

City of Albany
Planning and Zoning Commission
Minutes May 11, 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 Chair Gardner, in the City Council Chambers at 7:30 p.m. on Tuesday, May 11, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian

Absent: None

Staff present: Community Development Director Anne Chaney, Planning Manager Jeff Bond, Planning Clerk Amanda Bennett

4. Consent Calendar

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

Recommendation: approval

b. Minutes from the February 23, 2010, Regular Commission Meeting

Recommendation: approval

c. 1325 Solano. Planning Application 10-014. Conditional Use Permit & Parking Exception

In 2007, the applicant received approval from the Planning and Zoning Commission to operate. The applicant is requesting approvals to relocate a knitting supply retail store and knitting associated classes from 1230 Solano to a new location at 1325 Solano Avenue. One on-site parking space is required for the instructional classes. There are zero on-site parking spaces; therefore, the applicant is requesting a parking exception to allow no on-site parking.

Recommendation: approval

d. 929 Kains. Planning Application 09-037. Design Review

The property at 929 Kains was historically developed as a two-unit "duplex" residential use. Most recently, the property has been used as a single-family residence. The applicant is requesting zoning clearance to return to the duplex use, which in turn would allow the City to administratively issue a building permit for minor interior construction. Pursuant to parking regulations in place at the time of original approval, the property has two off-street parking spaces.

Recommendation: approval

Don Lafrenz pulled item **4c**. Commissioner Arkin moved approval of consent calendar items **4a**, **4b**, and **4d**. Commissioner Panian seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Item **4c**: Chair Gardner opened the public hearing and invited public comment. Mr. Lafrenz, 837 Ramona Avenue, around the corner from the new location, was concerned about parking and traffic. He suggested one class a day if the parking exception was granted, classes should be scheduled away from mealtimes when restaurant traffic was high, and students should be encouraged to walk or bicycle. Ellen Graves, owner, and an unidentified customer spoke in favor of the application. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Arkin stated there was on street parking available on the evening he looked. Commissioner Maass noted it was a quiet part of Solano Avenue and the addition of this use might improve the area. Commissioner Arkin reminded staff to agendize discussion of an in lieu fee for parking exceptions. Commissioner Panian found the use consistent with Solano Avenue, and not an intensification of use. Chair Gardner agreed.

Commissioner Panian moved approval with the condition the owner post a notice for customers asking them to park on Solano Avenue or use alternative transportation modes. Commissioner Maass seconded.

Vote to approve item **4c**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 1325 Solano

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

<u>Required Finding</u>	<u>Explanation</u>
<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 development. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing retail space and the classes will add to the variety and services in the community.</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</i></p>	<p>a. <i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</i></p>

<p><i>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> 	<ul style="list-style-type: none"> b. <i>Staff recently conducted a parking count for a new building at 1301 Solano and found a vacancy rate between 43% and 54%. Staff believes the traffic patterns should be unaffected by the granting of the conditional use permit since the additional vehicle trips as a result of the knitting classes will be few. Parking will be minimally affected by the allowance of instructional knitting classes to be conducted only twice a day.</i> c. <i>No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</i> d. <i>It is an existing site without need for additional landscaping, services areas and lighting. Design review approval and a building permit for signage has already been obtained by the property owner.</i>
<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>

Findings for a Parking Adjustment approval (Per section 20.028.040B5 of the AMC)

Required Finding	Explanation
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Many of the commercial and retail services along Solano Avenue do not provide off-street parking. Many of the stores are much larger than the knitting store and have a higher volume of patrons. The proposed knitting classes should produce a parking demand similar to or less than larger businesses along Solano Avenue; however, the knitting store itself is small in size and nature; therefore,</p>

	produces a parking demand less than many businesses along Solano Avenue.
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 site is a developed with a commercial building. The knitting classes should not generate substantial additional parking demand.
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 neighborhood uses.</i>	Parking surveys were conducted, within a 500-foot radius around 1301 Solano Avenue in January-March 2009, at various times throughout the week. Between 43% and 54% of the public parking spaces within the 500-foot radius were vacant. Based on current conditions, observed through the parking counts, there appears to be adequate street parking available to grant a one vehicle parking exception.

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. Golden Gate Fields (1100 Eastshore Hwy). Planning Application #10-023. Conditional Use Permit to allow Musical Concert on September 3, 2010

The applicant is requesting approval to allow a one-day live concert to be held on September 3, 2010 in the north parking lot of Golden Gate Fields (GGF). The event will be a general admission concert by the band Green Day with an estimated attendance of 15,000 to 20,000 attendees. The event would be held from 5:00 p.m. to 10:00 p.m.

Recommendation: approval

Community Development Director Chaney delivered the staff report. She advised the date was changed from Friday to Saturday. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Lee Smith, Chairman of the San Francisco office of Live Nation, was available to answer questions. Ed Fields, Albany resident, suggested the \$1 a ticket donation to AUSD was welcome, but why not \$2 or \$3. Why hadn't the applicant already resolved the need for another 1,000 parking spaces? The shuttle every ten minutes would not be sufficient. More realistic planning was needed for the buses. Conditions of approval referred to residents within one quarter mile, but should have included residents within one half mile. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Panian supported the application if the conditions were revised. Commissioner Moss (on condition 4g) wanted included notice about limited parking onsite and encouraging alternate modes of transportation. He hoped AC Transit could add buses between BART and the site. Commissioner Arkin asked whether there would be a parking fee. Mr. Smith anticipated there would be a parking fee. Commissioner Maass suggested letting Albany nonprofits table at the event. Chair Gardner recommended finding some way to discourage

event parking in nearby residential neighborhoods. Commissioner Arkin noted safe crossing for pedestrians and bicyclists should be part of the traffic plan. Commissioner Panian asked whether there was any bonding being required. Ms. Chaney indicated there was not. Commissioner Panian wanted to be sure the city would not lose money on this event. He thought it would be good for the Commission to review this perhaps thirty days before the event to be sure all of the details were handled.

Commissioner Arkin moved approval for the Saturday date, with revised conditions (attachment 2). Commissioner Panian seconded, and asked whether there should be a bond. Staff would negotiate an agreement to be reimbursed for costs. Commissioner Panian asked whether there should be another review. Staff would forward progress updates to the Commission.

Vote to approve item **6a**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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

The applicant is requesting approval to allow a 1,427 sq. ft. two-story addition to an existing single-family home and expansion of an existing accessory structure to create a 420 sq. ft two-car garage.

Recommendation: receive public comment, and provide direction to staff and the applicant

Commissioner Arkin reported he met with the applicant's architect last week. Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Jorge Mizuna, the project architect, made a presentation. Commissioner Panian asked whether the square footage had changed. Planning Manager Bond indicated the floor plan was the same; the FAR was now 51.3.

Barry Ogilve, 710 Ramona, across the street, stated this was still out of scale, had no character, and was massive. He opined the floor area, FAR, and height had increased. He handed in copies of his statement for the Commissioners. Amy Deberouchen, 710 Carmel Avenue, behind the house, stated this would result in a change of view to a blank wall. She reported the applicant never contacted her. She stated the property value of neighboring homes would drop.

Monica Norton, 706 Carmel, behind the house, opined the back of house would be a massive box. Wendy Behrs, stated Ramona Avenue was a narrow street with a feeling of quaintness. An unidentified man, from Gateview Towers thought the neighbors to the left and right were the only neighbors that should have a say. He encouraged tolerance. Susan Shaw, 715 Ramona, south neighbor, opposed the proposed project. Jerilyn Johnson, 712 Ramona, opposed the proposed project. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Arkin noted the owner was not required to keep the existing style. However,

projects with FAR over 45 needed special attention to design details, etc. Commissioner Panian noted this was not only approaching maximum FAR--it was also approaching maximum height and was really something brand new, not just renovated, and 9'6" ceilings were not sensitive to the neighbors. Bulk and massing had not been addressed. Commissioner Maass agreed. Commissioner Moss stated this was still a large box with a large roof over it. The sides and the rear needed articulation. Chair Gardner noted lack of a coherent, well-designed project--no reduction of bulk or massing.

Commissioner Arkin offered ideas: a simple hip on upper roof and lower pitches. Adding a porch to the rear. Look at floor plan, look at efficiency, perhaps to reduce width. Good example: 963 Evelyn. Conflicting window details--provide actual window details. Soffits, brackets, vaulted ceilings with lower plate heights. Commissioner Arkin moved continuation. Commissioner Panian seconded.

Vote to continue item **6b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

c. 1038 Ordway. Planning Application 10-008. Design Review. Front Yard Parking Exception

The applicant is requesting approval to Request for Design Review approval to allow a 926 square foot second story addition to the home. A front yard parking exception is required to accommodate the required second off-street parking space in the front setback.

Recommendation: receive public comment, and provide direction to staff and the applicant

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Leonard Sklar, the applicant, and Chris Linvill, the project architect, were available to answer questions. Linda Carnes, 1036 Ordway, north neighbor, was concerned about loss of light, privacy, view of big mass, and loss of property value. Catherine White, Ordway Street, was concerned about height, loss of view of the sky, and the appearance of a big box stuck on top.

Rosa Sheng, Ordway Street, was concerned about height, loss of view of sky, and massing. She also presented alternate floor plans. Julie Petrusky, 1034 Ordway, opposed the mass. 1055 Ordway addition looked good (example). 1219 Ordway did not fit in (bad example). No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Panian recommended meeting parking or reducing height and mass. The deck was an unusual amenity on a small lot in Albany. Commissioner Maass noted that that more attention to detail would be helpful and that upper story decks often create issues. Commission Arkin agreed with Commissioner Panian and believed that tandem parking may be achievable. Commissioner Moss suggested not incorporating the deck and pulling the second story back a couple of feet.. He also stated that the project needed to mitigate height, but felt less concerned

about parking. Chair Gardner noted that she was less concerned about Tandem parking, but was concerned about the proposed deck.

Commissioner Panion moved continuance to a date uncertain. Commission Arkin seconded the motion.

Vote to continue item 6c:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

d. 1500 Solano (Safeway). Planning Application #08-031. Design Review. Planned Unit Development

The applicant is requesting approval to demolish an existing grocery store and to construct a new approximately 55,896 square foot grocery store above a partially sub-grade parking structure containing 127 on-site parking spaces.

Recommendation: discuss continuation of study session to a special meeting date to be determined

The Commission briefly discussed the schedule for a special study session.

7. Announcements/Communications:

- a. Update on City Council agenda items related to Planning and Zoning activities.
- b. Proposed minor changes to design of single-family addition at 524 Talbot.
- c. Verbal update from staff on code enforcement activities at 739 Madison and 947 Jackson

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next Planning and Zoning Commission hearing scheduled for May 25, 2010.

9. Adjournment

The meeting was adjourned at 11:15 p.m.

Next regular meeting: Tuesday, May 25, 2010, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager