

City of Albany

Planning and Zoning Commission Minutes November 9, 2010, Meeting

APPROVED

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 Vice Chair Moss, in the City Council Chambers at 7:30 p.m. on Tuesday, November 9, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Panian

Absent: Moss

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

4. Consent Calendar

a. 1081 Eastshore (Floor Dimensions). Planning Application 10-053. Sign Permit.

The applicant seeks City approval to change out existing signage for the Floor Dimensions store.

Recommendation: approval.

b. 727 San Pablo. Planning Application #09-031. Planning Application 10-056. Conditional Use Permit. The applicant seeks City approval for a conditional use permit to allow a personal fitness-training studio in vacant commercial space in the ground floor of the mixed-use building at 727 San Pablo Avenue.

Recommendation: approval.

Commissioner Arkin moved approval of the consent calendar. Commissioner Maass seconded.

Vote to approve items **4a** and **4b**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 1081 Eastshore

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

<u>Required Finding</u>	<u>Explanation</u>
1. 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	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>this Chapter.</i>	
<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>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. In addition, the proposed signage is appropriate in size and color.</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.</i></p> <p><i>The existing awning signs require replacing; therefore, will not significantly 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>

Findings. 727 San Pablo

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

Required Finding	<i>Explanation</i>
<p>1. <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 general commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>2. <i>Adverse Impacts.</i> <i>The project’s use as</i></p>	<p><i>The proposal is in scale and harmony with</i></p>

<p><i>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"> <i>a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> <i>b. 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> <i>c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> <i>d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<p><i>existing development near 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. The use of the site 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>

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. 818 San Carlos. Planning Application 10-028. Design Review & Parking Exception.

The applicant is requesting approval of a 546 square foot two-story addition at the rear of the house. The applicant also is requesting an exception to parking standards to allow one off street parking space where two are generally required.

Recommendation: approval

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

and invited the applicant to make a presentation. Scott McCormick, the project applicant, was available to answer questions. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Arkin noted this was a narrow, small lot, where the Commission would be inclined to allow parking exceptions. He would be able to approve. Commissioner Maass agreed. Commissioner Panian agreed the findings for the parking exception could be made. Chair Gardner agreed it was approvable and stated it was well designed. Commissioner Panian moved approval, Commissioner Maass seconded.

Vote to approve item 6a:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 818 San Carlos

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

Required Finding	Explanation
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 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 near 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. The proposed addition is attractive and is in scale with the surrounding neighbors. The design is complementary with the existing home.</i>
7. <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. The proposed</i>

	<i>addition will result in a home less than 22 feet in height. The addition will create an attractive home with an FAR of 55%, which is modest in scale, and fitting for the neighborhood.</i>
8. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	<i>The project as designed is in substantial compliance with the standards as stated, including harmonious materials, and well proportioned massing .</i>

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

Required Finding	Explanation
1. <i>Required spaces cannot be located in front or side yards.</i>	<i>The lot has a 3 foot 5 inch side yard setback and 13 foot 7 inch front yard setback.</i>
2. <i>Space is not available to provide required parking facilities without undue hardship.</i>	<i>The applicant would have to life the entire structure and move it back on the lot to meeting parking standards. This is exceeding difficult and an “undue hardship.”</i>
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>	<i>Not applicable.</i>
4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	<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>
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>	<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>

- b. **1055 Neilson. Planning Application 10-051. Design Review.** The applicant is requesting Design Review approval to demolish the existing home and construct a new residence totaling 2, 293 square feet, plus a detached garage.
Recommendation: approval

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Dana Milner, the project applicant, was available to answer questions. Maurice Segerberg, the property owner, spoke in favor of the project. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Panian would like it closer to the sidewalks on the corner to engage the street better. The height could be reduced, and the side facade modified with more detail. He

suggested breaking up the siding materials. Commissioner Maass recommended a bay on the living room to break up the massing, or wrapping the porch around. Landscaping would be key because of the prominence of the lot.

Commissioner Arkin found it an extremely handsome design. He agreed with the recommendation to wrap the porch. He thought adding a bay would be fine, too. He liked the proportions of the window trim and asked that a sill and apron be included. He would like true divided-light windows. The heights of the floors were not extravagant. Chair Gardner found it attractive and agreed to modifying the Neilson side. Commissioner Panian moved approval with the added conditions that the porch wrap around at least halfway down that side and the window details be superlative. Commissioner Maass seconded.

Vote to approve item **6b**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 1055 Neilson

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 are considered; and that site access and vehicular parking are sufficient.”</i>	The proposal is in scale and harmony with existing development near 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.
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</i>

	<p><i>impact property, improvements or potential future development in the area. The proposed home is set back from neighboring homes . The proposal will create an attractive home with an FAR of 34%, 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 harmonious materials, and well proportioned massing .</i></p>

- c. **1228 Solano. Planning Application 10-053. Commercial Parking Adjustment.** The applicant seeks City approval to use the space as a medical professional office for common medical tests such as blood samples. The proposed use requires an exception to parking standards to allow zero off street parking spaces where six are normally required.

Recommendation: approval.

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Todd Benatar, the project applicant, was available to answer questions. Henry Prine, owner of 1217-1219 Solano, was concerned about parking impacts. Harry Prine, owner of Solano Cleaning Center (Solano and Talbot), was concerned about parking impacts. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Maass could approve the application. He would like at some point to see a larger discussion about alternatives to address the parking issue. Commissioner Panian thought the use could fit in the community. Commissioner Arkin wanted to be sure there was adequate bicycle parking on that block. He asked whether this should be a major use permit. Planning Manager Bond noted this was a permitted use, the only issue was the parking. He recommended requiring acquisition of offsite parking spaces for employee use.

Chair Gardner recommended adding a condition regarding a parking/transit plan for the employees. Mr. Benatar was open to the requirement to acquire one or two spaces offsite. Planning Manager Bond proposed the plan for employees designate appropriate parking locations. Commissioner Arkin was okay changing it to a major use permit with an adjustment for four of the parking spaces and a condition to find two spaces offsite and non-residential parking on Masonic be preferred for other offsite parking.

Chair Gardner asked whether staff would do another parking study around 7:00 a.m. Planning Manager Bond agreed to do that. Commissioner Arkin moved approval as a major use permit allowing an exception to allow two offsite employee spaces and exempting four parking spaces based on a second parking survey. Commissioner Panian seconded. He added that the parking agreement lease addendum should be provided to staff. Commissioner Arkin accepted the

amendment.

Vote to approve item 6c:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 1228 Solano

Findings for Parking Exceptions (Per section 20.28.040.B.5 of the AMC)

Required Finding	Explanation
1. <i>On the basis of a survey of comparable situations, parking demand for the proposed use or uses will be less than the required number of spaces.</i>	<i>Three employees are expected to be on site at any particular time. The City requirements are for 6 off-street parking spaces.</i>
2. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand.</i>	The patron-driven demand for parking is expected to be short term and peak in the morning. In the context of overall parking demand in the business district, the demand generated by the proposed use will not be substantial.
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, a reduction of the parking requirement will not have a substantial effect on the parking available for neighboring uses.</i>	A survey was conducted on November 4, 2010, and a total of 213 street parking spaces were observed, with 138 occupied and 75 vacant

- d. **544-548 Cleveland. Planning Application 10-059. Conditional Use Permit.** The applicant is requesting a master use permit to allow certain pre-determined uses without subsequent public notice or discretionary review by the Planning and Zoning Commission.

Recommendation: approval.

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Frank Zichichi and Joe Zichichi, the property owners, spoke in favor of the application. No one else wished to speak. Chair Gardner closed the public hearing. Commissioner Arkin could approve. Commissioner Maass thought a shorter time period, such as five years, would be better. Commissioners Arkin and Panian were

comfortable with ten years. Chair Gardner could approve as long as it was made clear it was for multi-tenant uses in this zone only.

Commissioner Arkin moved approval except for the following uses identified in the staff report, for ten years, and limited to existing structures. Commissioner Panian seconded.

Vote to approve item 6d:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 544-548 Cleveland

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

Required Finding	Explanation
<p>1. <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/retail/industrial development. Additionally, the project meets City zoning standards for location, intensity and type of development. There are existing uses at the site that have no impact on the surrounding areas as will all the permitted uses granted in the master conditional use permit.</i></p>
<p>2. <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>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</i></p>	<p><i>The property is an already developed site that will not physically be affected by the proposed conditional use permit. The project will not remove any significant vegetation and will not require significant grading. The project will not have an effect on aesthetics of the site, therefore, will not create a visual detriment at the site or the neighborhood.</i></p>

<p><i>and odor;</i> <i>d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</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 conditional use permit is limited to uses that have little to no impact on other tenants in the building or surrounding areas.</i></p>

- e. **2010 Update to California Building Code and Discussion of Green Building Standards.** Status report on new codes to become effective January 1011 and implications for green building standards.
Recommendation: for discussion only.

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing. No one wished to speak. Chair Gardner closed the public hearing. This item will reappear on the next agenda.

7. Announcements/Communications:

- a. **Update on City Council agenda items related to Planning and Zoning activities.**
- b. **Review of status of major projects and scheduling of upcoming agenda items**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Planning and Zoning Commission hearing scheduled for November 23, 2010.**
- b. **The Regular Planning and Zoning Commission scheduled for December 28, 2010, will be cancelled.**

9. Adjournment

The meeting was adjourned at 9:51 p.m.

Next regular meeting: Tuesday, November 23, 2010, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager