

City of Albany
Planning and Zoning Commission
Approved Minutes June 8, 2010, 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 Gardner, in the City Council Chambers at 7:30 p.m. on Tuesday, June 8, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian
Absent: None
Staff present: Planning Manager Jeff Bond, Recreation Supervisor Isabelle Leduc,
Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the March 9, 2010, Regular Commission Meeting.

Recommendation: Approve.

b. 1061 Eastshore. Planning Application 10-030. Conditional Use Permit & Sign Permit.

The applicant is requesting a Conditional Use Permit to allow the establishment of "Lumber Liquidators" retail establishment in a portion of the existing two-story "Myer Crest" building. In addition, the applicant is requesting permission for installation of two 12 foot by 5 foot wall signs on the south and west sides of the building.

Recommendation: Approval.

Planning Manager Bond noted the minutes (Item **4a**) were not in the packet.

Item 4b: Planning Manager Bond stated this was a restoration of a previous use and sign at the location. The information was sent to the Commissioners electronically. The type of use was included in the previously approved Master Plan for the site.

Chair Gardner opened the public hearing and invited the applicant to make a presentation. Lisa Star, Lumber Liquidators, spoke in favor of the application. Commissioner Moss asked whether the signs were backlit with fluorescent lights. Person representing the sign contractor stated they would meet Title 24. Commissioner Moss recommended LEDs.

Commissioner Arkin moved approval with a condition LED lighting be used in the signage. Commissioner Moss seconded.

Vote to approve item **4b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 1061 Eastshore

Findings for 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 high-density 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, 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 proposed project will not alter the size, shape or footprint of the building thus safe and convenient access to the property for both vehicles and pedestrians will not change. 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.</i></p> <p><i>The previous signs were yellow and black in color, which were louder and more visually intrusive than the new signage. The proposed signage is appropriate in size and color. In addition, as a condition of approval the signage must be removed in-lieu of a master sign plan when the current tenant vacates.</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 and is completely within the existing building envelope. The wall signs already exist and require re-facing; therefore, will not increase in size or area thus not affect public health, safety or general welfare.</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. **City of Albany Public Art Master Plan.** To develop a reasonable and responsive guide for the implementation of the Art in Public Places Ordinance, the Albany Arts Committee retained consultants to draft a Public Art Master Plan. Comments and suggestions from the Planning and Zoning Commission regarding the draft Public Art Master Plan will be shared with the Arts Committee at the Arts Committee's June 14 meeting.

Recommendation: Review and comment on the Public Art Master Plan.

Planning Manager Bond delivered the staff report. Recreation Supervisor Leduc and Steve Huss and Brian Laczko, consultants who worked on the Public Art Master Plan, gave a presentation. Peter Goodman, member of the Arts Committee also spoke. Chair Gardner opened the public hearing. No one wished to speak. Chair Gardner closed the public hearing.

Commissioner Arkin stated that he was pleased to see gateways ranking high. He also stated that the plan should include a consistent format to acknowledge the artist and the funding source. Chair Garner noted that it will be important to integrate community partnerships. Commission Panian noted that it would be desirable for Albany to become recognized for its art. Commission Moss that we should consider a mechanism for a developer to pay a fee and propose a site, and not necessarily go strictly by rankings.

- b. **913 Carmel. Planning Application 10-028. Design Review, Conditional Use Permit and Front Yard Parking Exception.** The subject property is a 4,400 square foot lot with a 1,548 square foot single-family home. The applicant is requesting approval to allow a 632 square foot second story addition to the rear of the home. One parking space will be provided in the existing garage and a front yard parking exception is required to accommodate the required second off-street parking space.

Recommendation: Approval.

Commissioner Arkin recused himself because his company was the project architect. Commissioner Moss recused himself due to proximity to his residence. Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing. Marianne Hegeman, friend of resident at 915 Carmel, stated her friend had concerns about proximity, loss of light, and privacy. She asked whether the second story could be moved to the other side of the house, asked for discrepancies of the plans to be corrected, and asked staff to meet with her friend and clarify the information. Manny Lopez, property owner, spoke in favor of the application.

Anni Tilt, the project architect, gave a presentation. Marta Madrid, Albany resident, stated opposition to the project and had concerns about the value of her property. She was concerned about a mass looming over her house and loss of privacy. Stated that she has concerns about safety between the two houses and that the proposal is overwhelming because her house sits lower than the applicants house

Doug Kuhl, 914 Santa Fe, neighbor to rear, was concerned about loss of view to Albany Hill. Karen Moss, 912 Santa Fe, neighbor to rear, was disappointed the applicants had not contacted her. She had concerns about loss of light, privacy, and views. She wondered whether the addition could be moved to the front or to the north side. Heidi Lopez, property owner, agreed that in Albany many neighbors had windows onto one another's spaces. She reported they had curtains and kept them drawn. They did attempt to speak to all of the neighbors.

No one else wished to speak. Chair Gardner closed the public hearing. Commissioner Panian stated that City does not have privacy or view ordinances, which limits what the Commission had discretion over. He noted that the project had quality details, preserved the backyard, and was well within site regulation envelope. He advised the applicant and architect to work together to see if they could mitigate impacts. Commissioner Maass mix of styles works well and recommended obscure glass for the windows that were privacy concerns. He regretted the neighbors had not been included earlier. Chair Gardner stated that the proposal was a modest addition, found the data discrepancies minor, and all but the CUP well within the code. She agreed with Commissioner Maass regarding obscure glass.

Commissioner Panian moved approval with the condition that the south side window layout placement and glass material be revisited to address sightlines (staff approval) and measurement discrepancies to be taken care of (staff approval). Commissioner Maass seconded.

Vote to approve item **6b**:

Ayes: Gardner, Maass, Panian

Nays: None

Motion passed, 3-0.

Findings. 913 Carmel

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

<u>Required Finding</u>	<u>Explanation</u>
5. <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>
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</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 project will not require significant grading or excavation. The project will not create a visual detriment at the site or the neighborhood.</i>

<p><i>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 proposed addition is attractive in appearance, and is in scale with the surrounding neighbors. The design is complementary with the existing home.</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. The proposed addition will result in a home less than 25 in height and with an FAR . The addition will create an attractive home with an FAR of 50%, which is modest in scale, and fitting for the neighborhood.</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 harmonious materials, and well proportioned massing .</i></p>

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

Required Finding	Explanation
<p>1. <i>Required spaces cannot be located in front or side yards.</i></p>	<p><i>The lot has a sloping topography and narrow side yard setbacks.</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 to reduce the footprint of the house and complete an extensive amount of grading to allow access to the rear yard for parking. This is exceeding difficult and an “undue hardship.”</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>Not applicable.</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><i>Creation of a second front yard parking space would require a curb-cut, which would reduce on-street parking by an equivalent amount.</i></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><i>The home will remain a single-family home and the existing garage and driveway will remain open and functional for cars to utilize for parking.</i></p>

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

Required Finding	Explanation
<p>1. Necessity, Desirability, Compatibility. <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 residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>2. Adverse Impacts. <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> <ul style="list-style-type: none"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> 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> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> 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><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 complementary to the existing dwelling and 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 create a visual detriment at the site or the neighborhood. The project will maintain the majority of trees on site, and will only remove those in direct proximity with the proposed addition. The use of the site remains the same and will not produce any noxious or offensive emissions, noise, glare, dust or odor.</i></p>
<p>3. Consistency with Zoning Ordinance, General Plan and Specific Plan. <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>

There was a five-minute break at 9:52 pm. Chair Gardner excused herself from the meeting.

- c. **1600 Solano Avenue. Planning Application 10-017. Design Review, Conditional Use Permit & Parking Exception for New Commercial Building.** The subject property is a 5,127 square foot lot with an existing 2,766 sq. ft. commercial building. The applicant is requesting Design Review approval to demolish the existing building and construct a new two-story 8,800 square foot commercial building.
Recommendation: for discussion only. No action to be taken at this time.

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. Kava Massih, the project architect, made a presentation. Vice Chair Moss stated dental uses take more parking than office or retail, and he hoped for a mix of uses. The applicant reported his actual parking needs did not match the requirements of the code. His wife (and business partner?) noted they were not there every day of the week, too.

Earl Grinstead, 911 Ordway, asked where the people would park. He recommended making the building smaller and saving the large trees. He was concerned about traffic and safety impacts. Resident at 908 Ordway, reported parked cars blocked his driveway regularly. Simon Dobjensky, 910 Ordway, also regularly had to report cars blocking his driveway.

Miriam Dobjensky, also at 910 Ordway Street, stated it was difficult to park, traffic was dangerous, and this would increase impacts of both. She felt the building was out of proportion and character for the residential neighborhood on Ordway. Peter Goldberg, office to the south, stated having a very large building constructed right next to them would be hard on them. Alison Grinstead 911 Ordway, opposed the size of the proposed project. The resident at 914 Ordway, opposed the size of the proposed project, and was concerned about parking. The resident at 907 Ordway, felt the proposed structure was big and massive. She opposed any parking exception. Sandy Endo, 928 Ordway, had concerns about parking.

No one else wished to speak. Vice Chair Moss closed the public hearing. Commissioner Arkin noted the staff parking survey did not find available on-street parking, so the project would have to be smaller or contain different uses, and/or include demonstration of acquisition of off-site parking spaces for staff. He noted cantilevering on Solano Avenue was allowed. He hoped the architect would address the corner. He did not find a half-level buried on the Solano side friendly to the street and encouraged a design that opens to the sidewalk on Solano.

Commissioner Maass felt parking would be a problem, and it would not be possible to approve an exception for such a high proportion of the required spaces. Commissioner Panian stated that design should go close the sidewalk on Solano and parking could go under the building in tandem. Commission Moss inquired whether it might be possible to provide access to parking through the legal office next door.

Commissioner Arkin noted that additional parking may be available by reconfiguring street parking to an angle.

- d. **635 Spokane. Planning Application 10-033. Design Review Single-Story Addition to Home, Conditional Use Permit, Front Yard Parking Exception.** The subject property is a 5,000 square foot lot with an existing 1,596 sq. ft. split-level single-family home. The

applicant is requesting approval to demolish an existing rear garden shed and construct a 514 sq. ft. single-story rear addition. The maximum height of the home, which is 18'-8", will not change. A Front Yard Parking Exception is also requested to allow the second required parking space to be located in the driveway.

Recommendation: approval.

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. Project architect Lynn Fisher represented the applicant and described the project. Vice Chair Moss closed the public hearing.

Commissioner Panian stated that he would like to try to address the issue requiring a conditional use permit. Other commissioners concurred that project was acceptable except for the request for a conditional use permit.

Commissioner Panian moved approval of the Design Review and Parking Exception application with the condition that minor design changes be made to eliminate the need for a conditional use permit. Commission Arkin seconded the motion.

Vote to approve item **6d**:

Ayes: Arkin, Maass, Moss Panian

Nays: None

Motion passed, 4-0.

Findings 635 Spokane

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

Required Finding	Explanation
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</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.

<p><i>are considered; and that site access and vehicular parking are sufficient."</i></p>	<p><i>The proposed addition is small in size, attractive in appearance, and is in scale with the surrounding neighbors. The design is consistent with the existing home. The addition will have matching stucco siding and the proposed flat roof line continues the existing roofline at the rear of the home. The addition will not be visible from the street front.</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 proposal is a single-story addition with a maximum height of 10'-0". It will not increase the maximum height of the home, which is 18'-8". The addition will create an attractive home with an FAR of 42%, which is modest in scale, and fitting for the neighborhood. The windows are well-placed and the addition should have little to no impact on adjacent neighbors.</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>

Findings for Front Yard Parking Exception (Per section 20.28.040(A5) of the AMC)

Required Finding	Explanation
<p>1. <i>Parking within a main building, a garage, a carport or other structure or in the rear or side yard is not feasible or will be disruptive to landmark trees or will severely restrict outdoor living space on the site.</i></p>	<p><i>The location of the existing home prohibits access to the rear yard. The existing garage is a single-car garage that cannot be expanded deep enough to create a tandem garage without decreasing the living space of the home.</i></p>
<p>2. <i>The area proposed for parking in the front yard will not exceed 7'6" in width and 20' in length.</i></p>	<p><i>The applicant is requesting that the second required parking space be located in the existing driveway at the northwestern corner of the lot. The driveway is 16'-5" in length.</i></p>
<p>3. <i>The parking space is designed so that no part of any vehicle will extend beyond the property line into the public right-of-way or will come within 1' of the back of the sidewalk, nor permit a parked vehicle to constitute a</i></p>	<p><i>The length of the driveway (16'-5") provides adequate space for parking a vehicle without obstructing the public right-of-way. The subject property is an interior lot in the middle of the block, and therefore the proposed parking</i></p>

<i>visual obstruction exceeding 3' in height within 25' of the intersection of any 2 street lines. The Planning and Zoning Commission shall not approve a front yard parking space unless a finding is made that visual obstructions are not a significant safety hazard.</i>	<i>space should not pose any visual obstruction or safety hazard.</i>
<i>4. Any required off-street parking spaces which are permitted in the front yard areas are so located as to minimize aesthetic and noise intrusion upon any adjacent neighbor.</i>	<i>The edge of the driveway is 5'-0" from the northern property line, providing ample space between the proposed parking space and the northern neighbor. There is also a tall hedge planting between the subject property's driveway and the northern neighbors, minimizing the visual impact of the proposed parking space.</i>

7. Announcements/Communications:

- a. **Update on City Council agenda items related to Planning and Zoning activities.**

Staff provided a brief update.

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Planning and Zoning Commission hearing scheduled for June 22, 2010.**

Staff provided a brief update.

9. Adjournment

The meeting was adjourned at 11:21 p.m.

Next regular meeting: Tuesday, June 22, 2010, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager