

# City of Albany

## Planning and Zoning Commission Minutes February 13, 2013

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 February 13, 2013.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Present: Donaldson, Eisenmann, Moss, Pilch, Arkin

Absent:

Staff present: City Planner Anne Hersch  
Community Development Director Jeff Bond

### 4. CONSENT CALENDAR

(Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a Commission Member or a member of the audience requests removal of the items from the Consent Calendar.)

A. Planning & Zoning Commission Meeting Minutes from September 12, 2012  
**Recommendation: Approval.**

B. Planning & Zoning Commission Meeting Minutes from September 26, 2012  
**Recommendation: Approval.**

C. Planning & Zoning Commission Meeting Minutes from October 10, 2012  
**Recommendation: Approval.**

D. Planning & Zoning Commission Meeting Minutes from October 24, 2012  
**Recommendation: Approval.**

E. Resolution of Intention of the Planning and Zoning Commission to Initiate Amendments to the Planning and Zoning Code Related to Green Building and Bay Friendly Landscaping Regulations  
**Recommendation: Approval of Resolution of Intention and Scheduling of Public Hearing for February 27, 2013 Commission meeting.**

1 Commissioner Arkin noted that "PP&A" should be corrected to "PPNA" (standing for  
2 Peralta Park Neighborhood Association) in the Meeting Minutes from September 26,  
3 2012.

4  
5 **Motion to approve Consent Calendar:** Moss

6  
7 **Seconded by:** Pilch

8  
9 Ayes: Arkin, Eisenmann, Moss, Pilch

10 Nays: None

11 Abstained: Donaldson

12 Motion passed, 4-0

13  
14 Commissioner Donaldson opted to abstain from voting for the minutes as he was not  
15 a commissioner at the time.

16  
17 **5. PUBLIC COMMENT**

18 For persons desiring to address the Commission on an item that is not on the  
19 agenda please note that each speaker is limited to three (3) minutes. The Brown  
20 Act limits the Commission ability to take and/or discuss items that are not on the  
21 agenda; therefore, such items are normally referred to staff for comment or to a  
22 future agenda.

23  
24 None.

25  
26 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

27  
28 **A. PA 12-057 717 Madison Second Story Addition**-The applicant is seeking Design  
29 Review approval for a two-story addition to the rear of the house at 717  
30 Madison Avenue. Currently the existing two-story home is 1,760 sq. ft. and is  
31 proposed to increase to 2,715 sq. ft. The existing single-family home has two  
32 bedrooms and two bathrooms. The applicant is proposing a two-story addition  
33 at the rear of the house. The two-story addition will include a basement level  
34 and a first floor. The basement level will include one bedroom, one bath, an  
35 office and patio, and the first floor will include a family room, study room,  
36 pantry, and kitchen. The addition is proposed to be 955.5 sq. ft.

37 ***Recommendation: Approve with Project Conditions.***

38  
39 Ms. Hersch presented the staff report.

40  
41 Commissioner Pilch- asked if the drafted conditions of approval were standard.

42  
43 Ms. Hersch indicated that conditions were standard and special conditions would be  
44 pointed out to the commission.

45  
46 PUBLIC HEARING OPENED.

1  
2 **Matthew Friedman**, project architect and applicant- noted that the property owners,  
3 Nathan and Mika Moy, were out of town and could not make it to the meeting. He  
4 described a brief building history of the previous home. He indicated a lot of the  
5 existing materials and windows would be reused for the addition.

6  
7 PUBLIC HEARING CLOSED.

8  
9 Commissioner Eisenmann- agreed with most aspects of the project, but had a small  
10 inquiry regarding the proportions of the windows.

11  
12 Commissioner Donaldson- agreed with the proportions of the addition and asked if  
13 there was a driveway against the open blank wall on the north elevation.

14  
15 **Matthew Friedman**- replied that there was a driveway and fence there.

