

City of Albany
Planning and Zoning Commission
Minutes March 23, 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, March 23, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Gardner, Maass, Moss, Panian

Absent: Arkin

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

Planning Manager Bond announced that item **6c**, at the request of the applicant, would be continued to a date uncertain. The meeting would be re-noticed. Commissioner Maass moved continuation. Commissioner Moss seconded.

Vote to continue item **6c**:

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

4. Consent Calendar

a. 1061 Evelyn. Planning Application 10-011. Design Review. Request for Design Review approval to allow a 446 square foot two-story addition to the rear of the home.
Recommendation: Approval

b. Minutes from the December 8, 2009 Regular Commission Meeting.
Recommendation: Approval

c. Minutes from the January 12, 2010 Regular Commission Meeting.
Recommendation: Approval

d. Minutes from the January 26, 2010 Regular Commission Meeting.
Recommendation: Approval

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

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

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 1061 Evelyn

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

Required Finding	Explanation
<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 residential 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 architectural style, design and building materials are consistent with 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.</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.</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 approved is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, retention and maintenance of buildings, 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. **713 Ramona. Planning Application 09-037. Design Review.** Request for design review 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: Approval

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Horon Lee, the project applicant, was available to answer questions. Amy Derbedrosian, 710 Carmel, the neighbor to the rear, was concerned about loss of view and light, replaced by views of large, blank walls. She felt the design violated the intent of the design guidelines. Barry Ogilve, 710 Ramona, the neighbor across the street, stated the design was out of scale with the houses in the neighborhood--in size, FAR, height, and width. It would be a massive structure with little thought to integrated design. The change in materials did not solve the problems. The change in architectural design did not work--the neighborhood was predominantly Mediterranean-style homes.

Monica Norton, 706 Cornell, rear corner neighbor, was concerned about loss of view, replaced by views of large, blank walls. She noted the design did not blend in with the existing neighborhood. Wendy Beers, former Albany resident, wanted the charm preserved. The house was already imposing because it was on a hill. An unidentified man, from Gateview Towers, spoke in support of architectural variety, and the new design over the existing house design. He cautioned against letting a few neighbors dictate the design. He suggested the neighbors who did not oppose the design did not attend the meeting. This project was within the guidelines. No one else wished to speak. Chair Gardner closed the public hearing.

Chair Gardner asked whether there had been meetings between the applicant and the neighbors. Planning Manager Bond stated there had not been. Commissioner Panian asked whether staff had met with the applicant. Planning Manager Bond indicated not between the last hearing and this one.

Commissioner Moss appreciated some changes were made, but not substantial changes. He opined the massing and proportions were not in harmony and the rear lacked articulation (or at least a trellis), and the design therefore disrespected the neighbors and the city. There was wasted, dysfunctional space on the second story. It felt like the applicant was not hearing the comments, so perhaps this should be denied, and the applicant could appeal to the City Council. Commissioner Panian agreed. Bulk and massing had not really changed, there was no articulation to the sides, no reduction of overhang or eaves, no reduction in plate height, rooflines were unresolved, and the transition of finish materials was not successful. The existing home was serviceable, and did not need to be a teardown. The threshold of quality had not been met.

Commissioner Maass agreed. He felt the design might be appropriate somewhere else, but not on that small lot on a slope in that neighborhood. Chair Gardner reported other applicants with unpopular designs usually met with the neighbors and revised their plans successfully. Planning Manager Bond noted Commissioner Arkin had proposed to extend or lower the eave

over the front bay. He recommended the drawings come back to the Commission at the building permit phase to confirm consistency. Planning Manager Bond advised the Commission could deny "without prejudice."

Winnie Tam, project architect, consulted with the owner and stated they would prefer to appeal to the City Council. Commissioner Panian moved denial without prejudice. Commissioner Moss seconded.

Vote to deny item **6a**:

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 713 Ramona

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

Required Finding	Explanation
<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 residential 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 massing and proportions were not in harmony and the lacked articulation as described in the City’s design guidelines. In addition, the overhang, eaves, plate height, and rooflines were unresolved. Furthermore, and the transition of finish materials was not successful.</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.</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 massing and proportions were not in harmony and the lacked articulation as described in the City’s design guidelines. In addition, the overhang, eaves, plate height, and rooflines were unresolved. Furthermore, and the transition of finish materials was not successful.</i></p>
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b. 1111 Ordway. Planning Application 10-006. Design Review. Parking Exception.

Request for Design Review approval to allow a 1,000 square foot two-story addition to the rear of the home. A parking exception to allow one off-street parking space in the front yard also is required.

Recommendation: Approval

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Pam Tellew, the project applicant, was available to answer questions. No one else wished to speak. Chair Gardner closed the public hearing. Commissioner Maass appreciated the applicant working with the neighbors. Commissioner Panian could approve the design and the parking. He recommended replacement of the garage door with a carriage-style door. Commissioner Moss would have liked to see more detail on finishes and architectural detail. He wanted to know how some of the green building points would be met. Chair Gardner recommended review of green building points for feasibility.

Commissioner Panian moved approval with the window suggestions in the e-mail and green building points to be reviewed by staff. Commissioner Moss seconded.

Vote to approve item **6b**:

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 1111 Ordway

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

Required Finding	Explanation
<p>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></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>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></p>	<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 consistent with 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.</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.</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 access, architecture, natural features, coordination of design details, retention and maintenance of buildings, and privacy.</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, which does not allow entry to the side and rear yards without extensive grading.</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>Not applicable.</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>Creation of a second front yard parking space would require a curb-cut, which would reduce on-street parking by an equivalent amount.</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>The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking.</p>

- c. **1038 Ordway. Planning Application 10-008. Design Review. Front Yard Parking Exception.** 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: Continuation to a date certain

As noted above, this item will appear on a future meeting agenda.

- d. **Update and Request for Direction on Processing of Applications for Conditional Use Permit to Operate a Medical Marijuana Dispensary.** Request for Commission direction on processing of multiple applications seeking to serve as the one dispensary allowed per the Planning and Zoning Code. The staff proposal is to request applicants provide supplemental application information to the City and that supplemental information be evaluated by an ad hoc committee prior to Commission action.
Recommendation: Provide direction to staff

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing. Ed Fields, Albany resident, asked what Brown Act rules would apply to any ad hoc committee. He asked whether this hearing was noticed to the neighbors of the three potential sites. Planning Manager Bond stated the neighbors were not noticed because there were no action items on any applications. No one else wished to speak. Chair Gardner closed the public hearing.

There was a discussion about how the ad hoc committee would work. Commissioner Panian recommended hearing each application at a separate meeting with a discussion-only status. Each item would then be continued to a second hearing for a decision. Commissioner Moss thought it would be difficult to remember them from meeting to meeting and would rather hear all three on one night, and go into closed session to discuss them. The Commissioners would submit additional criteria to staff. Planning Manager Bond would place the matrix on a future meeting consent calendar.

- e. **1157 Brighton/420 Cornell. Planning Application 07-079. Amendment to Design Review.** Request for amendment to Design Review approval to allow separate garages for each unit rather than one shared garage as previously approved.

Recommendation: Approval

Commissioner Moss recused himself due to ownership of property within 500 feet. Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. David Trachtenberg, the project architect, was available to answer questions. Mr. Fields asked what the distance was between the garages and the sidewalk. He asked whether it was appropriate to reset the design review approval clock. No one else wished to speak. Chair Gardner closed the public hearing. Planning Manager Bond explained it was a matter of convenience to reset the design review approval clock.

Commissioner Maass liked the entrances better, but found the other elevations seemed less detailed. Commissioner Panian opined the good design was largely preserved. This design required less space for the same number of cars, had more open space, was nicer on the street, and had better east and west elevations. Chair Gardner liked the variety in the number of bedrooms per unit. She was disappointed it was all stucco now, but still could approve the design.

Commissioner Panian moved approval. Commissioner Maass seconded.

Vote to approve item 6e:

Ayes: Gardner, Maass, Panian

Nays: None

Motion passed, 3-0.

Findings. 1157 Brighton/420 Cornell

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>	The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.
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</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 proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will not remove any</i>

<p><i>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>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 applicant has proposed a well-designed building that meets all development requirements and provides a unique and attractive building to a fairly high traffic corner. It is also an ideal to location to have a higher density of residential development since there are only two other areas of the city that permit multi-family residential development. It is near schools, public transportation, and a shopping center all of which make it an ideal location for residents. The mix in building materials and break up of wall planes creates articulation and variation in depth, which is attractive.</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. It is located in a highly visible area and has been thoughtfully designed to be aesthetically appealing from all sides. It is in scale with the rest of the neighborhood and will be an attractive addition to 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>

7. Announcements/Communications:

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

Fern Tiger would be coming back to City Council.

b. Survey of City Boards, Commissions and Committees by Drennen Shelton

Confidential survey to make staff more efficient supporting commissions, etc. Mr. Fields asked staff to make the survey questions public.

8. Future Planning and Zoning Commission Meeting Agenda Items:

a. April 13, 2010 Planning and Zoning Commission hearing to be cancelled. Next Planning and Zoning Commission hearing scheduled for April 27, 2010.

9. Adjournment

The meeting was adjourned at 10:15 p.m.

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

Submitted by:

Jeff Bond
Planning Manager