <p>Aesthetically the home will look essentially the same and it will bring a nonconforming space up</p>

<p><i>vehicular parking are sufficient.”</i></p>	<p>to current code. The project is appropriate for the lot, location and neighborhood, and will result in no changes to the footprint, impervious surface or square footage.</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 project meets all development requirements. The proposed project will increase the height of an existing two-story home by less than 3’ and will result in a building height that is well below the maximum allowable height.</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

There was no public comment.

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

a. 949-953 San Pablo. Planning Application 09-022. Design Review. Parking Exception.

Conditional Use Permit. Request for Design Review approval to allow remodeling and improvements to the existing buildings, which would include new awnings, market stalls, solar panels, seating areas and walkways to create a community market area. A Parking Exception is requested to allow 8 parking spaces where 12 are required for the change in uses, and a Conditional Use Permit is requested to allow commercial parking to be located on an adjacent residentially zoned lot.

Staff recommendation: approve.

Commissioner Arkin recused himself from this item as the project architect. Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Mr. Arkin gave a brief presentation. Joyce Sigman, the applicant and Elka Gilmore, were also available to answer questions. Johanna Fox, 962 Kains; Kevin Steed, 956-958 Kains; and Mark O’Brien, Kains Avenue; had concerns about noise and hours of operation. Amy Smolenz, 943 Kains, Albany Strollers and Rollers, had concerns about bicycle parking lot safety. She also recommended some visible bicycle parking at the front. Erin Saul, Evelyn Avenue, appreciated measures taken to reduce exit traffic on Kains, and looked forward to an organic shopping option. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner recommended limiting delivery trucks to San Pablo Avenue (prohibiting them entry to the parking lot). Commissioner Moss recommended reducing paving

in the bicycle parking area, increasing landscaping, and adding a water feature, all of which would reduce the transmission of noise to the neighboring properties. He suggested a canopy over the bicycle parking. He wanted to see the lighting scheme. He suggested the owner provide contact information to all the neighbors—the number to call with noise or other complaints. He asked whether there would be outdoor heaters. Mr. Arkin reported there would be built-in radiant heat.

Commissioner Panian recommended a ten-foot-high, solid, acoustic barrier along the back and turning the corners at the entry/exit path to reduce noise to the neighboring properties. He thought the front fence should be of a more durable material. He noted the proposed hours of operation were not listed in the staff report. The proposed hours of operation were 6:00 a.m. to midnight for the San Pablo Avenue buildings, and 8:00 a.m. to 10:00 p.m. for the buildings to the east.

There was a lengthy discussion about the hours of operation. Commissioner Panian moved approval with the hours as mentioned above, with the following added: the east courtyard closing time was set at 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday. There would be a review hearing in one year. The landscaping and lighting plans were subject to staff approval. Commissioner Gardner seconded.

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

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 949-953 San Pablo Avenue

Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
<p>5. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p><i>The General Plan designates this area for commercial and residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>6. <i>Adverse Impacts.</i> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</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 attractive, appropriate and an improvement on the current materials. The project will not remove any vegetation, and will improve the landscaping on the site and reduce the amount of impervious surface.</i></p>

<p>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></p> <p>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></p> <p>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></p> <p>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></p>	<p><i>No increase in building footprint is proposed and the new parking solution will provide better circulation on the site. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will not create a visual detriment at the site or the neighborhood but actually be an aesthetic improvement.</i></p>
<p>7. <i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i> <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 and any applicable specific plan.</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>

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

<u>Required Finding</u>	<u>Explanation</u>
<p>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></p>	<p><i>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>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,</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 those found in the neighborhood. The architectural style, design and building materials are attractive, appropriate and an improvement on the</i></p>

<p><i>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>current materials. The project will not remove any vegetation, but will actually improve the landscaping on the site and reduce the amount of impervious surface. The project will not create a visual detriment at the site or the neighborhood but actually be an aesthetic improvement. The improved buildings, garden areas, photovoltaic and fencing will be more attractive than the current state of the buildings.</i></p>
<p><i>3. 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><i>4. 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, Retention and maintenance of buildings, and Privacy.</i></p>

Findings for Parking Exception approval (Per section 20.28.040.5 of the AMC)

