

City of Albany

Planning and Zoning Commission Minutes November 14, 2012 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 Vice Chair Panian in the City Council Chambers at 7:00 p.m. on Wednesday, November 14, 2012.

- 2. PLEDGE OF ALLEGIANCE**

- 3. ROLL CALL**

Present: Eisenmann, Moss, Maass, Panian
Absent: Arkin
Staff present: City Planner Anne Hersch
Community Development Director Jeff Bond

- 4. CONSENT CALENDAR**

None.

- 5. PUBLIC COMMENT**

None.

- 6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

A. PA 12-045 Design Review & Parking Exception for 1117 Ordway- The applicant is seeking design review and parking exception approval for a 650 sq. ft. accessory structure in the rear yard at 1117 Ordway. The lot is 7,551 sq. ft. in area. The applicant received administrative design review approval for a 239 sq. ft. accessory structure in 2011. The original accessory structure was constructed and finalized in April 2012. Upon completion, an unpermitted expansion of the structure commenced and a stop work order was issued. The applicant was directed to file a new application to remedy the current situation. The applicant is proposing to use the structure as a multipurpose art studio. This was originally heard by the Commission on 10/10/12. The Commission requested additional information to be provided by the applicant.

Recommendation: The Planning and Zoning Commission review the proposed application and provide feedback to the applicant and staff. Conditions and findings are included as attachments to the staff report should the Commission choose to approve the project.

Ms. Hersch presented the staff report.

1 PUBLIC HEARING OPENED.
2

3 **Paula Wagner**, applicant- explained in regards to the FEMA requirement that her
4 property was not in trouble of floods and has been exempt from home owner's insurance
5 for years. She made herself available for questions.
6

7 **Brandon Luce**, 1119 Ordway- said the whole process surrounding this project has been
8 stressful on the surrounding neighborhood. He added that new structure affected the view
9 of his property and would like drainage issues to be addressed.
10

11 **Allison Truman**, 1115 Ordway- said that there has been a lot of stress regarding this
12 matter and seconded that her view has been affected as well. She said she had to add a
13 fence to block the sight of the new structure. She wanted to confirm the deed restriction
14 was on the property and not the property owners. She had gutter overflow and drainage
15 concerns as well that she hoped could be part of the inspection sign off. She wanted to
16 know about restrictions about renting out about the art studio and she clarified what the
17 infraction was in this structure.
18

19 Ms. Hersch- explained the infraction was that the structure was built without building
20 permit. She said a drainage amendment could be added as a condition if the Commission
21 chooses.
22

23 Commissioner Panian clarified that the existing windows that have been installed would be
24 closed. The Commission clarified that the structure is being labeled an accessory structure
25 and that discussion of it being a secondary unit with a variance have been dismissed.
26

27 Commissioner Eisenmann agreed that the drainage condition should be part of the special
28 conditions and stated she was inclined to move this application forward. She suggested
29 limiting the size of accessory buildings in the City code.
30

31 Commissioner Maass- was concerned allowing this structure may set a precedent for
32 accessory buildings of greater size. He thought the application was acceptable provided
33 that the applicants follow the conditions specified by staff and the Commission.
34

35 Ms. Hersch explained that he original 239 square foot structure was approved, but the
36 unpermitted expansion to 650 square feet was not. She added that this application
37 required a parking exception because it expanded the property space by over 240 feet.
38

39 **Paula Wagner**- indicated that contrary to the site plans, the drainage from the structure
40 led to the street and not the nearby creek.
41

42 Commissioner Panian and Commissioner Moss- were uncomfortable that the accessory
43 building was so large and felt uncomfortable about granting a parking exception. The
44 original project was completed lawfully complied with the parking standards in the Zoning
45 Code. They recommended denying the project request.
46

1 Mr. Bond- proposed the Commission give staff direction for findings of denial.
2 Commissioner Panian noted in light of the parking exception and design review
3 requirement, he could not approve the application at this time.
4

5 **Motion for staff to write findings for denial for item 6A and present them at a date**
6 **certain of November 28, 2012 unless new information is brought forward that brings**
7 **the application into conformance:** Commissioner Moss
8

9 **Seconded by:** Commissioner Panian
10

11 Ayes: Moss, Panian, Eisenmann
12

13 Nays: None
14

15 Abstain: Maass
16

17 Motion passed, 3- 1 abstention
18

19 **B. PA 06-053 St. Mary's College High School Mitigated Negative**
20 **Declaration/Conditional Use Permit/Design Review for a new Music Building - The**

21 Planning & Zoning Commission will hold a public hearing to review and potentially take
22 action on a Mitigated Negative Declaration, Conditional Use Permit (CUP) request, and
23 Design Review for a new music building at St. Mary's College High School. The CUP
24 proposal includes a proposal for anticipated new buildings on campus as funding
25 becomes available. If approved the CUP will supersede previous CUPs and will
26 establish new operating conditions for the school. Design Review is also sought for a
27 new 13,400 sq. ft. music building on campus.
28

29 **Recommendation:** Staff recommends that the Planning and Zoning Commission receive the
30 report and review the draft findings and conditions. Should the Commission take action on
31 the application, staff recommends the following actions:
32

- 33 1. Review the draft Mitigated Negative Declaration (MND) and move to approve
34 Resolution 2012-02 adopting the MND
- 35 2. Review the draft Conditional Use Permit (CUP) findings and conditions and move to
36 approve Resolution 2012-03 approving the CUP
- 37 3. Review the Design Review request for the new music building at St. Mary's College
38 High School and approve the submittal with project conditions
39

40 Commissioner Eisenmann recused herself due to the proximity of her residence from the
41 application.
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3 Ms. Hersch presented the staff report. Mr. Bond hoped to the Commission made a decision
4 by the end of the month.

5
6 PUBLIC HEARING OPENED.

7
8 **Vivian Kahn, representative for St. Mary's College High School-** brought to the
9 Commission's attention a letter regarding religious land use and institutionalized persons
10 act. She asked the Commission take action on the application and provide direction for
11 mediation. She requested that the facilitator of the mediation provide the Commission with
12 ample time to review the report and that Commission move back the next meeting on this
13 item to December 12th as she will be out of town for the next scheduled meeting of
14 November 28, 2012.

15
16 **Davis Krauder, 1208 Monterey Ave-** wished to postpone the Negative Declaration until
17 there has been mediation. He wished to add e-mail correspondence between him and Jeff
18 Bond to the record. He asked for clarification about the Permit Streamlining Act. He was
19 displeased at the pressure of a due date in making a decision.

20
21 Mr. Bond- clarified that even as mediation is occurring, the deadline to make a decision is
22 approaching.

23
24 **Laurie Copan, 1325 Albina-** referred to a document from planning director Claudia
25 Cappio to Planning and Zoning Commission in 1993 regarding traffic and parking. She
26 suggested there were some great ideas in the document that did not require conditional
27 use permits.

28
29 **Donna Dedimar, 1316 Albina-** said that PPNA and St. Mary's are close to working out a
30 resolution and would not like the Commission to decide on the matter tonight. She
31 explained various documents such as the "Items of Concern" document.

32
33 PUBLIC HEARING CLOSED.

34
35 The Commission agreed that a decision would not be made on this matter until a future
36 date. The commissioners agreed to let PPNA and St. Mary's work out the details of
37 mediation and come up with a resolution the commission can agree on.

38
39 **Motion to continue item 6B to a date certain of December 12, 2012:** Commissioner Moss

40
41 **Seconded by:** Commissioner Maass

42
43 Ayes: Moss, Panian, Maass

44 Nays: None

45 Recused: Eisenmann

46 Motion passed, 3- 0

47
48 **7. NEW BUSINESS**

- 1
2 **A. Update on “Complete Streets” Study of Buchanan Street and San Pablo Avenue**
3 – Using a grant from Caltrans, the City has retained a consulting team to prepare
4 a plan for improvements to Buchanan Street and San Pablo Avenue to better serve
5 pedestrians, bicyclists, transit as well as motorists. The consulting team is seeking
6 public participation in a series of design charette events scheduled from December
7 6 through the 12.
8 *Recommendation: Receive information from staff.*
9

10 Mr. Bond presented the staff report. He detailed some of the experts that would be at the
11 charette events and encouraged community participation.
12

13 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

- 14
15 **A. Commission Appointment Process** – Review of City Charter and Municipal Code
16 requirements.
17

18 Mr. Bond presented the staff report. He said the commissioners had to reapply for their
19 positions.
20

- 21 **B. General Plan** – Update on consultant selection process.
22

23 Ms. Hersch confirmed the general plan was moving forward and that the City had
24 received four qualifications from various consultants and plan to interview the week
25 following Thanksgiving. It was restated that Commissioner Panian and Arkin had
26 volunteered themselves to serve on the consultant interview panel. Ms. Hersch suggested
27 an end of year party for the weekend of December 14th-16th.
28

29 In response to inquiries from the commission, Mr. Bond added the consultant is working on
30 the master plan for the Pierce St. Park and is working out cost estimates.
31

32 **9. FUTURE PLANNING AND ZONING COMMISSION MEETING AGENDA ITEMS**

33
34 Next Planning and Zoning Commission hearing: **Wednesday November 28, 2012 at 7 pm.**
35

36 **10. ADJOURNMENT**

37
38 The meeting was adjourned at 9:11 p.m.
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40 Next regular meeting: Wednesday, November 28, 2012, 7:00 p.m. at Albany City Hall
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43 _____
44 Submitted by: Anne Hersch, City Planner
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47 _____
48 **Jeff Bond**
 Community Development Director