

City of Albany

Planning and Zoning Commission Minutes October 10, 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 Chair Arkin in the City Council Chambers at 7:00 p.m. on Wednesday, October 10, 2012.

2. **Pledge of Allegiance**

3. **Roll Call**

Present: Eisenmann, Maass, Arkin

Absent: Moss, Panian

Staff present: City Planner Anne Hersch

Chair Arkin noted item 6B will be moved to October 24, 2012's meeting.

4. **CONSENT CALENDAR**

A. **Meeting Minutes from July 24, 2012**

Commissioner Arkin noted he was absent for the July 24th meeting.

Motion to approve item 4A: Commissioner Maass

Seconded by: Commissioner Eisenmann

Ayes: Eisenmann, Maass

Nays: None

Motion passed, 2-0

B. **PA 12-047 Design Review for a new garage at 1033 Pomona-**The applicant is seeking design review for a new garage at 1033 Pomona. The subject lot is 5200 sq. ft. The existing garage will be demolished and replaced with a new garage and studio space. The garage is proposed to be 491 sq. ft. in area and will contain one-covered parking space and a studio area with half bathroom facilities.

Recommendation: Approve with Conditions.

Item 4B is pulled from the consent calendar.

Ms. Hersch presented the staff report.

PUBLIC HEARING OPENED.

1 **Chris Drinkwater**, representative for applicant Keith Quirolo, asked to clarify some issues
2 privately with the City Planner Anne Hersch.
3

4 **Motion to approve item 4b: Commissioner Eisenmann**

5
6 **Seconded by: Commissioner Maass**

7
8 Ayes: Eisenmann, Maass, Arkin
9 Nays: None
10 Motion passed, 3-0
11

12 **5. PUBLIC COMMENT**

13
14 **None.**

15
16 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
17 **ITEMS**

- 18
19 **A. Hotsy Totsy Food Truck Use Permit - 1 year review 601 San Pablo Ave.-** An annual
20 review is required for use permit compliance for the El Autlense Mexican food truck at
21 Hotsy Totsy Bar at 601 San Pablo Ave. The use permit was approved by the Planning
22 & Zoning Commission on September 13, 2011. The Commission required the project to
23 be brought back for compliance review after the first full year of operating. The truck
24 is parked in the adjacent parking lot and serves food at the property during the hours
25 of 11:30am-12 midnight Wednesday-Monday and has been in operation since
26 October 2011.

27 ***Recommendation: Receive report.***

28
29 Ms. Hersch presented the staff report. She clarified the red writing in the commissioners'
30 packets reflect the original conditions the Commission had considered before approving
31 the application.
32

33 PUBLIC HEARING OPENED.

34
35 **Michael Vallardes**, owner of Hotsy Totsy- described the Taco truck as an asset to
36 Albany and hoped to see it continue as it is.
37

38 PUBLIC HEARING CLOSED.

39
40 The Commission showed overall support for the application.
41

42 Commissioner Eisenmann asked if parking for the business was a concern because of the
43 truck.
44

45 Commissioner Arkin clarified previous concerns regarding the truck's location was
46 regarding noise and not parking. He considered creating a program for uses in
47 temporary facilities that still require a use permit. He suggested extending the permit
48 to two years.

1 Commissioner Eisenmann brought up the issue of temporary use permits for one day
2 events such as cupcake trucks. She said they could draw a following and help out local
3 businesses when the truck is in town.
4

5 The Commission agreed that they could work with Albany's Chamber of Commerce to
6 identify possibly locations for food trucks to park for a day.
7

8 Ms. Hersch stated that there were no current policies surrounding mobile facilities, but
9 she would look into regulation in other cities.
10

11 **Motion to approve a year extension of item 6A: Commissioner Maass**

- 12 -with changes in SP-13 to reflect the taco truck is now parked in the parking lot rather
13 than the street
14 - striking SP-12 regarding parking
15 -correcting SP-6 to show new effective date of October 10, 2014
16

17 **Seconded by:** Commissioner Eisenmann
18

19 Ayes: Eisenmann, Maass, Arkin
20 Nays: None
21 Motion passed, 3-0
22

- 23 **B. PA 12-042 Design Review 1036 Kains Avenue-** The applicant is seeking design
24 review approval to convert an existing single family home into a duplex which will
25 contain two (2) units with three bedrooms and two and a half baths at 1036 Kains Ave.
26 The existing home has two bedrooms and one bath and is 2,219 sq. ft. on a 5,000 sq.
27 ft. lot. The subject property is zoned R-3, "Residential High Density" which allows for
28 more than one unit on the property. The applicant is proposing to lift the existing home
29 and convert the ground floor to habitable space. Both units will have two levels. The
30 building height is proposed to be 27'6". Four off-street parking spaces are provided,
31 two tandem spaces for each dwelling unit.

32 **Recommendation: Approve with project conditions.**
33

34 Item 6B was continued to a date certain of October 24, 2012.
35

- 36 **C. PA 12-045 Design Review & Parking Exception for 1117 Ordway-** The applicant is
37 seeking design review and parking exception approval for a 650 sq. ft. accessory
38 structure in the rear yard at 1117 Ordway. The lot is 7,551 sq. ft. in area. The
39 applicant received administrative design review approval for a 239 sq. ft. accessory
40 structure in 2011. The original accessory structure was constructed and finalized in April
41 2012. Upon completion, an unpermitted expansion of the structure commenced and a
42 stop work order was issued. The applicant was directed to file a new application to
43 remedy the current situation. The applicant is proposing to use the structure as a
44 multipurpose art studio.
45

46 **Recommendation: Provide feedback to the applicant and staff.**
47

48 Ms. Hersch presented the staff report.

1
2 Commissioner Maass- asked what the limit requirements were for accessory buildings
3 according to the City Ordinance.
4

5 Ms. Hersch explained that there are few restrictions aside from lot coverage
6 requirements which indicate no more than 30% of rear yard area can be covered with
7 accessory structures. She mentioned because of the size of this particular structure, a
8 parking exception would be required.
9

10 PUBLIC HEARING OPENED.
11

12 **Paula Wagner**, applicant and homeowner of 1117 Ordway- apologized for
13 expanding the structure. She explained her mistake was in connecting the permitted
14 structure and two 10x12 structures. She welcomed questions and feedback on how to
15 bring the building into compliance.
16

17 **Allison Truman**, neighbor at 1115 Ordway- stated that the new structure created an
18 unpleasant view from her backyard. She also expressed concern over the long-term
19 utility of the accessory structure.
20

21 The Commissions expressed concerns about the use of the accessory building as a
22 secondary dwelling unit.
23

24 Commissioner Arkin pointed out this is one of the largest parcels in the city and there
25 are few limits to this building if it were a simple accessory structure. He mentioned other
26 items to be discussed such as the creek ordinance, setbacks, and compliance with FEMA
27 guidelines. He recommended a survey be prepared to ensure the 20 ft. setback was
28 being met.
29

30 Commissioner Arkin echoed Commissioner Eisenmann's observation that a kitchen would
31 not be allowed in a secondary dwelling unit. He said one way to remedy the issue is to
32 restore the building to the originally approved unit. Another option would be to
33 consider the application provided that it is built to the zero property line and adheres
34 to creek setback ordinances, FEMA guidelines, and deed restriction. He believed that
35 the project should be brought back as a new application and drainage and
36 maintenance issues should be addressed in the application's review and approval.
37

38 Ms. Hersch said modifying existing setbacks would be deviating from code. She noted
39 the Commission's request for a site map, further information about FEMA guidelines and
40 site drainage, and reassurance that the fire guidelines are met at the next review
41 session.
42

43 Commissioner Eisenmann suggested negotiations be made between the applicant and
44 neighbor about building a trellis to enhance the view.
45

46 PUBLIC HEARING CLOSED.
47

48 **7. NEW BUSINESS**

- 1
2 A. Letter from Howard McNenny regarding the 2 inch window recess condition for
3 918 Cerrito St.
4

5 Ms. Hersch presented the letter included with the packet.
6

7 **Howard McNenny-** asked that the 2 inch window recess condition for 918 Cerrito be
8 waived.
9

10 Commissioner Arkin- said the intent of the 2 inch recess applies mostly to older
11 structures. The commission agreed that for consistency it was better for this building to
12 waive this requirement.
13

14 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**
15

- 16 A. Update on City Council agenda items related to Planning and Zoning activities.
17 B. Review of status of major projects and scheduling of upcoming agenda items.
18

19 Ms. Hersch said the City was actively soliciting qualification from consultants for the
20 General Plan update. She said AT&T has filed a new application.
21

22 **9. FUTURE PLANNING AND ZONING COMMISSION MEETING AGENDA ITEMS**
23

24 Next Planning and Zoning Commission hearing: **Wednesday October 24, 2012 at 7 pm.**
25

26 **10. ADJOURNMENT**
27

28 The meeting was adjourned at 8:02 p.m.
29

30 Next regular meeting: Wednesday, October 24, 2012, 7:00 p.m. at Albany City Hall
31

32
33 _____
34 Submitted by: Anne Hersch, City Planner
35
36 _____

37 **Jeff Bond**
38 **Community Development Director**