Required Finding	Explanation												
<p><i>1. On the basis of a survey or comparable parking situations, demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Staff conducted four parking counts.</p> <table border="1" data-bbox="631 1325 1334 1591"> <thead> <tr> <th>Date</th> <th>Percent Occupied</th> </tr> </thead> <tbody> <tr> <td>Monday, May 18, 2009--12:00pm</td> <td>73%</td> </tr> <tr> <td>Monday, May 18, 2009--3:30pm</td> <td>58%</td> </tr> <tr> <td>Wednesday, May 20, 2009--11:00am</td> <td>73%</td> </tr> <tr> <td>Saturday, June 6, 2009--6:30 pm</td> <td>68%</td> </tr> <tr> <td>Average Occupation Rate</td> <td>68%</td> </tr> </tbody> </table> <p>The parking counts show that parking spaces during the late morning and early afternoon are occupied at a higher rate; however, there was more than 30% vacancy during the late afternoon and evening hours. This area of San Pablo has fewer commercial businesses with high pedestrian traffic, which may contribute to the high rate of parking vacancies.</p>	Date	Percent Occupied	Monday, May 18, 2009--12:00pm	73%	Monday, May 18, 2009--3:30pm	58%	Wednesday, May 20, 2009--11:00am	73%	Saturday, June 6, 2009--6:30 pm	68%	Average Occupation Rate	68%
Date	Percent Occupied												
Monday, May 18, 2009--12:00pm	73%												
Monday, May 18, 2009--3:30pm	58%												
Wednesday, May 20, 2009--11:00am	73%												
Saturday, June 6, 2009--6:30 pm	68%												
Average Occupation Rate	68%												
<p><i>2. The probable long-term</i></p>	<p><i>The long-term occupancy of the property will generate</i></p>												

<p><i>occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.</i></p>	<p><i>an increase in parking demand during the hours of operation; however, there are seven parking spaces provided, two of which are for employees. Parking counts, as discussed above, have also shown that there is adequate on street parking to provide additional spaces.</i></p>												
<p>3. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, reduction of the parking requirement will not have a substantial effect on the parking available for neighborhood uses.</i></p>	<p>Staff conducted four parking counts.</p> <table border="1"> <thead> <tr> <th data-bbox="688 548 756 579">Date</th> <th data-bbox="1203 548 1339 617">Percent Occupied</th> </tr> </thead> <tbody> <tr> <td data-bbox="634 621 1068 653">Monday, May 18, 2009--12:00pm</td> <td data-bbox="1273 621 1339 653">73%</td> </tr> <tr> <td data-bbox="634 657 1068 688">Monday, May 18, 2009--3:30pm</td> <td data-bbox="1273 657 1339 688">58%</td> </tr> <tr> <td data-bbox="634 693 1110 724">Wednesday, May 20, 2009--11:00am</td> <td data-bbox="1273 693 1339 724">73%</td> </tr> <tr> <td data-bbox="634 728 1068 760">Saturday, June 6, 2009--6:30 pm</td> <td data-bbox="1273 728 1339 760">68%</td> </tr> <tr> <td data-bbox="634 764 964 795">Average Occupation Rate</td> <td data-bbox="1273 764 1339 795">68%</td> </tr> </tbody> </table> <p><i>The parking counts show that parking spaces during the late morning and early afternoon are occupied at a higher rate; however, there was more than 30% vacancy during the late afternoon and evening hours. This area of San Pablo has fewer commercial businesses with high pedestrian traffic, which may contribute to the high rate of parking vacancies. The evening hours, when the restaurant is operating, may be one of the busiest times of operation; however, it is also when there appears to be a higher vacancy rate for parking.</i></p>	Date	Percent Occupied	Monday, May 18, 2009--12:00pm	73%	Monday, May 18, 2009--3:30pm	58%	Wednesday, May 20, 2009--11:00am	73%	Saturday, June 6, 2009--6:30 pm	68%	Average Occupation Rate	68%
Date	Percent Occupied												
Monday, May 18, 2009--12:00pm	73%												
Monday, May 18, 2009--3:30pm	58%												
Wednesday, May 20, 2009--11:00am	73%												
Saturday, June 6, 2009--6:30 pm	68%												
Average Occupation Rate	68%												

b. 1504 Beverly Place. Planning Application 09-028. Design Review. Parking Exception.

Request for Design Review approval to allow a 610 square foot second-story addition to an existing single-family home. A Parking Exception is requested to allow one off-street parking space where two are required.

Staff recommendation: that the Planning and Zoning Commission discuss the proposed project, provide direction to the applicant on necessary revisions to the plans.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Judith Zakaria, the project designer, made a presentation and Mark Dana, the property owner, was available to answer questions. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin noted with a higher FAR there was an expectation for good design and meeting the parking requirements. He recommended moving the garage walls to get one covered space and one in the front yard. He recommended changing the door to the roof into a

window. Commissioner Panian agreed. He thought the arched windows did not work and that the divided light proportions should match or there should be none.

Commissioner Gardner wanted the deck and railing to be consistent and preferred wood. Commissioner Moss noted that arched windows of different sizes had different degrees of arc and did not balance.

Commissioner Panian moved continuation of this item. Commissioner Arkin seconded.

Vote to continue item **6b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

- c. **622 Masonic.** Request for design review approval to allow a 753 sq. ft. two-story addition to an existing single-family home and construction of a 281 sq. ft. accessory structure.
Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Tom Biel, the project architect stated he was available to answer questions.

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

Commissioner Panian noted that the existing parking space was more than 16 feet in length and questioned the creation of a dimension constraint to reduce the existing space to 16 feet. Commissioner Arkin stated that he had no objection to the interpretation that the existing space is 16 feet in length. Commissioner Moss expressed concern about the precedent of allowing the interpretation of the existing space being 16 feet in length. Commissioner Maass noted that the reality is that there is plenty of parking in this area because of the adjacent BART tracks. Commissioner Panian moved approve of the project subject to extending the depth of the existing garage 3 feet. Commissioner Gardner seconded the motion.

Vote to approve item **6c**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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

Required Finding	<i>Explanation</i>
8. <i>The project conforms to the General Plan, any applicable specific plan, applicable</i>	<i>The General Plan designates this area for residential development. Additionally, the</i>

<p><i>design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>project meets City zoning standards for location, intensity and type of development.</i></p>
<p>9. <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>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 attempt to preserve existing trees, and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The addition is attractive in appearance and consistent with the architectural style of the home. The applicant has made a conscious effort to match the existing detail of the home. The proposal for the new accessory structure is a significant improvement over the existing one, and will create a more usable backyard area.</i></p>
<p>10. <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 project meets all development requirements. It has a maximum height of 20’-5” which is consistent with the height of other homes in the neighborhood. The addition will create an attractive home that should have little impact on adjacent neighbors. Removal of the existing accessory building over Middle Creek eliminates an existing hazard for the flow of storm water.</i></p>
<p>11. <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>

d. Recommendation to the City Council on Proposed Amendments to the Planning and Zoning Code to Correct and Clarify Development Regulations

Staff recommendation: that the Commission review City Council comments on the draft ordinance containing proposed amendments to the Planning and Zoning Code, and consider revisions to the Commission recommendation.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Clay Larsen spoke briefly clarifying City Council discussion. After a brief Commission discussion, Commissioner Arkin moved continuance of the discussion to September 8, 2009. Commissioner Gardner seconded the motion.

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

7. Announcements/Communications:

Planning Manager Bond delivered a brief summary on the following announcements and communications:

- a. University Village Mixed Use Project Draft EIR Notice of Availability and July 28, 2009 public hearing to receive comments.
- b. Staff presentation to the Sustainability Committee Meeting: July 15, 2009.
- c. Staff presentation to the Traffic and Safety Meeting July 23, 2009.
- b. Update on Pierce Street bicycle path improvement project
- c. Update on Buchanan Street bicycle path improvement project
- d. Next Planning and Zoning Commission hearing scheduled for July 28, 2009.
- e. August recess for all Council, Commissions and Committees.
- f. Proposal to reschedule regular meeting from September 8, 2009 to September 9, 2009.
- g. Proposal to schedule joint meeting with Sustainability Commission on green building standards: September 16, 2009.

9. Adjournment

The meeting was adjourned at 11:23 pm

Next regular meeting: Tuesday, July 28, 2009, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager