

City of Albany
Planning and Zoning Commission
Minutes July 13, 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, July 13, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Maass, Moss, Panian

Absent: Gardner

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

4. Consent Calendar

a. Minutes from the May 11, 2010 Regular Commission Meeting.

Recommendation: Approve.

b. Minutes from the June 8, 2010 Regular Commission Meeting.

Recommendation: Approve.

c. Minutes from the June 22, 2010 Regular Commission Meeting.

Recommendation: Approve.

Item 4a: Planning Manager Bond noted these minutes were not available.

Item 4b: Commissioner Arkin had two corrections to page 4: "Peggy Lopez" should be "Heidi Lopez," and Commissioner Arkin did not make the motion, Commissioner Panian made the motion.

Item 4c: Commissioner Maass noted he would not vote because he did not attend that meeting.

Commissioner Panian moves approval of item **4b** as corrected and **4c**, Commissioner Arkin seconded.

Vote to approve items **4b** as corrected and **4c**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

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. 1083 Peralta. Planning Application 10-043. Variance & Design Review.

The subject property is a 3,150 square foot lot with an existing 1,470 sq. ft. split-level single-family home. The applicant is requesting approval for a 143 sq. ft. addition to the upper floor and conversion of the lower level into habitable space. Due to the unusual size of the property, a variance is necessary for encroachments into the required rear yard, side yard, and front yard.

Recommendation: preliminary discussion and continue to a future date for final action.

Commissioner Arkin recused himself because his firm prepared the documents for this item. Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing and invited the applicant to make a presentation. Annie Tilt, project architect, was available to answer questions. She mentioned they would also like a parking exception. Kent Sparling and Vanessa Lowe, the property owners, were available to answer questions. Alexis Popov, 1081 Peralta, spoke in favor of the application. No one else wished to speak. Vice Chair Moss closed the public hearing.

Commissioner Maass liked the design. He only had concerns about the front porch and especially the rear deck violating setbacks. Commissioner Panian agreed the design was good and thought he could make the findings for the variances. Vice Chair Moss was concerned about the rear deck because it was elevated. He recommended reworking it so it was not so close to the rear fence or adding a trellis to create privacy for the neighbor, and working with the neighbor on the plan. He was concerned about the front excavation for storage, and recommended reworking that, too. He would not make it part of the motion, but encouraged redesign reducing the front yard encroachment. He liked the design. He opined garage doors that swing in made the garage unusable for parking. He recommended some other kind of door. He wanted the parking included.

Vice Chair Moss wanted 16 feet of parking clear. Commissioner Panian wanted five feet of setback clear at the rear. Commissioner Panian moved approval with a rear setback minimum of five feet and a minimum of 16 feet clearance for parking in the garage, including operation of the doors. Commissioner Maass seconded. Vice Chair Moss asked the applicants if they understood. They stated they did.

Vote to approve item **6a**:

Ayes: Maass, Moss, Panian

Nays: None

Motion passed, 3-0.

Findings. 1083 Peralta

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

| Required Finding | <i>Explanation</i> |
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| 1. <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> |

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| <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>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 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 require the removal of any mature trees. The project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The proposed addition is small in size, attractive in appearance, and is in scale with the surrounding neighbors. The addition will have matching stucco siding and windows. The contrasting rooflines provide visual interest to the home.</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 proposed addition is at the rear of the home, with the bulk of the addition on the northern side of the lot, adjacent to the rear yard and garage of a multifamily unit. The windows are well-placed and the addition should have little to no impact on adjacent neighbors. The maximum height will increase to 22’-11”. The addition will create an attractive home with an FAR of 44%, 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> |

Findings for Variance (Per section 20.100 of the AMC)

| Required Finding | <i>Explanation</i> |
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| 1. <i>Unique Site Characteristics. That there are exceptional or extraordinary circumstances applying to the property involved, including size, shape, topography, location or surroundings, and</i> | <i>With a width of 50' and depth of 63', the lot is unusual in size and shape for an R-1 district.</i> |
| 2. <i>Preservation of Property Rights. That the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and</i> | The existing home is relatively modest in size, and strict interpretation of the City's zoning standards would limit future expansion of the home to an area between the kitchen and living room. |
| 3. <i>No Special Privilege. That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and</i> | <i>The proposed project meets all other site regulations and results in a project with a floor area ratio well below maximum potentially allowed.</i> |
| 4. <i>Adverse Impacts. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and</i> | Due to landscaping and lot configuration, the variances will not be visible from the street and will have less impact on neighboring properties than would be experienced on a conventional residential property. |
| 5. <i>Limitations. That such variance does not permit a use other than a use permitted in the zoning district in which the site is located, increase the permitted residential density, or establish a newly-created lot that does not meet the minimum lot area or minimum lot width requirements of the zoning district.</i> | The structure will remain a single-family home. |

b. 713 Ramona. Planning Application 09-037. Design Review.

The subject property is a 5,000 sq. ft. lot with a 1,190 sq. ft. one-story, single-family home, and a 370 sq. ft. accessory structure that serves as a single-car garage and storage space. The project consists of a 121 sq. ft. addition on the first floor of the home and construction of 1,230 square foot second story. The applicant is also proposing to expand the existing accessory structure to create a 420 sq. ft. two-car garage.

Recommendation: approval.

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing and invited the applicant to make a presentation. Tom Zhanh, project architect, displayed the revised plans and was available to answer questions. Barry Ogilve, 710 Ramona, handed in a printed statement. He was disappointed these improved plans did not bring the massing into scale with the neighboring properties, and the square footage actually increased. Amy Deberouchen 710 Carmel, noted the height had still not come down, and asked for the ceiling heights to be reduced. Lori Wentworth, 711 Ramona, spoke in favor of the application. Mr. Zhanh read a statement from Mathew and Shelly Fox, 704 Ramona, in favor of the application. No one else wished to speak. Vice Chair Moss closed the public hearing.

Commissioner Panian did want the ceiling heights reduced, and stated the front elevation needed more thought. He suggested enlarging windows, adding windows, and bringing them together with details. He thought the sills looked high. He also recommended lining up the north elevation corner windows, adding eaves on the gables, especially to the south, reducing the cantilevered mass, reducing the size of the bathroom, and adding architectural detail to the exterior.

Commissioner Arkin agreed about the ceiling heights. He thought nine feet downstairs and eight feet upstairs, with cathedral framing if desired, would be reasonable. A recessed stucco panel could be used in the gap between the two windows. The large, plate glass window on the side did not fit in, and should be replaced with a pair or a single to match the one around the corner. Much improved. Commissioner Maass appreciated the revisions but noted the massing had not been reduced enough. Vice Chair Moss wanted the ceiling heights lowered and the bathroom reworked so the windows could be improved.

Commissioner Arkin moved approval with overall height to be lowered by one foot to a total of 18 feet (through reducing one or both ceiling heights), window or recess in the stucco or another detail acceptable to staff on front elevation (bathroom), and the window at the northwest corner of the side elevation to have divided lights to match. Commissioner Panian seconded.

Vote to approve item **6b**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 713 Ramona

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

| Required Finding | Explanation |
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| 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</i> | <i>The proposal is in scale and harmony with</i> |

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| <p><i>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>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. The applicant has made a conscious effort to create architectural continuity throughout the home. The proposal for the expanded accessory structure is also consistent with the design of the home, and provides both off-street parking spaces in the backyard of the home.</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 footprint of the home will increase minimally, and the larger windows are placed on the side of the home with a large setback, minimizing 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> |

c. 812 Stannage. Planning Application 10-044. Design Review and Parking Exception.

The subject property is a 3,750 square foot lot with an existing 1,274 sq. ft. split-level single-family home. The applicant is requesting Design Review approval to construct a 432 sq. ft. two-story addition at the rear of the home.

Recommendation: approval.

Commissioner Panian recused himself because he was the property owner. Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing and invited the applicant to make a presentation. Leo Panian, the property owner, displayed the plans and was

available to answer questions. No one else wished to speak. Vice Chair Moss closed the public hearing.

Commissioner Arkin recommended using a contrasting material on part of the exterior. Commissioner Maass could approve the application. Vice Chair Moss asked whether there would be anything over the rear door. Mr. Panian planned an awning. Vice Chair Moss was more comfortable with a parking waiver. Commissioner Maass moved approval with a parking exemption/waiver. Commissioner Arkin seconded and added an amendment allowing the applicant to consider changes in material between windows and doors. Commissioner Maass accepted the amendment.

Vote to approve item 6c:

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

Findings. 812 Stannage

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

| <u>Required Finding</u> | <u>Explanation</u> |
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| 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 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 require the removal of any mature trees. The project will not create a visual detriment at the site or the neighborhood.</i> <i>The proposed addition is small in size, attractive in appearance, and is in scale with the surrounding neighbors. The addition will have matching stucco siding and windows. The contrasting rooflines provide visual interest to the home.</i> |
| 7. <i>Approval of the project is in the interest of public health, safety and general</i> | <i>The proposed project will not be detrimental to the health, safety, convenience and welfare of</i> |

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| <p>welfare.</p> | <p>those in the area and would not adversely impact property, improvements or potential future development in the area. The proposed addition is at the rear of the home, with the bulk of the addition on the northern side of the lot, adjacent to the rear yard and garage of a multifamily unit. The windows are well-placed and the addition should have little to no impact on adjacent neighbors. The maximum height will increase to 22'-11". The addition will create an attractive home with an FAR of 44%, which is modest in scale, and fitting for the neighborhood.</p> |
| <p>8. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</p> | <p>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</p> |

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

| Required Finding | Explanation |
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| <p>6. Required spaces cannot be located in front or side yards. .</p> | <p>The existing home has a driveway that is 15'-0" in length, which does not meet minimum length requirements for driveway parking. The existing home has side yard setback of approximately 4'-3", which prohibits access to the rear yard to provide the second required off-street parking space.</p> |
| <p>7. Space is not available to provide required parking facilities without undue hardship.</p> | <p>It is not feasible to expand the existing garage due to plumbing for the upper level bathroom. Alterations that would enable expansion of the garage constitute undue hardship.</p> |
| <p>8. Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</p> | <p>No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.</p> |
| <p>9. Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</p> | <p>Not applicable.</p> |
| <p>10. The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</p> | <p>The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and</p> |

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| | existing parking is appropriate for the proposed addition. |
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d. 710 Solano. Planning Application 10-007. Design Review.

The subject property is a 5,000 sq. ft. lot with a 1,099 sq. ft., single-family home. The applicant is requesting Design Review approval to allow a second 1,099 square foot unit.

Recommendation: approval.

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing and invited the applicant to make a presentation. Bill Wong, the project designer, was available to answer questions. No one else wished to speak. Vice Chair Moss closed the public hearing.

Vice Chair Moss recommended a trellis (green screen) instead of more windows on the east wall. He asked whether they had considered a driveway gate, to make it a little more private. Commissioner Arkin was okay with windows or green screen, gate or no gate. Commissioner Panian wanted to see at least one window on the corner and the rest could be green screen. Commissioner Arkin moved approval with at least one window on the east elevation either along with additional windows or some sort of green screen treatment, single or double garage doors, and gate or no gate. Commissioner Panian seconded.

Vote to approve item **6d**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 710 Solano

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

| Required Finding | Explanation |
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| 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 high density 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</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 require the removal of any mature trees. The project will not create a visual detriment at the site or the neighborhood. |

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| <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>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 maximum height will increase to 24 feet, where 35 feet is allowed. The addition will create an attractive home with an FAR of 59%, which is less than the 150% that is allowed for multifamily residences.</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> |

7. Announcements/Communications:

- a. Update on City Council agenda items related to Planning and Zoning activities.
- b. City Council action on ordinance related to smoke alarms/detectors.
- c. Traffic and Safety Commission meeting on July 22, 2010 including a discussion of the proposed Safeway store.

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next Regular Planning and Zoning Commission hearing scheduled for July 27, 2010.
- b. August 10, 2010 and August 24, 2010 regular meetings cancelled for summer recess.

9. Adjournment

The meeting was adjourned at 9:25 p.m.

Next regular meeting: Tuesday, July 27, 2010, 7:30 p.m.

Submitted by: _____

Jeff Bond
 Planning Manager