

City of Albany

Planning and Zoning Commission Minutes October 27, 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, October 27, 2009.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Maass, Panian

Absent: Gardner, Moss

Staff present: Planning Manager Jeff Bond, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the September 9, 2009, Regular Commission Meeting.

Staff recommendation: approve.

b. 524 Talbot. Planning Application 09-052. Design Review. Conditional Use Permit.

Request for Design Review approval to allow a 502 sq. ft. two-story addition to the home, which would include a new second unit. A Conditional Use Permit is required to allow the vertical extension of a non-confirming exterior wall on the north side of the residence. A secondary residential unit also is proposed as part of the project.

Staff recommendation: continue public hearing to November 10, 2009 Commission meeting. (No staff report attached).

No one wished to pull any of the consent items. Commissioner Arkin moved approval. Commissioner Panian seconded.

Vote to approve the consent calendar:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

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. 1069 Talbot Avenue & 1071 Talbot Avenue. Planning Application 08-011. Design Review and Variance. Request for Design Review approval of construction of two new homes and variance of rear yard setback coverage standards to allow construction of two new single-family homes.

Staff recommendation: approve design review with modifications. Deny variance to allow enclosed garage in rear yard.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Jon Matheson, the project architect, stated that the owner wanted a covered garage. Margie Groeninger, 1072 Evelyn, appreciated the revisions. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin suggested reducing the amount of obscure glass. He asked staff about rear lot coverage, and then asked that the question be posed to the City Attorney. Commissioner Panian asked whether there was language about a need for an easement. He noted if there was a parking exception no variance and easement would be necessary. He would have difficulty making the findings for a variance. Commissioner Arkin and Chair Maass agreed.

Commissioner Arkin moved continuation to the November 10, 2009, meeting. Commissioner Panian seconded.

Vote to continue item **6a**:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

b. 1116 Santa Fe Avenue. Planning Application 09-055. Design Review. Variance. Request for Design Review and Variance approval to allow enclosure of the front porch, widen the front driveway, modify a number of windows and doors in the residence, and construct a new wood deck on the north side of the rear yard. In addition, a variance is requested to allow expansion of the existing rear yard accessory building.

Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Jason Kaldis, the project architect, was available to answer questions. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin could support the variance due to the lot shape and enclosure of the porch. Commissioner Panian and Chair Maass agreed. Commissioner Panian moved approval with the added condition that the enclosure could be extended with staff approval. Commissioner Arkin seconded.

Vote to approve item **6b**:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

Findings. 1116 Santa Fe

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

Required Finding	Explanation
<p>1. <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>2. <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 not remove any significant vegetation and will not require significant grading. The home will have new windows and very few aesthetics changes, thus, will not create a visual detriment at the site or the neighborhood.</i></p>
<p>3. <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.</i></p>
<p>4. <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 Variance (Per section 20.100.040.C of the AMC)

Required Finding	Explanation
1. <i>Unique Site Characteristics. That there are exceptional or extraordinary circumstances applying to the property involved, including size, shape, topography, location or surroundings, and</i>	<i>The lot has a trapezoidal configuration with a width of 15.41 feet at the rear property line and 43 feet at the front property line. The required rear yard is uniquely small, at approximately 370 square feet.</i>
2. <i>Preservation of Property Rights. That the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and.</i>	The Planning and Zoning Code was crafted with consideration that most residential parcels in the vicinity are rectangular in shape. Strict interpretation of the Code would limit an accessory building to approximately 111 square feet in size.
3. <i>No Special Privilege. That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties; and</i>	<i>The proposed size of the accessory building would typically be allowed on a standard R-1 residential lot in the City, and thus does not constitute a special privilege.</i>
4. <i>Adverse Impacts. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and</i>	As a result of the proposed project, the residence would retain an adequate private open rear yard of 1,146 square feet, which contributes to public welfare.
5. <i>Limitations. That such variance does not permit a use other than a use permitted in the zoning district in which the site is located, increase the permitted residential density, or establish a newly-created lot that does not meet the minimum lot area or minimum lot width requirements of the zoning district.</i>	The proposed project retains the existing single family land use, which is allowed in the R-1 district. In addition, the proposed project does not result in the creation of a new lot or permit an increase in residential density.

c. Recommendation to the City Council on Amendments to City of Albany Green Building Standards of Compliance and Checklists.

Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Mr. Kaldis recommended more public education, such as handouts listing the top ten items for kitchens, bathrooms, etc. He suggested higher points for things that cost more rather than higher points for things that save the most energy. He would like the city to be an advocate for recycling, high-efficiency furnaces, photovoltaics, waste reduction, energy efficiency, low VOCs,

and healthy building. He noted the architect, engineer, or energy compliance consultant could be required to write a letter of self-certification. He wanted higher standards now. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin wanted to bring compliance to all projects as a voluntary, educational experience. He recommended LEED for homes. He wanted new square feet changed to 80 rather than 50. He recommended third-party review for new home construction. He wanted to re-review after the climate action plan was approved. He suggested a subcommittee look at creating an Albany-specific guide.

Commissioner Panian considered some sort of primer for the public, listing the top 10 things to do, or the top three. He asked whether enough had been done regarding multifamily, etc. He agreed with the idea of a subcommittee. Chair Maass wanted to be sure Commissioners Gardner and Moss would also have an opportunity to comment on this. Commissioner Arkin moved recommendation of this item to City Council with amendments: any renovation of square footage should attain the most points practicable; new home construction at 80 or LEED for homes; and a subcommittee to explore recommendations most appropriate to Albany. Commissioner Panian seconded, adding the option of self-certification by the designer. Commissioner Arkin accepted the amendment. .

Vote to recommend item **6c** as amended:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

d. Background Information on preparation of the City of Albany Climate Action Plan.

Staff recommendation: approve.

Planning Manager Bond stated there would be a January 4, 2010, session with City Council.

7. Announcements/Communications:

a. Update on status and next steps associated with the Climate Action Plan.

This item was coming up in November.

8. Future Planning and Zoning Commission Meeting Agenda Items:

a. Next regular meeting of the Planning and Zoning Commission scheduled for Tuesday, November 10, 2009.

9. Adjournment

The meeting was adjourned at 9:25 p.m.

Next regular meeting: Tuesday, November 10, 2009, 7:30 p.m.

Submitted by:

Jeff Bond, Planning Manager