

*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, January 26, 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**

There were no items on the Consent Calendar.

### **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. 639 Spokane Street - Planning Application 09-075. Design Review and Conditional Use Permit**

The subject property is a 5,000 sq. ft. lot with a 2,416 sq. ft. split-level home and a 314 sq. ft. accessory structure in the southeast corner of the lot. The applicant is requesting Design Review approval to allow construction of a 590 sq. ft. second story addition, and to demolish the existing rear accessory structure. The applicant is also requesting a Conditional Use Permit to allow a vertical extension of a nonconforming wall on the southern side of the home.

*Recommendation: Approval*

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing and invited the applicant to make a presentation. Ian MacLeod, the project architect, was available to answer questions. Doug Donaldson, 627 Spokane, would prefer double-hung windows and a tiled roof, or for the shingles to be the same color as the tiles. He also wanted to be sure that street trees would be required. No one else wished to speak. Vice Chair Moss closed the public hearing.

Commissioner Maass liked the 115 green building checklist points. He suggested doing something to make up for the loss of the chimney. Commissioner Panian was able to support the conditional use permit because the design was modest and well thought out, and parking was being added. He preferred casement windows on the ground floor front facade. He suggested upgrading the garage door and bringing the clay pipe vent detail to the second floor gables.

Commissioner Arkin suggested considering use of divided lights in the second story windows. He recommended adding crown molding at the top of the chimney. Vice Chair Moss stated the chimney proportion was off and it should be widened.

Commissioner Arkin moved approval with the following conditions: the chimney should be in proportion (larger), with detail at the top; vent detail to be added at second story gables; roof shingle color to match tile; and carriage style garage door. Commissioner Panian seconded, noting the staff recommendation language on the staff report needed to be corrected. Commissioner Moss recommended an amendment including the staff recommendation for a condition regarding the railing. The maker and seconder accepted the amendment.

Vote to approve item **6a** as amended:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**Findings. 639 Spokane**

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

<b>Required Finding</b>	<b>Explanation</b>
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 low-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 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 in the vicinity of the site. The architectural style, design and building materials are attractive in appearance and integrated into the architectural style of the home per 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 significant vegetation and will not require significant grading. 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 impact property, improvements or potential</i>

	<p><i>future development in the area. It has a maximum height of 24'-1", which is consistent with the height of other homes in the neighborhood.</i></p> <p><i>The addition will create an attractive home, and decreases the building footprint on the lot. The height is within the scale of other houses in the neighborhood, and the majority of the addition is on the side of the home with ample building separation from the neighboring house.</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 Conditional Use Permit approval (Per section 20.100.030.D of the AMC)**

<i>Required Finding</i>	<i>Explanation</i>
<p>1. <b><i>Necessity, Desirability, Compatibility.</i></b> <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. The proposed addition is within scale of other homes in the neighborhood.</i></p>
<p>2. <b><i>Adverse Impacts.</i></b> <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</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. 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>a. <i>The addition is appropriate for the site and consistent with the scale and appearance of the existing home. The footprint of the home will decrease. The</i></p>

<p><i>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 and odor;</i></p> <p>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>	<p><i>encroachment into the required setback should not negatively impact the neighboring property.</i></p> <p>b. <i>The applicant is proposing to expand the garage from 18'-4" deep to 40'-0" deep, which will provide sufficient space for 2 tandem enclosed parking spaces.</i></p> <p>c. <i>No noxious or offensive emissions will occur with the addition.</i></p> <p>d. <i>The project is consistent with City residential design review objectives and guidelines and provides appropriate landscape, screening, open yard areas and related design features characteristic of residential uses in the neighborhood.</i></p>
<p>3. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</b> <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>

**b. Review of State Comments on Proposed General Plan Housing Element**

Review of feedback provided by the California Department of Housing and Community Development and proposed revisions to Draft Housing Element.

*Recommendation: Take public testimony, provide direction to staff on appropriate revisions, and recommend initiation of California Environmental Quality Act review.*

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. Janet Smith-Heimer, Sustainability Committee, advised they wanted to tackle parking. No one else wished to speak. Vice Chair Moss closed the public hearing.

There was discussion among the Commissioners about how sites were selected. Commissioner Arkin proposed design review guidelines for multi-family and mixed-use would help, as would considering a referendum to remove the two parking spaces per unit requirement. Vice Chair Moss suggested staff draft a response and bring that to the Commission for review, and agendize a discussion about changing that parking requirement. Commissioner Maass asked whether Albany was set up for SROs. Commissioner Panian suggested the Commission review the staff draft reply and site selection at a future meeting.

There was consensus to move item **7a** before **6c** so Ms. Smith-Heimer could report sooner rather than waiting.

**7. Announcements/Communications:**

**a. City of Albany Draft Climate Action Plan**

Brief report on January 19, 2010, City Council action and staff update on next steps. (No staff report attached.)

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. Ms. Smith-Heimer advised the Sustainability Committee was excited and working on quantifying some of the items listed as not quantified. They broadened the language regarding parking. The Committee proposed dealing with financing after the CAP was adopted. They were working on reducing the number of measures by eliminating redundancies (currently down from 69 to 40). No one else wished to speak. Vice Chair Moss closed the public hearing.

**c. Discussion of Building Height Measurement Methodology**

Review and discussion of Planning and Zoning Code Section 20.24.080 "Height Limits and Exceptions."

*Recommendation: For information and discussion only*

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. No one wished to speak. Vice Chair Moss closed the public hearing.

There was a discussion among the Commissioners regarding the plane to use. There was agreement that it was a warped plane. Vice Chair Moss recommended requiring a section and if there was any discrepancy the burden should be on the applicant to provide a second section to prove their case. Commissioner Arkin noted the warped plane drawing should apply to both the front and the side. There was also some discussion regarding the use of the terms "original," "natural," and "finished" with regard to grade.

**d. Discussion of Mix of Businesses on Solano and San Pablo Avenues**

Review and discussion of Planning and Zoning Code land use categories and mix of businesses in commercial districts.

*Recommendation: For information and discussion only*

Planning Manager Bond delivered the staff report. Vice Chair Moss opened the public hearing. No one wished to speak. Vice Chair Moss closed the public hearing.

Vice Chair Moss stated the City might want to place a cap on certain types of businesses. Commissioner Panian cautioned that might not be the solution. Vice Chair Moss agreed that incentives for other types of businesses might be the way to go. Commissioner Panian recommended asking the Council for a list of uses, locations, and adjustments that might be granted as incentives. Commissioner Arkin stated it would be good to find the right mix to serve the population. Commissioner Panian suggested studying the uses and inviting the Chamber of Commerce and Solano Avenue Association to the discussion. Commissioner Arkin recommended asking those bodies what the City could do to help (e.g., streetscape, kiosks). Vice Chair Moss stated the Commission should ask the Council for permission to set up this meeting.

Commissioner Arkin moved requesting the permission of the Council to move forward with this. Commissioner Panian seconded.

Vote to approve requesting Council permission to move forward:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**8. Future Planning and Zoning Commission Meeting Agenda Items:**

- a. **Next regularly scheduled Planning and Zoning Commission hearing scheduled for February 9, 2010.**

**9. Adjournment**

The meeting was adjourned at 9:15 p.m.

Next regular meeting: Tuesday, February 9, 2010, 7:30 p.m.

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Submitted by:

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**Jeff Bond**  
**Planning Manager**