

# City of Albany

## Planning and Zoning Commission Minutes December 8, 2009, Meeting

**APPROVED**

*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 Maass, in the Albany Community Center at 7:30 p.m. on Tuesday, December 8, 2009.

#### 2. Pledge of Allegiance

#### 3. Roll Call

Present: Arkin, Gardner, Maass, Moss

Absent: Panian

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

#### 4. Consent Calendar

##### a. 1341 Washington. Planning Application 09-065. Design Review & Parking Exception.

The proposed project consists of a 459 square foot addition to the rear of the home. The addition would match the existing height and architectural style of the home. The existing home has a one-car garage. Due to the dimensions of the garage and the front yard, however, an exception to the City's parking standards is required for both off-street parking spaces.

*Staff recommendation: Approval.*

##### b. 1233 Solano. Planning Application 09-058. Conditional Use Permit & Parking Exception.

Expansion of an existing tutoring/educational instruction use from 2,700 square feet to 3,600 square feet. The applicant also is seeking a parking exception for the additional off-street parking space that would normally be required.

*Staff recommendation: Approval.*

Commissioner Arkin pulled item **4a**.

Commissioner Gardner moved approval of the consent calendar. Commissioner Moss seconded.

Vote to approve item **4b**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

**Findings. 1233 Solano**

**Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)**

<b>Required Finding</b>	<b>Explanation</b>
<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 commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing office space and the tutorial classes will be valuable service to the community.</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> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></li> <li>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></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></li> </ul>	<ul style="list-style-type: none"> <li>a. <i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</i></li> <li>b. <i>Staff conducted a parking count throughout a regular business day and found a vacancy rate of 55%. Many of the staff and students will be using public transportation and walking or biking to the site.</i></li> <li>c. <i>No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</i></li> <li>d. <i>It is an existing site without need for additional landscaping, services areas and lighting. Design review approval and a building permit for signage has already been obtained by the property owner.</i></li> </ul>
<p>3. <b><i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i></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>

**Findings for a Parking Adjustment approval (Per section 20.028.040B5 of the AMC)**

<b>Required Finding</b>	<i>Explanation</i>
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Most of the commercial and retail services along Solano Avenue do not provide off-street parking. There are no similar uses in the vicinity. The staff and students, however, will be able to easily access the site by public transportation and walking or biking.</p>
<p>2. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</i></p>	<p>The site is already developed with a building that has commercial/ office space. The project will result in an increase in parking demand, however, it is not reasonable to require the property owner to secure permanent increase in off-site parking for a particular lessee.</p>
<p>3. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighborhood uses.</i></p>	<p>A parking count was conducted within a 500' radius of the site on Friday July 13, 2007 staff found that at 12:00pm the occupancy rate for 257 parking spaces was 66%. At 3:30pm it was 52% and on Monday, July 16, 2007 at 5:00pm it was 47%.</p> <p>For the recent applicant at 850 Talbot, staff conducted three parking counts on September 28, 2009, at 4:30 pm and found a 73% occupancy rate. In addition, counts were conducted November 3, 2009 at 9:00 am and 12:00 noon and found 75% and 70% occupancy rates respectively.</p> <p>Thus, the observed available parking should be adequate to accommodate the additional 1 required parking space.</p>

**Item 4a**

Commissioner Arkin found this a nice expansion of an Albany home, and felt that the nonconforming garage space could be counted. Commissioner Moss agreed that the encroachment was small enough to consider approving the parking space even though it was not to code.

Commissioner Arkin moved approval with a single parking space exception. Commissioner Moss seconded.

Vote to approve item **4a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

**Findings. 1341 Washington**

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

<b><u>Required Finding</u></b>	<b><u>Explanation</u></b>
<p>4. <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></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.</i></p>
<p>5. <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></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 maintain the primary trees on the site and will not require significant grading. The project will create attractive new entrance to the residence.</i></p>
<p>6. <i>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 impact property, improvements or potential future development in the area. The project will include removal of vinyl siding and upgrade the structural strength of the residence.</i></p>
<p>7. <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, retention and maintenance of buildings, and privacy.</i></p>

**Findings for Exception Approval (Per section 20.28.040 of the AMC)**

<b>Required Finding</b>	<b>Explanation</b>
<i>a. Required spaces cannot be located in front or side yard areas.</i>	<i>The existing home has a 3 foot setback on both side yards, which is inadequate to accommodate vehicles in the side yard.</i>
<i>b. Space is not available to provide the required parking facilities without undue hardship.</i>	<i>The existing garage depth is less than 16 feet, and thus does not meet minimum depth standards. Relocation of the rear wall of the garage would create an undue hardship because of an existing bathroom on the other side of the wall.</i>
<i>c. Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i>	<i>There is no viable access to private outdoor living areas.</i>
<i>d. Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	<i>The addition of a second curb cut would require the elimination of an on-street parking space.</i>
<i>e. The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i>	<i>The proposed project is modest in size, and will result in an increase in the size of the residence from a FAR of 32% to 48%, which is less than the maximum allowed FAR of 55%.</i>

**5. Public Comment on Non-Agenda Items**

Patricia Wubben 800 block of Evelyn, was concerned regarding item **4b** and impacts to on-street parking. She also complained about litter from the students. Paul O'Curry, 800 block of Evelyn, felt this was a change of use (from tutoring to a school). Commissioner Moss moved reconsideration of item **4b** because it had been difficult to find a parking space before the meeting. There was no second. Commissioner Arkin expressed a preference for staff to work with the applicant. Commissioner Gardner and Chair Maass agreed. Commissioner Moss moved adding a condition that the applicant must work with staff on parking and litter. There was no second. The Commissioners agreed they wanted staff to work with the school and the neighbors. The neighbors would still be able to appeal the decision. Commissioner Moss asked staff to ask the Council to waive any appeal fee.

**6. Discussions and Possible Action on Matters Related to the Following Items**

**a. 1137-1139 Solano. Planning Application 09-033. Design Review and Parking Exception.**

Construction of a new three story building including ground floor retail, and a total of four residential units on the second and third floor. The project would require approval of a parking exception allowing six spaces where nine spaces would otherwise be required.

*Staff recommendation: Study session. For discussion only.*

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Richard Janzen, the project architect, was available to answer questions. Commissioner Arkin asked about how open space would be provided. Mr. Janzen indicated it would be a combination of terrace area at the rear and small decks off of each unit. Commissioner Gardner asked whether the units would be rental or condominium. Mr. Janzen stated the units would initially be for rent.

Bob Jones, 838 Stannage, was concerned about loss of privacy, loss of views, impacts of vehicles parking at the fence line, hazards of the blind driveway, location of rooftop mechanical room, and impacts to on-street parking. Robert Craig, owner of the Korean restaurant in the existing structure, wanted to know whether the building was going to be demolished. Dave Danby, 824 Stannage, stated finding on-street parking was a problem. Kate Miller, 841 Kains, was concerned about loss of sunlight, parking impacts, driveway danger, and possible noise amplification. Ed Fields, Kains Avenue, thought the address should be 1137 – 1147. He stated it would be greener to use the existing structure, and asked for clarity on the height. He noted Solano Avenue should not be included as part of the parking study regarding residential uses. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner recommended a major use permit to handle the parking reduction and shared parking and exceptions. She wanted to see a shadow study, engineering analysis of the driveway sightlines, and noise analysis. Commissioner Moss noted if the parking were assigned the ADA space would not need to be provided initially, which would allow for one more space. He wanted to see a six-foot masonry wall between the neighbors and the parking. He was comfortable with waiving the commercial parking. He noted if the construction were more than 50 percent new, the wall at the sidewalk should be pulled back to allow better visual angles for the driveway at the sidewalk. He also wanted to see planters or articulation to give something back to the street; also, if there would be sidewalk seating it should be included. He was concerned that side decks would get no air or light if new construction went up next door.

Commissioner Arkin was concerned about the blind drive access. He stated it could be possible to move the driveway to the east end of the building and provide an accessible parking space on the street. He liked the bays on the front and recommended extending the caps or trellis and adding overhangs for passive solar. He wanted to see more detail and variety on the materials, a three-dimensional rendering, and reduced energy use (green checklist). He stated four or five parking spaces were better than the current zero spaces. He wanted to see proposed driveway signage. Chair Maass recommended reducing the lower floor to widen the driveway and reduce the amount of required parking. Alternatively, the rear of the ground floor could be reduced to provide more room for parking.

Commissioner Arkin moved continuation. Commissioner Gardner seconded.

Vote to continue item **6a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

**b. 713 Ramona. Planning Application 09-037. Design Review.** Request for design review approval to allow a 1,395 sq. ft. two-story addition to an existing single-family home and expansion of an existing accessory structure to create a 420 sq. ft two-car garage.

*Staff recommendation: Commission provide further direction to the applicant and staff and continue the public hearing to a future date.*

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Winnie Tam, the project architect, was available to answer questions. Barry Ogilve, 710 Ramona, was concerned the project was out of scale, height, and bulk; he did not favor the changes in architectural style, the loss of the chimney that provides architectural relief, the big-box design, the roof deck on the front, the appearance of the sliding or French door on the front, the use of invasive bamboo, and the loss of privacy. David Apelt, 707 Ramona, felt the design did not fit in; even with the variety on the block, this looked monolithic, stark, and unappealing. He asked if the street tree would be removed or retained. He was concerned about extra vehicles, suggesting this might be more than a single-family structure. He was concerned about loss of sunlight and something about the garage at the top of a steep driveway. Susan Shaw, 715 Ramona, objected to the revised design and to the bamboo, and opined the applicant should be more concerned about impacts to the neighbors. Amy Deberouchen, 710 Carmel, stated the project was massive. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner stated the project was really big – not sustainable, not modest. Commissioner Arkin noted with FAR exceeding 45 percent there must be extra care in the design. He stated there had been progress in the design, but consistency was still lacking. The false gable would look odd from many angles. The roof deck should be better integrated with the roof. Perhaps broadening the overhang and using the same roof form on the first floor would be better. Commissioner Moss stated this was not well proportioned or well articulated. He also asked why there were full and half-baths directly across from each other. He felt the garage did not fit with either the first or the second floor. The chimney could have been retained (with a switch to gas). Chair Maass wanted the massing broken up and did not like the three different roofs and was bothered by trying to hide the upper balcony. Planning Manager Bond offered to work with the applicant to address the Commissioners' concerns.

Commissioner Moss moved continuation. Commissioner Gardner seconded.

Vote to continue item **6a**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

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

*Staff recommendation: For discussion only.*

Planning Manager Bond delivered the staff report. Commissioner Arkin asked whether the applicant had backfilled against the foundation, because the rains were coming. Chair Maass opened the public hearing. Michael Wallace, 715 Hillside, wanted to remind the Commission and staff that the approval of this project had led to seemingly never-ending, slow-paced construction, and that it appeared there was an illegal second unit in the first house. He asked the City to set and stick to higher aesthetic standards. Thelma Rubin, Albany resident, noted that the work had been progressing recently. No one else wished to speak. Chair Maass closed the public hearing.

**d. Discussion of City of Albany Draft Climate Action Plan.**

*Staff recommendation: For discussion only.*

Planning Manager Bond provided a brief verbal report

**7. Announcements/Communications:**

- a. **Update on code enforcement activities at 947 Jackson Street and 739 Madison Street**
- b. **Senior Center Expansion Special Meeting for Neighbors of the Albany Senior Center. Wednesday, December 9, 2009; 7:00–8:00 pm; Albany Senior Center; 846 Masonic Avenue**
- c. **Closure of Community Development and Administration offices on Friday December 11, and Monday December 14 for purposes of move back into City Hall.**

Planning Manager Bond provided a brief verbal report

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

- a. **Cancellation of the Planning and Zoning Commission scheduled for Tuesday, December 22, 2009.**
- b. **City Council study session on Draft Climate Action Plan scheduled on Monday, January 4, 2009**

**9. Adjournment**

The meeting was adjourned at 10:49 p.m.

Next regular meeting: Tuesday, January 12, 2010, 7:30 p.m.

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Submitted by:

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*Jeff Bond, Planning Manager*