16  
17 Commissioner Donaldson, Commissioner Pilch, and Commissioner Moss- all said they  
18 had no problems with the application aside from window proportions mentioned by  
19 Commissioner Eisenmann.

20  
21 **Matthew Friedman and another project architect**- explained that the sliding window  
22 would be the location of the new master bedroom and the window would be there  
23 to give the owners privacy and light in their bed. They mentioned that they had  
24 researched other options without success.

25  
26 Commissioner Arkin- supported the application and commended the project on its  
27 design and attention to neighbors and topography of the land.

28  
29 **Motion to approve Item 6A with the findings and conditions in the staff report with the**  
30 **additional condition that the large window on the master bedroom be changed to an**  
31 **XOX and that the statement from the applicant regarding the type of windows be**  
32 **included in the application:** Moss

33  
34 **Seconded by:** Donaldson

35  
36 Ayes: Arkin, Donaldson, Eisenmann, Moss, Pilch

37 Nays: None.

38 Motions Passed, 5-0

39  
40 **B. PA 12-059 1109 Stannage Second Story Addition-** The applicant is seeking  
41 Design Review approval for second story addition at 1109 Stannage Avenue.  
42 Currently the existing ground floor area is 560 sq. ft. and is proposed to  
43 increase to 1,451 sq. ft. with new additions. The existing single family home has  
44 one bedroom and one bathroom. The applicant is proposing a second story  
45 addition, a new deck on the rear side of the house, and a possible demolition  
46 of the existing garage depending on budget. The proposed shed is proposed

1 to be 252 sq. ft. and will be located on the back of the house adjacent  
2 towards the property line.

3 ***Recommendation: Approve with Project Conditions.***

4  
5 Commissioner Arkin recused himself from this item due to the proximity of his home to the  
6 project site. Commissioner Eisenmann was designated the substitute chair for this item of  
7 the meeting.

8  
9 Ms. Hersch presented the staff report.

10  
11 PUBLIC HEARING OPENED.

12  
13 **Laura De La Torre**, applicant- described the scope of the project and noted that the  
14 look of the house would change but would respect the existing materials on the  
15 building.

16  
17 Commissioner Eisenmann- asked for clarification on the red markings presented on the  
18 plans.

19  
20 **Laura De La Torre**- replied that only the roof would be removed and new windows would  
21 be put in.

22  
23 Commissioner Moss- was concerned that the foundation could not support a second  
24 story.

25  
26 **Laura De La Torre**- said that the foundation was all new and could support the addition.

27  
28 The project structural engineer- confirmed that the foundation would support the new  
29 addition.

30  
31 **Leslie Ferguson**, 1114 Cornell- wanted to better understand the design. She wanted to  
32 know how close the shed was to the back lot line. She was concerned about lighting  
33 around her building.

34  
35 Ms. Hersch- said that setbacks for accessory structures could be as close as 6 inches of  
36 the property line as long as there are no window openings less than three feet from the  
37 property line.

38  
39 **Laura De La Torre**- said that the new shed would be moved to the back and would not  
40 be where the existing shed is.

41  
42 Commissioner Pilch- pointed out the north elevation looked like the shed was at the  
43 property line.

44  
45 Commissioner Eisenmann- clarified that the applicant was going to remove the garage  
46 and build the shed. She also mentioned a height restriction on the accessory structure.

1  
2 Ms. Hersch- stated that the height restriction at the property line was 8 ½ feet and  
3 pointed out that the roof slopes upward as it goes into the property. She clarified  
4 information regarding setbacks.

5  
6 Commissioner Moss- said the proposal had to be on the drawings and noted that the  
7 sloped roof would not work because it would direct drainage to the neighboring  
8 properties. He said there is a gutter in the property. He said without this information he  
9 could not approve this application tonight.

10 Commissioner Donaldson- asked if the application could be approved without the shed.  
11 He said if the applicant chose to build the shed she would have to get apply for  
12 accessory structure as a separate transaction.

13  
14 **Laura De La Torre-** stated she would be willing to do that.

15  
16 Commissioner Eisenmann- agreed with Commissioner Donaldson's suggestion.

17  
18 **Georgeann Rosenberg**, 1110 Cornell- asked if a more efficient sump pump and drainage  
19 system would be required for this project. She was also concerned about the square  
20 footage on the plans, how much closer the deck would be to her property, and the  
21 height of the story poles. She said she could now see the applicant's home where she  
22 couldn't before and wondered if an analysis could be done on the impact the project  
23 would have on light on the adjacent properties.

24  
25 Ms. Hersch- stated that the applicant would be required to submit a drainage plan to  
26 the public works department along with the application for the accessory building. She  
27 noted the height of the story poles was intended to give an idea of the maximum  
28 building height of the new proposed addition. She said that it was not standard practice  
29 in Albany to require applicant's to do a light analysis but this could be done if the  
30 Commission chooses. She stated that height was in compliance as it was 10 ½ feet at  
31 the peak of the house, and the maximum was 12 feet.

32  
33 Commissioner Moss- said Rosenberg's property would not be impacted by shadows  
34 except on parts of the year where the sun is low, for example December. He said it was  
35 far enough away from the property line to be largely unaffected by shadows.

36  
37 PUBLIC HEARING CLOSED.

38  
39 Commissioner Donaldson- did not have any problems with the addition aspect of the  
40 application but would not be willing to approve shed without revised plans.

41  
42 Commissioner Moss- thought the eclectic design worked and encouraged the applicant  
43 to look more into drainage from the butterfly roof. He asked to send the application for  
44 the accessory building back to staff.

45

1 Ms. Hersch- recommended having an administrative design review for the shed so that  
2 public notices would still go out to property owners within the 100 feet radius.

3  
4 Mr. Bond- encouraged the applicants and neighbors to talk amongst themselves prior to  
5 submitting the revised plans.

6  
7 **Motion to approve Item 6B with the conditions and findings stated in the staff report and**  
8 **the additional note that the approval does not extend to the accessory structure which**  
9 **will be handled by staff through an administrative design review as long the shed is in**  
10 **compliance with the zoning laws and the neighbors are notified:** Moss

11 **Seconded by:** Pilch

12 Ayes: Donaldson, Eisenmann, Moss, Pilch

13 Nays: None

14 Motion passed, 4-0

15  
16  
17 Laura De La Torre- confirmed that the addition had been approved but not the shed.

18  
19 Commissioner Moss- mentioned that the applicant could work with staff to bring the  
20 shed into compliance. He also noted there was a 14 day appeal period.

21  
22  
23 **C. PA 10-019, Design Review & Parking Exception for new commercial building at**

24 **1600 Solano-** The applicant has submitted revised plans for Design Review and  
25 a Parking Exception for a new building at 1600 Solano Ave. The applicant has  
26 proposed to demolish the existing building and construct a new two-story  
27 6,200 sq. ft. commercial building containing ground floor retail space  
28 approximately 1,200 sq. ft. in area and dental offices approximately 4,000 sq.  
29 ft. in area. Maximum building height is proposed to be 31'9". The applicant is  
30 also seeking a Parking Exception for six parking spaces. The applicant is  
31 proposing to include 14 parking spaces, with three accessible by vehicle lift.  
32 The subject property is a 5,127 square foot lot with an existing 2,766 sq. ft.  
33 commercial building on the southeast corner of Solano and Ordway near the  
34 Albany-Berkeley border. This is a study session item and action will not be  
35 taken.

36 ***Recommendation: Receive report and provide feedback to the applicant and***  
37 ***staff.***

38  
39 Commissioner Arkin rejoined the meeting.

40  
41 Ms. Hersch-suggested moving item 6D up and returning to item 6C as the applicant was  
42 not present.

43  
44 **D. PA 13-005, 860 San Pablo, Ivy Room Entertainment Permit-** The applicant is  
45 seeking an entertainment permit to have live entertainment on Tuesday,  
46 Friday and Saturday evenings. Entertainment is expected to include bluegrass,

1 swing, jazz, folk, blues, rockabilly, and pop. Comedy open microphone is also  
2 proposed. Performers will be set up at the front of the lounge, with equipment  
3 and speakers facing away from San Pablo Ave and toward the back of the  
4 property. This is a study session item for preliminary Commission feedback. No  
5 action will be taken as part of this review.

6 ***Recommendation: Receive report and provide feedback to the applicant and***  
7 ***staff.***

8  
9 Ms. Hersch presented the staff report. In response to Commissioner Eisenmann's question  
10 regarding other institutions that have a similar entertainment license, Ms. Hersch replied  
11 that Monterro's had a entertainment permit for live music and salsa dancing.

12  
13 **Tanya Colli**, applicant and co-owner of the Ivy Room- added that she thinks Schmidt's  
14 Pub on Solano had an entertainment license as well. She said a lot customers showed  
15 interest in live music.

16  
17 Commissioner Moss- suggested the applicant do a sound survey to see how the building  
18 would respond to the noise especially since it is facing towards residential areas. He  
19 noted that Schmidt's did not have an entertainment permit as they did not play  
20 amplified music.

21  
22 Commissioner Donaldson- asked if the police are involved in getting an entertainment  
23 permit. He also noted seeing advertisement for live performances already in the  
24 windows of the Ivy Room.

25  
26 Ms. Hersch- replied that staff did work with police department and the police were  
27 aware of interest in this permit at this location

28  
29 **Earl Grinstead**- supported the application and was glad to see live music back at the Ivy  
30 Room.

31  
32 **Elizabeth Hoffman**, 914 Solano- was concerned about the noise levels and crowds that  
33 live music on Tuesday evenings would bring. She noted she can hear crowds from  
34 Montero's from her home and was fine with live music on the weekend. She hoped  
35 there would be a sound check.

36  
37 **Schuce Miller**, Albany Commons- mentioned she heard crowds from Montero's and was  
38 concerned about live music on week nights as well. She asked what the maximum  
39 decibel level was as governed by the entertainment permit and suggested the  
40 applicant possibly look into double pane windows or a sign similar to the one at Club  
41 Mallard to remind customers to be courteous of neighbors living in the surrounding area.

42  
43 **Auburn Schmidt**- was concerned with enforcement of noise violation and what levels of  
44 amplification was allowed.

45

1 Commissioner Moss- asked Schmidt to use his smart phone's noise meter to track how  
2 loud the music reaches to.

3  
4 Commissioner Arkin- said that amplification would be a part of the sound test and that  
5 the police department was in charge of enforcement.

6  
7 Commissioner Eisenmann- felt that looking at a time frame of more than a few weeks  
8 would provide a better noise indicator.

9  
10 Mr. Bond- added that the City had a hand held noise meter that they could lend out. He  
11 said an acoustical expert could come in if needed.

12  
13 **Tanya Colli**- said she was planning on doing a sound study.

14  
15 PUBLIC HEARING CLOSED.

16  
17 Commissioner Arkin- said that Ms. Hersch could help the applicant go over provisions  
18 that were part of similar applications such as the Mallard and Hotsy Totsy.

19  
20 The Commission revisited item 6C.

21  
22 **6C. PA 10-019, Design Review & Parking Exception for new commercial building at 1600**  
23 **Solano**

24  
25 Ms. Hersch presented the staff report.

26  
27 **Kava Massih**, applicant gave an overview of the project and highlighted specific  
28 modifications that have been made since the last study session.

29  
30 The Commission's questions included: where the perforated metal was proposed, which  
31 areas of the project did not conform to height restrictions, and what type of retail would  
32 be in the proposed retail space.

33  
34 Kava Massih- indicated the perforated metal would be at the garage metal and railings.  
35 He said the building was 2 feet over on the plane of the west façade. He said he would  
36 be willing to adjust this height if needed. The applicant did not have any retail partners  
37 yet and had added the retail space at the request of the Planning and Zoning  
38 Commission.

39  
40 Commissioner Arkin- noted the request was made as a way for the applicant to increase  
41 their square footage without having to add parking.

42  
43 PUBLIC HEARING OPENED.

44  
45 **Earl Grinstead**, 911 Ordway- expressed concern about parking and traffic and safety on  
46 Ordway.



1  
2 **Tom O'Brien**, 919 Ordway- was also concerned about parking and traffic and safety  
3 issues. He shared his findings from counts and surveys he conducted regarding the  
4 occupancy of the building at any given time and the corresponding parking  
5 requirements. He estimated a need for forty parking spaces and said any waiver would  
6 be at least twenty spaces. He was also concerned about the dimensions of the  
7 proposed car lift and believed there was a misunderstanding between his interpretation  
8 of the City's parking survey and that of City transportation planner Aleida Andrino-  
9 Chavez. He suggested scaling back the project so that it is respectful to the parking  
10 demand. In response to questions from the Commission, Tom O'Brien indicated that the  
11 patient to car ration is 1:1.

12  
13 The following people also voiced their concerns about traffic hazards, parking, and  
14 livability: **Miriam Kaminsky**, **Simon Dobjensky**, **Nina Homesack**, and **Allison Grinstead**.  
15 Miriam Kaminsky said the drop off on Solano was dangerous and referred to a petition of  
16 40 signatures from neighbors with similar concerns. Allison proposed scaling down the  
17 project and Nina Homesack disagreed with the required retail space with the project  
18 site. Homesack suggested calming traffic on Ordway by putting in an island or traffic  
19 light.

20  
21 **Layla Kasrovi**, property owner of the project- claimed that her and her husband has  
22 spent a lot of money already changing their project to better address their neighbor's  
23 concerns. She was hurt that the neighbors viewed the project as a dangerous place in  
24 terms of traffic safety particularly for kids. She clarified this is an existing practice and  
25 they were simply moving their patients from the North Berkeley location to this one. They  
26 were not expanding.

27  
28 **Kava Massih**- suggested relooking at the content of the presented traffic survey as it was  
29 not done by a traffic expert. He also noted the parking should not be based on the  
30 number of dentist chairs as there is a chance the business would change in years to  
31 come.

32  
33 PUBLIC HEARING CLOSED.

34  
35 Commissioner Moss- was interested in finding out the trip generation for this project. He  
36 believed the intersection issues should be brought to Traffic and Safety Commission. He  
37 thought the drop off issue was a good idea.

38  
39 Commissioner Arkin- clarified that a parapet wall could only be done with a variance.

40  
41 Commissioner Pilch- liked the design and thought they should work to keep the height as  
42 is. In terms of traffic and safety, Pilch proposed the City hire a consultant to do a traffic  
43 survey. He liked the idea of the lift and thought the business has control over where its  
44 staff parks. He also offered suggestions in regards to bicycle parking. He thought it would  
45 be important for the applicant to encourage staff and visitors to arrive at the site in  
46 modes of transportation other than driving.

1  
2 Commissioner Donaldson- was concerned with parking. He suggested conducting a  
3 parking survey and providing incentives for staff to bike or walk to the site. He liked the  
4 entrance to the building. He said retail space have been low on business and was not  
5 sure how the retail space requirement would work out. Pilch and Donaldson agreed the  
6 drop off was a good idea.

7  
8 Commissioner Eisenmann- agreed with the drop off idea on Solano. She thought the  
9 extra height should be eliminated to better match residential height restrictions in the  
10 back. She suggests that the cars coming out of the site could be right turn only. She  
11 agreed with the lifts and tandem parking for employees.

12  
13 Commissioner Arkin- thought a variance was not feasible for the project, and thought  
14 the back should be brought into compliance. He thought that the parking exception  
15 should be approved with a few minor modifications and suggested collaboration with  
16 the Traffic and Safety Commission. He has no problem with the parking proposal, but he  
17 agrees that there are issues with the intersections. He suggested a change of the angle  
18 of parking on the end of the street in a way that would aid pedestrian crossing and  
19 create a backup zone for cars. In response to the neighbors' complaints about loss of  
20 residential parking spaces, he thought this block could be the first to have residential  
21 permit parking.

22  
23 Commissioner Donaldson- thought the cost of off-site building couldn't be forced onto  
24 the applicant because it was not related.

25  
26 Commissioner Arkin- suggested this project go to the Traffic & Safety Commission next in  
27 response to Pilch's thoughts on the intersection.

28  
29 Commissioner Pilch- suggested applying for transportation grants in response to the issue  
30 of intersection improvements for intersection redesign. It would minimize the cost the  
31 applicant would have to pay. He mentioned the fact that bicycle parking had limits on  
32 the number of spaces. He pointed out a potentially problematic issue of the covered  
33 bicycle spaces obstructing a driver and passengers' path when going to the building  
34 entrance from the parking space, which would create pedestrian traffic in the aisles. He  
35 suggested another door in a different location in the building.

36  
37 Commissioner Moss- pointed out the covered spaces were most likely intended for  
38 employee use, but Pilch also said some may be for patient use.

39  
40 Commissioner Arkin- reiterated that the issue should go to the Traffic & Safety  
41 Commission next and added that some adjustments could be made towards the  
42 intersections to improve the safety of the street.

43  
44 **E. PA 12-045 Design Review & Parking Exception for 1117 Ordway-** The applicant  
45 is seeking design review and parking exception approval for a 650 sq. ft.  
46 accessory structure in the rear yard at 1117 Ordway. The lot is 7,551 sq. ft. in

1 area. The applicant received administrative design review approval for a 239  
2 sq. ft. accessory structure in 2011. The original accessory structure was  
3 constructed and finalized in April 2012. Upon completion, an unpermitted  
4 expansion of the structure commenced and a stop work order was issued.  
5 The applicant was directed to file a new application to remedy the current  
6 situation. The applicant is proposing to use the structure as a multipurpose art  
7 studio.  
8

9 **Contd. from January 17, 2013. Recommendation:** The Planning and Zoning  
10 Commission may take one of the following actions  
11

- 12 1. Approve Revised Plan A subject to findings and conditions
- 13 2. Approve Revised Plan B subject to findings and conditions
- 14 3. Adopt Findings of Denial and require the accessory structure be  
15 restored to its originally approved condition  
16

17 Ms. Hersch presented the staff report. She added that the commission most recently in  
18 November 14 and 28. The commission gave specific recommendations for the site  
19 applicant, including the relocation of a wall close to the property line, readjusting the  
20 skylights to be more than 3 feet away from the property line, and the submission of  
21 further information on site drainage. The site applicant had provided two plans and a  
22 letter from a soil engineer for the committee to consider. Ms. Hersch briefly went over the  
23 two plans.  
24

25 Commissioner Arkin- wished to clarify a point from the previous meeting only a maximum  
26 of 37 feet of the wall needed to be set back and wondered if this was misinterpreted  
27 into 37 feet of wall had to be set back.  
28

29 PUBLIC HEARING OPENED.  
30

31 **Paula Wagner and Gibb**, applicants- went over her plans and also mentions her possible  
32 misinterpretation of Commissioner Arkin's point regarding the distance the wall could be  
33 moved. She stated that Plan B was the more structurally and economically feasible of  
34 the two plans. She expresses her concern about having a long space (3.5' x 37') in the  
35 back wall due to debris and drainage issues, among other negative impacts in Plan A.  
36 She voices a neighbor's concern with the long and visible roofline, which Plan A would  
37 not remediate. She explains that Plan B would make the project a lot smaller, but easier  
38 than Plan A to implement.  
39

40 Commissioner Donaldson - requests a clarification concerning the cost ratio and asks if  
41 Plan A would be four times more expensive than Plan B.  
42

43 **Paula Wagner**, applicant- confirms that Plan A would be 3-4 times more expensive than  
44 Plan B. She notes that she isn't sure whether they would have enough space if they cut  
45 into the roof and had a cantilevered roof to hang over the walkway.  
46

1 **Gibb**, applicant- reminds that drainage had been an issue in the previous meeting. He  
2 says that they had been recommended to put in a Christy box and a drainpipe to go  
3 down the side and to the street.

4  
5 **Allison Truman**, 1115 Ordway- notes that she had previously requested special language  
6 in the deed restriction to specify that neither owner nor family members could live in the  
7 dwelling. She also observes that the drainage plan letter appeared to be based on the  
8 original approved 239sqft. structure. She is concerned about the revised size and  
9 whether or not there would be increased drainage.

10  
11 Commissioner Arkin- says that the letter notes that they visited site, observed what had  
12 been installed, and found that it conformed to the new calculations. The letter also  
13 references that it had been installed in accordance to the previous design, so it was  
14 installed correctly and it has the increased capacity.

15  
16 **Paula Wagner**- explains that before they built anything, they got permission to pour a  
17 continuous concrete pan, which was much larger than 239sqft. She notes that the  
18 drainage was based on that original concrete construction, so it was already ready for  
19 that capacity.

20  
21 **Gibb**- adds that the drainage behind the retaining wall, a perforated pipe, was buried  
22 down around four feet and took care of any drainage from the Truman's property. He  
23 says that it was there before the structure was expanded, and it extended along the  
24 length.

25  
26 Commissioner Moss- asks where the perforated drain pipe drains to.

27  
28 **Gibb**- says that there is very little water that comes out, but it drains out to the backyard  
29 area.

30  
31 Commissioner Moss- asks about the rainwater drainage.

32  
33 **Gibb**- says that the rainwater goes down into the street area: the area that needs to be  
34 addressed with a Christy box.

35  
36 Commissioner Arkin- notes the requirement for three 2in. pipes to the curb of the  
37 sidewalk.

38  
39 Commissioner Moss- asks whether the 8in. pipe going from the structure to the creek will  
40 be abandoned.

41 **Paula Wagner**- says that it was required, and was already signed off. She says that they  
42 were originally given permission to have all of the water drain to Codornices Creek. She  
43 says that they were concerned and didn't want all of the roof water in the creek. She  
44 confirms that the roof water now goes to the street and the retaining wall water goes  
45 the creek.

46

1 Commissioner Moss- asks if the foundation pipe daylight to the creek or the backyard.

2

3 **Paula Wagner-** says that it daylight at the edge of the backyard to the creek.

4

5 Commissioner Eisenmann- asks that because they are interested in having the larger  
6 accessory building, if they had thought about trying to provide the second parking spot  
7 by adjusting the front yard so that they could have a second garage space and the  
8 staircase shifted over.

9

10 **Paula Wagner-** says that it wouldn't be economically feasible, and she doesn't know  
11 how structurally feasible it would be because it is a very steep staircase and a single  
12 garage.

13

14 PUBLIC HEARING CLOSED.

15

16 Commissioner Pilch- is concerned about the precedence it would set if they approved  
17 this without the second parking space. He says that it is a large accessory building, and it  
18 would mean that if large accessory buildings came up in the future and people wanted  
19 a parking exception, they would bring up this case.

20

21 Commissioner Arkin- says that generally on highly constrained lots, if someone is  
22 proposing to do an addition (second story, accessory building), they are generous with  
23 the parking exception when there really isn't any way to make it work. He believes that  
24 this site qualifies as being extremely difficult to adding the second parking space. He  
25 also notes that the parcel is over 7500sqft, so it is big enough to be subdivided into two  
26 legal lots. He says that it is at a 0.24 floor area ratio, which is less than half of what they  
27 allowed. He raises the question of what they would have done initially, and what they  
28 would have looked at if someone came with the problem. He notes that the creek cuts  
29 across the southeast corner, so they want the structure as far as possible from the creek.  
30 He says that option B is acceptable, with the length of frontage to the neighbor isn't  
31 excessive and is lower. He believes that the modification or elimination of the front  
32 portion is an appropriate thing to do, so that it has both a setback and a lower roofline.

33

34 Commissioner Moss- adds that it is in an area that isn't heavily impacted on the parking.  
35 He says that there is a lot of parking available. He thinks that the deed restriction is a  
36 good idea because if they wanted to make it a rental unit, it would impact the  
37 neighbors. He agrees with option B.

38

39 Commissioner Donaldson- doesn't have any problems with option B, and does think that  
40 the deed restriction is necessary.

41

42 Commissioner Arkin- notes that the deed restriction had the purpose of communicating  
43 to future buyers that the second building can't be rented out.

44 **Motion to approve Plan B of the item 6E, PA 12-045, with the conditions and findings**  
45 **stated in the staff report, with an included deed restriction:** Donaldson

46

1 **Seconded by:** Moss

2  
3 Commissioner Eisenmann- mentions the windows, and their relationship regarding the  
4 property line.

5  
6 Commissioner Arkin- says that the condition of approval is that it conforms to the building  
7 code, so there wouldn't be windows within three feet of the property line.

8  
9 Ayes: Arkin, Eisenmann, Moss, Pilch, Donaldson

10 Nays: None

11 Motion passed, 5-0

12  
13 **7. NEW BUSINESS**

14  
15 **A. Election of Planning and Zoning Commission Officers**

16 *Recommendation: make nomination(s) and vote for members to serve as*  
17 *Chair and Vice Chair.*

18  
19 Commissioner Moss- nominates Stacy Eisenmann as Chair and moves Doug Donaldson  
20 as Vice Chair.

21  
22 **Proposal for Eisenmann to serve as Chair and Donaldson to serve as Vice Chair:** Moss

23  
24 Ayes: Arkin, Moss, Pilch, Donaldson

25 Nays: None

26 Abstain: Eisenmann

27 Proposal passed, 4-0

28  
29 **B. 2013 Planning and Zoning Commission Work Program**

30 *Recommendation: Approve draft Work Program for City Council review.*

31  
32 Jeff Bond presents the Work Program.

33  
34 Commissioner Donaldson- asks if there are any trends to report on the level of  
35 application activity of the second floor additions and the smaller projects.

36  
37 Anne Hersch- says that on the residential side, they have been steady, and at the last  
38 two weeks of December, they had seven applications walk in for administrative and  
39 second story additions. She thinks that people are recognizing that housing is holding its  
40 value in Albany and are investing in it. She says that on the commercial side, it is  
41 somewhat steady, but not as active.

42  
43 Commissioner Arkin- says that starting earlier, and having the general plan at the  
44 beginning for a set time would be helpful.

45

1           **C. Discussion of Advisory Body Training Session**

2           *Recommendation: For information and discussion.*

3  
4           **D. Resolution of Appreciation to Leo Panian for his service on the Planning and Zoning Commission**

5           *Recommendation: Approval.*

6  
7  
8   **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

9           (Staff discussion and Commission member announcement of status of previous agenda items and requests for future agenda items. No public comment will be taken on requests for future agenda items).

10  
11  
12  
13   Jeff Bond- says that the ATT proposal will be going to the City Council.

14  
15   **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

16  
17           Next Planning and Zoning Commission hearing: **Wednesday, February 27, 2013 at 7 pm.**

18  
19  
20   **10. ADJOURNMENT**

21  
22           The meeting was adjourned at 11:10 p.m.

23  
24           Next regular meeting:   Wednesday, February 27, 2013, 7:00 p.m. at Albany City Hall

25  
26  
27           \_\_\_\_\_  
28           Submitted by: Anne Hersch, City Planner

29  
30  
31           \_\_\_\_\_  
32           **Jeff Bond**  
              **Community Development Director**