

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes April 12, 2011, Meeting**

*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 Moss, in the City Council Chambers at 7:30 p.m. on Tuesday, April 12, 2011.

### **2. Pledge of Allegiance**

### **3. Roll Call**

Present: Arkin, Eisenmann, Maass, Moss

Absent: Panian

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

### **4. Consent Calendar**

#### **a. Minutes from the March 8, 2011 Regular Commission Meeting.**

*Recommendation: Approve.*

#### **b. Minutes from the March 22, 2011 Regular Commission Meeting.**

*Recommendation: Approve.*

Commissioner Arkin had a correction for the March 8, 2011, minutes. On page two, paragraph two, third sentence it should read, "two visitors per day equaled ten per week."

Commissioner Maass moved approval of the consent calendar as amended. Commissioner Eisenmann seconded. There was unanimous approval of 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. Revisions to Green Building Standards of Compliance and Checklists.**

*Recommendation: Provide recommendations to the City Council on adoption of revision to Green Building Standards of Compliance and Checklists.*

Planning Manager Bond delivered the staff report. He introduced a guest speaker, Mike Gable, energy efficiency resource. Commissioner Arkin asked about outstanding, unique programs. Mr. Gable mentioned Marin was encouraging smaller homes by having very high standards for larger homes. He said certain existing checklists were the way to go.

Chair Moss asked what was the best way to make a limited amount of money have the most impact. Energy efficiency was less expensive than solar photovoltaic or solar hot-water thermal. Depends on climate zone, existing house. Chair Moss opened the public hearing. Ed Fields, Albany resident, asked whether section O would be eliminated. Mr. Bond suggested revisiting

that section, raising the bar, because people were getting a lot of points there.

Chair Moss asked which was better: LEED points or baseline CA code requirements and trying to exceed by 15%. Mr. Gable recommended the Tier 1 Cal green 15% as easier to plan check.

Commissioner Arkin noted this should be in harmony with sustainability and the climate action plan. He would like to add some teeth. Someone should check that folks do everything they said they would do on their checklists. He wanted the checklist used on all projects, not just those going for design review. Could require more points. Using RECO was a great idea. Maybe there should be a subcommittee with the Sustainability Committee and the public.

Commissioner Maass asked whether smart meters could be incorporated. Mr. Gable said privacy might prevent that, unless aggregated and completely anonymous. Study results have not shown a reduced use of power with the smart meters. He would like to add some teeth. Would like to still have Albany incentives, but not make it a slam-dunk for people. Commissioner Eisenmann asked how the third party verification would work. Mr. Bond advised it had not happened yet.

Chair Moss thought RECO would be a good idea. He wanted the subcommittee to move forward and recommended bringing the idea to the City Council. He noted new remodeling standards would be coming from the state in 2012. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Arkin volunteered to be on the subcommittee. Commissioner Maass wondered whether Commissioner Panian would want to be on the subcommittee. Chair Moss invited Mr. Gable to be on the subcommittee.

- b. 631 San Carlos. Planning Application #11-015. Design Review and Conditional Use Permit.** The applicant is requesting design review approval for a 735 square foot, two-story addition. A conditional use permit is requested to allow a 3' 2" side yard setback on the north side, when normally 3' 9" would be required.

*Recommendation: Staff recommends that the Planning and Zoning Commission provide direction to staff and the applicant on refinements to the design.*

Planning Manager Bond delivered the staff report. Chair Moss opened the public hearing and invited the applicant to make a presentation. Jorge Rico, the property owner and project architect, showed some renderings and was available to answer questions. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Maass appreciated the modern design. He found it very vertical, though. He liked the trellis on the front and thought maybe wrapping the stairs around the front might work. The windows in the front were too symmetrical; might be better as one window. Commissioner Arkin was concerned about the excessive second-story plate height. With over 45% FAR, the design should receive more scrutiny. Change the front stair/porch for more connection to the street. Gable roofs were not required. Triangular pieces on the second floor could use a window or vents or a different roofline. Could use a hip roof in the back to get more daylight.

Commissioner Eisenmann liked the massing stepped back. She said the side elevation window language was too strict. Chair Moss noted the lined-up windows did not work without some kind of band connecting them. He was not sure there were large enough windows to provide emergency egress. Short master bedroom closets might look weird next to a soaring ceiling. Could the stairway come out and break up the massing at the back? He wanted to see more detail on gable roof. An instant-hot water heater could save space/volume.

Commissioner Arkin moved continue to the May 10, 2011, meeting. Commissioner Maass seconded.

Vote to continue item **6b**:

Ayes: Arkin, Eisenmann, Maass, Moss

Nays: None

Motion passed, 4-0.

- c. **1515 Francis. Planning Application #11-017. Design Review & Parking Waiver.** The applicant is requesting design review approval of a 530 square foot upgrade of the lower level to add two new bedrooms to the residence. A parking waiver is requested to allow one off-street parking spaces where normally two spaces would be required.

*Recommendation: Approval.*

Planning Manager Bond delivered the staff report. Chair Moss opened the public hearing and invited the applicant to make a presentation. Douglas Booth, the property owner, was available to answer questions. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Maass could approve the legal, nonconforming status. Commissioner Eisenmann could approve the legal, nonconforming status. Commissioner Arkin recommended a deed restriction to disallow a secondary unit in the lower level. Commissioner Arkin moved approval (no parking waiver needed) with the added condition of the deed restriction. Commissioner Eisenmann seconded.

Vote to approve item **6c**:

Ayes: Arkin, Eisenmann, Maass, Moss

Nays: None

Motion passed, 4-0.

**Findings. 1515 Francis.**

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

<b>Required Finding</b>	<i>Explanation</i>
1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted</i>	<i>The General Plan designates this area for residential development. Additionally, the</i>

<p><i>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><i>2. 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 near the site. The architectural style, design and building materials are consistent with the City’s Residential Design Guidelines. The project will not create a visual detriment at the site or the neighborhood.</p>
<p><i>3. 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 affect property, improvements or potential future development in the area.</i></p>
<p><i>4. 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>

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

<p><b><u>Required Finding</u></b></p>	<p><b><u>Explanation</u></b></p>
<p><i>1. Required spaces cannot be located in front or side yards.</i></p>	<p><i>The structure is set back approximately 4 feet from the property line.</i></p>
<p><i>2. Space is not available to provide required parking facilities without undue hardship.</i></p>	<p>The applicant would have to lift the entire structure and move it back on the lot to meeting parking standards. This is exceeding difficult and an “undue hardship.” Since no major changes are proposed to the existing structure.</p>
<p><i>3. 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><i>4. Creation of new off-street spaces would require the elimination of an equivalent</i></p>	<p>There is already an existing two-car garage set into the hillside, and expansion of the width</p>

<p><i>or higher number of on-street parking spaces.</i></p>	<p>or depth of the garage would involve substantial grading, 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 existing driveway is 16 to 20 feet in length from the garage door to the sidewalk, and will remain open and functional for cars to utilize for parking.</p>

- d. **701 Hillside. Planning Application 05-025.** Status report on implementation of the project.

*Recommendation: For information only.*

Planning Manager Bond delivered the staff report. Chair Moss opened the public hearing. Michael Wallace, the neighboring property owner, wanted to emphasize the toll the decisions made by the Commission could take. The project had taken over seven years and still was not complete. The promise had been the project would move faster if both homes were approved at once. He hoped something would be done so this would not happen again.

Ruth Ganong, the neighbor across the street, recommended revising the code to include really stiff fines for letting a construction project lapse. Thelma Rubin, neighbor behind, wanted to know whether a landscape plan was required and/or enforceable. No one else wished to speak. Chair Moss closed the public hearing.

Commissioner Eisenmann asked about a three-year permission to build. Mr. Bond explained that to change code enforcement there would need to be an amendment to the ordinance. Commissioner Arkin noted design guidelines had been revised and a nuisance ordinance had been added. A three-year cap had been discussed. He noted the impact of changes in the economy. Chair Moss thought the three-year cap should go to City Council. Commissioner Eisenmann wondered whether the community could make a list of priorities to present to the owner.

**7. Announcements/Communications:**

- a. **City of Albany Planning and Zoning Update “E-Notification”**

- b. **Update on City Council agenda items related to Planning and Zoning activities.**

Planning Manager Bond reported the City Council would be focused on budget issues.

- c. **Review of status of major projects and scheduling of upcoming agenda items**

Planning Manager Bond noted the Safeway and University Village projects were probably coming back in May.

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

Planning Manager Bond announced the April 26th meeting was cancelled.

**9. Adjournment**

The meeting was adjourned at 9:37 p.m.

Next regular meeting: Tuesday, May 10, 2011, 7:30 p.m.

---

Submitted by:

---

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