

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes June 9, 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, June 9, 2009.

**2. Pledge of Allegiance**

**3. Roll Call**

Present: Arkin, Maass, Moss, Panian

Absent: Gardner

Staff present: Planning Manager Jeff Bond, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

**4. Consent Calendar**

**a. Minutes from the March 10, 2009 and April 28, 2009 meetings.**

*Staff recommendation: approve.*

**b. 944 Pomona. Planning Application 09-023. Design Review.** Continuation of public hearing on request for Design Review approval of a new 1,793 square foot single-family home on a vacant parcel.

*Staff recommendation: approve.*

Commissioner Panian pulled item **4a**. Commissioner Moss pulled item **4b**.

**Item 4a:**

Commissioner Panian moved approval of the March 10, 2009, minutes. Commissioner Arkin seconded. Commissioner Moss stated he would abstain due to not being present at that meeting.

Vote to approve the March 10, 2009, minutes:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

On the April 28, 2009, minutes, Commissioner Panian noted on page eight he would like to see a pedestrian access greenway. Commissioner Panian moved approval of the April 28, 2009, minutes as amended. Commissioner Moss seconded. Commissioner Arkin stated he would abstain because he was the applicant for one item at that meeting.

Vote to approve the April 28, 2009, minutes:

Ayes: Maass, Moss, Panian

Nays: None

Motion passed, 3-0.

**Item 4b:**

Greg Armitage, the project architect, displayed a three-dimensional model of the project. He indicated the window seat siding material would be wood rather than metal. Commissioner Moss recommended an alternative, heavier treatment. He wanted the metal beam wrapped around the corner. Mr. Armitage suggested that would weaken the element leading to the front door. Commissioner Arkin wanted something to turn the corner at the north wall. Mr. Armitage stated there would be a trellis.

Commissioner Panian moved approval, with the aforementioned siding to be wood or a similar metal siding. Commissioner Arkin seconded.

Vote to approve item 4b:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**Findings. 944 Pomona**

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

<b>Required Finding</b>	<i>Explanation</i>
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;</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 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.  <i>The proposed home is attractive in appearance</i>

<p><i>and that site access and vehicular parking are sufficient.”</i></p>	<p><i>and is in scale with the surrounding neighbors. The applicant has made a conscious effort to add attractive architectural design elements, and the project is an appropriate utilization of the vacant lot.</i></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 addition has conforming setbacks on all sides of the home. It has a maximum height of 23'-7", which is consistent with the height of other homes in the neighborhood. The addition will create an attractive home with an FAR of 43%, which is modest in scale, and fitting for the neighborhood.</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**

Clay Larson, Albany resident, reported the Cable Committee had recommended to City Council that meetings like the Planning and Zoning Commission’s be aired on television.

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

**a. Revisions to Green Building Standards of Compliance and Checklists.**

*Staff recommendation: provide recommendations to the City Council on adoption of revision to Green Building Standards of Compliance and Checklists.*

Planning Manager Bond and Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing. Commissioner Arkin opined 50 points had worked well in Albany. He would like to revisit the local points. He noted Palo Alto used 70 points, and allowed LEED for homes. He wanted the standards to apply to all projects – not solely design review projects. He recommended minus ten points for installing an air conditioner.

Commissioner Panian had mixed feelings about O4 and O5 having automobiles mixed in with buildings. He suggested combining the two and using language regarding it not intensifying automobile use. He wanted a definition of an earthquake kit. He would like reducing admixtures such as fly ash in cement included in B. He suggested a window decal for businesses. Commissioner Moss wanted “seismic upgrade” to be quantified. Commissioner Moss suggested adding motion sensors (for interior lighting). Chair Maass wanted bicycle

parking included in J. He asked whether the Sustainability Committee had reviewed these items.

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

There was consensus on the following rewrite of section O of the checklist:

1. 10
2. Minus 15
3. 15% or greater than Title 24
4. 5 points: anchor bolts and shear ply
5. 5 points: soft story lateral bracing
6. 5 points: lateral bracing to roof diaphragm
7. Street tree
8. Installing air conditioner: minus 10
9. Auto shut-off valve for gas: three points
10. Earthquake kit – Planning Manager Bond to get ABAG definition

There was consensus to take this to the Sustainability Committee.

**b. Discussion of Code Enforcement Procedures and Priorities.**

*Staff recommendation: provide direction to staff on any appropriate future activities and procedures.*

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Commissioner Panian wanted to hear these at meetings. Chair Maass and Commissioner Moss wanted higher fines. Commissioner Arkin recommended trying it out and tweaking it later, as needed. Mr. Larson found the discussion on code enforcement weird. It sounded as though the Commission had asked staff to complete ministerial tasks, and staff's response was that there was no time to complete those tasks. He noted cellular towers were supposed to be regularly tested. He wondered what else was not being done. No one else wished to speak. Chair Maass closed the public hearing.

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

*Staff recommendation: recommend that the City Council approve the draft ordinance containing proposed amendments to the Planning and Zoning Code.*

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing. Mr. Larson opined entertainment permits should still be handled by the City Council. In section six, he wanted it to state "three stories." In section nine, he reported that anything other than 45 degrees was unusual. He wanted specifics on determining appropriate grade plain between two lots of different levels. In section ten, he felt digging out a basement was pretty innocuous – it might intensify the use but did not impact massing. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin stated he thought more people would turn basement space into living space if they had to count it anyway. Commissioner Panian said feet and inches should be represented as X'-Y" and asked where was the fence diagram. Chair Maass and Commissioner

Moss favored taking on the entertainment permits to reduce the wait time for applicants. Commissioner Panian suggested striking “or their duly authorized representative” on lines six and seven of page 11.

There were lengthy discussions regarding counting basement space and determining the grade plane between lots at different levels.

Commissioner Arkin moved recommendation with the following: X'-Y" format, including 0" if the inches were zero; including the new daylight plane illustrations; striking “or their duly authorized representative”; and noting the City Council already has the option to appoint the Planning and Zoning Commission. Planning Manager Bond noted “hall” should be added to page three and line seven had a typo – “B” needed to be added. Mr. Larson noted there was also a reference to City Council on page 11. Commissioner Arkin accepted these amendments to his motion. Commissioner Moss seconded.

Vote to recommend item 6c:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**7. Announcements/Communications:**

- a. **Update on City Council actions related to Planning and Zoning**
- b. **Next regularly scheduled Planning and Zoning Commission hearing scheduled for June 23, 2009.**
- c. **Administrative design review hearing on Community Center Tower on June 12, 2009**
- d. **Sign approval located at 800 San Pablo Avenue**

**8. Future Planning and Zoning Commission Meeting Agenda Items:**

- a. **Next regular meeting: Tuesday, June 23, 2009, 7:30 p.m.**

**9. Adjournment**

The meeting was adjourned at 10:40 p.m.

Next regular meeting: Tuesday, June 23, 2009, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Associate Planner*