City of Albany

Planning & Zoning Commission Minutes of June 8, 2016 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 regular meeting of the Planning & Zoning Commission was called to order by Chair Giesen-Fields in the City Council Chambers at 7:00 P.M. on Wednesday, June 8, 2016.

2. PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Donaldson, Friedland, Kent, Menotti, Giesen-Fields

Absent:

None

Staff Present: City Planner Anne Hersch

4. CONSENT CALENDAR

Commissioner Friedland requested a discussion of Item C, PA 16-046 given a letter received from a neighbor; Chair Giesen-Fields requested a revision to Item B, the minutes from the May 25, 2016 meeting. Both items were removed from Consent.

A. Planning & Zoning Commission Meeting Minutes from May 25, 2016 [REMOVED FOR DISCUSSION]

B. PA 16-044 Design Review for Rear Yard Deck at 607 Adams Street. The applicant is seeking Design Review approval for an upper level deck at 607 Adams Street. The subject site is a 7,500 square foot lot with an existing 2,515 square foot four bedroom, two bathroom home built in 1929. The applicant is proposing to build an upper level deck that will be accessible from the kitchen at the rear of the home. The deck will be approximately 250 square feet in area, 10 feet 11 inches above grade, and will have new stairs to access the rear yard. It will not be visible from the street. Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated June 8, 2016. CEQA: The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

C. PA 16-046 Conditional Use Permit and Parking Exception for Mathnasium Tutoring Center at 1007 Solano Avenue. The applicant is seeking Conditional Use Permit and Parking Exception approval for a new math tutoring center at 1007 Solano Avenue. The subject site is a 3,750 square foot lot with an existing 3,779 square foot two-story mixed use building built in 1937. The applicant is proposing to occupy the 1,500 square foot ground level space and offer math tutoring services from grades 2-12. The business is proposed to be open Monday-Thursday 2:00 P.M. to 6:00 P.M. and Saturday 10:00 A.M. to 2:00 P.M. There will be up to seven instructors for the business and no more than 25 children on-site. The building has recently been upgraded and is Americans with Disabilities Act (ADA) compliant. There is no off-street parking. An Exception is required for 10 off-street parking spaces. Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated June 8, 2016. CEQA: The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

[REMOVED FOR DISCUSSION]

Motion to approve Consent Item B, PA 16-044 for 607 Adams Street, pursuant to the staff report dated June 8, 2016. Menotti

Seconded by: Friedland

AYES: Donaldson, Friedland, Kent, Menotti, Giesen-Fields

NAYES: None

ABSENT: None

Motion passed, 5-0

Chair Giesen-Fields identified the 14-day appeal period.

The following items were removed from Consent for discussion.

A. Planning & Zoning Commission Meeting Minutes from May 25, 2016

Chair Giesen-Fields referred to Page 3 of the May 25, 2016 minutes and the comments from Alexa Hauser related to Affordable Housing Week, and requested that the minutes reflect that he had asked staff to follow up to schedule a meeting time for another Affordable Housing session open to the public.

Motion to approve the Planning & Zoning Commission Meeting Minutes from May 25, 2016, as amended. Giesen-Fields

Seconded by: Donaldson

AYES: Donaldson, Friedland, Kent, Menotti, Giesen-Fields

NAYES: None

ABSENT: None Motion passed, 5-0

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C. PA 16-046 Conditional Use Permit and Parking Exception for Mathnasium Tutoring Center at 1007 Solano Avenue. The applicant is seeking Conditional Use Permit and Parking Exception approval for a new math tutoring center at 1007 Solano Avenue. The subject site is a 3,750 square foot lot with an existing 3,779 square foot two-story mixed use building built in 1937. The applicant is proposing to occupy the 1,500 square foot ground level space and offer math tutoring services from grades 2-12. The business is proposed to be open Monday-Thursday 2:00 P.M. to 6:00 P.M. and Saturday 10:00 A.M. to 2:00 P.M. There will be up to seven instructors for the business and no more than 25 children on-site. The building has recently been upgraded and is Americans with Disabilities Act (ADA) compliant. There is no off-street parking. An Exception is required for 10 off-street parking spaces. Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated June 8, 2016. CEQA:

The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

City Planner Anne Hersch presented the staff report dated June 8, 2016.

Andre Bertrand, the Owner and Director of Mathnasium, explained that the operation was a franchise after school program where children would attend for one hour twice a week; parents would drop off the children and pick them up an hour later. There was a ratio of four students per instructor, with six to seven instructors present when the school was really busy. The busiest hours would be 3:00 to 4:00 P.M. and 4:00 to 5:00 P.M. He did not expect a parking problem. When asked, he stated his territory covered all of Berkeley, Albany, Kensington, and south El Cerrito with a concentration on elementary and middle school students. The center would be open until 6:00 P.M. He noted there were 700 franchises in the U.S. and Canada and fourth to seventh grades represented the peak of enrollment. Instructors would be primarily college students or college graduates in math and science, many would use public transportation, and most instructors would be scheduled for two-to four-hour shifts.

Commissioner Donaldson asked if the students and instructors could be encouraged to ride bicycles to the site and asked if bicycles could be kept indoors. Mr. Bertrand stated that would be possible.

When asked, Ms. Hersch advised that the site had been vacant for about two years.

PUBLIC COMMENTS OPENED

Carl Wilmson, 825 Madison, Albany, had no problem with the proposed use but did have a problem with a parking variance given that there was no parking available on the street at 5:00 P.M. He too urged the City to encourage students and instructors to take public transportation or bike to the site, and recommended a white curb for drop-offs only.

Mr. Bertrand noted there was 90-minute and 20-minute parking in front of the building although he preferred drop-offs only.

Ms. Hersch advised that staff would work with the applicant and explained that a white curb would have to be processed through the Traffic and Safety Commission.

Lindsey Maddochs commented that she worked at the nearby Albany Sauna, had been asked to represent that business, and explained that the 90-minute parking was intended to be timed with the 90-minute massages offered at the Sauna. She commented that there were three employees at Albany Sauna and they had to park on side streets.

Marcy Lauer, Albany, a next door resident to the proposed business, suggested the business would be a great fit for the building, and confirmed that parking was tight in the neighborhood. Noting that a lack of parking was generally part and parcel with city living and neighbors were flexible because of that, she asked that the City also be flexible with neighbors, particularly since the curbs in front of her garage had recently been painted red and a parking space that she had previously enjoyed in front of her home was now not available to her. She too asked that those coming to the site walk or bike when possible.

Commissioner Friedland agreed that if the employees were primarily college students they would likely not be driving cars, would not contribute to the parking concerns, and would hopefully be walkers, bikers, and public transit riders. She supported the employment for those of college age, supported the generation of economic activity along that street, recognized that the hours of operation would be limited, and suggested the use was probably the least impactful use that could occupy the site.

Chair Giesen-Fields noted that the parking survey conducted last year had indicated that the parking for weekday mid-day and evening occupancy showed an 85 to 95 percent occupancy rate on that block. He supported the educational facility, noted that parking issues were common in Albany, and agreed if the majority of instructors were college students that could lower the number of cars to be parked at the site.

Commissioner Menotti supported the application, noted the special conditions for bike parking on the street, recommended bike parking inside, and suggested that Solano in some places was struggling and the City would like to see more economic development although that had to be balanced with a requirement for more parking. He recommended that the economic development committee consider that issue and suggested there might be an opportunity to revisit the situation.

Commissioner Kent verified with staff that there was a residence in the rear and the parking in the rear was for the residents and not for the retail component. He referred to the parking challenges and stated that anything that could be done to lessen the demand for parking would be critical, which he suggested had been addressed. He supported the application as a good use for the neighbors and for the City.

Commissioner Donaldson commented that there would be no parking during the morning or noon hour and the center would be closed when the parking demand peaked given the restaurants and theater in the area. A bicycle savvy population would be using the center which should work out well for the site with the same impact or less than another use might have.

Commissioner Donaldson supported the application and recognized that with no available off-street parking, the parking demand would have to be met on the streets.

In response to the Chair as to what had been done historically with respect to parking exceptions on the site, Ms. Hersch stated in the past the use had gone from a retail use to a retail use and there had been no discretionary review in that it had been a simple issue of a business license.

Commissioner Kent asked about the redlining of the curb and Ms. Hersch stated that was typically done where a homeowner had an issue where the on-street parking blocked their driveway access; she would check with staff with respect to that situation.

Chair Giesen-Fields supported a condition to require bicycle parking and Ms. Hersch stated that had been included as part of the draft conditions.

Motion to approve Consent Item C, PA 16-046 for 1007 Solano Avenue, pursuant to the staff report dated June 8, 2016. Friedland

Seconded by: Donaldson

AYES: Donaldson, Friedland, Kent, Menotti, Giesen-Fields

NAYES: None

ABSENT: None **Motion passed**, 5-0

Chair Giesen-Fields identified the 14-day appeal period.

PUBLIC COMMENT

There were no comments from the public.

6. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

A. PA 16-042 Design Review, Conditional Use Permit, Parking Exception for Second Story Addition at 840 Carmel Avenue. The applicant is seeking Design Review, Conditional Use Permit, and Parking Exception approval for a second story addition at 840 Carmel Avenue. The subject site is a 2,500 square foot lot with an existing 891 square foot two bedroom, one bathroom home built in 1926. The applicant is proposing to add 218 square feet on the first floor of the existing home to accommodate an expanded kitchen, stairwell, and nook. The second story is proposed to be 529 square feet in area and will include two bedrooms and two bathrooms. This will

result in a 1,499 square foot four bedroom, three bathroom home, with a maximum height of 25 feet 6 inches. One off-street parking space is provided in the attached garage. A second off-street parking space is proposed to be located in the driveway in the setback, requiring an Exception. A Conditional Use Permit is required to extend the non-conforming north wall and a portion of the south wall. The home is an original "MacGregor" and is proposed to maintain the current appearance. Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated June 8, 2016.

CEQA: The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

City Planner Anne Hersch presented the staff report dated June 8, 2016.

Jerri Holan, the Project Architect, stated the approach to the home would be similar to the other MacGregor upgrades; upgrading the systems, stabilizing the structure, improving the energy performance, restoring materials and finishes, and maintaining the MacGregor quality. The improvements would be of the highest caliber since the home was situated adjacent to the MacGregor Building. The roofline had been changed at the sidewalk, a real tile roof would be installed on the entire structure, a new stucco finish would be installed on the entire structure, stucco reveals would be added as would wrought iron work, a new garage door, new landscaping, and on the interior the original tiles on the fireplace would be restored since they had been painted over. In addition, there would be a cathedral ceiling in every room except the dining room and the kitchen. She stated in general the neighbors supported the project.

With respect to the landscape plan, the landscape architect referred to the loquat tree inside the setback, noted that loquat trees dropped fruit, were messy, and the neighbor asked that the tree be removed as part of the project. The tree would be removed given the small size of the back yard. She had met with the neighbor and agreed to plant a tree in a narrow spot on the neighbor's property where the tree, with full coverage, should be able to screen out the back of the building, and had offered options and suggestions for different trees that could be used.

Commissioner Donaldson recommended a *prunus caroliniana*, a fast growing evergreen.

Commissioner Kent commented that the offer to plant a tree was very neighborly; he understood the loquat was a messy tree and could impact the back yard, and supported its removal. With respect to the paving pattern for the driveway, he suggested the stones appeared to be too wide and could crack, although the landscape architect stated the stones had been shown schematically and would not be as wide as shown in the illustration.

PUBLIC HEARING OPENED

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Don LaFranz, 837 Ramona Avenue, Albany, had submitted an email to request that the loquat tree be preserved given that it provided good screening to his home and his back yard. He had spoken with the landscape architect this date and stated something could potentially be worked out.

PUBLIC HEARING CLOSED

Chair Giesen-Fields was pleased the applicant and the neighbor were working together to resolve the issue of the tree, clarified that the Commission could not require the applicant to plant something on someone else's property, and while the Commission could require the removal of the tree he suggested that be worked out between the applicant and the neighbor.

Commissioner Friedland supported the solution to the tiny home on the tiny lot, liked the proportions, the style, and for the most part the remarkable transformations, and commended the architect and landscape architect on the projects.

Chair Giesen-Fields referred to the extension of the non-conforming wall on the property line, generally did not like to approve those extensions, but because of the spacing between the homes, he could support it in this case.

Commissioner Donaldson had the same concern and the same conclusion, and supported the design. His only concern was the late arrival of the story poles which would normally have been installed at the same time as the notices were sent out. While he supported the project, given that the story poles had not been installed for long, he recommended that the application be continued and be included on the consent calendar at the next meeting.

Chair Giesen-Fields concurred and supported the installation of the story poles for the full noticing period.

Ms. Holan apologized for the late installation of story poles but explained that the day after she had submitted the project she had hand distributed the plans to each neighbor on the street, two weeks prior to the distribution of the notices. She added that everyone wanted the home improved. She would submit, for the record, a copy of the letter she had submitted to the neighbors on May 23, 2016.

Commissioner Donaldson verified with staff that the story pole policy was included in City code, required installation 10 days in advance, and would remain during the appeal period.

On the discussion by the Commission to make sure that the public was well informed of the application through the story poles, as required, Ms. Hersch explained that the Commission had approved 728 Cornell Avenue, which had a similar glitch in the installation of story poles, when the Commission had approved that application anyway, which had been mentioned in the appeal of that application.

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Commissioner Menotti commended the design but asked if there was no agreement with the rear neighbor whether there was an alternative landscape plan to provide something on the subject property, to which Ms. Holan stated that installing another tree in the yard was a concern given that there was no sun in the backyard; another tree was not intended but could be added if determined by the Commission.

On a proposed continuance, Ms. Hersch advised that the next meeting scheduled for June 22 would be cancelled and the next meeting thereafter would be on July 13, 2016.

Motion to continue PA 16-042 for 840 Carmel Avenue to a date certain of July 13, 2016. Donaldson

Seconded by: Menotti

AYES: Donaldson, Kent, Menotti, Giesen-Fields

NAYES: Friedland

ABSENT: None Motion passed, 4-1

B. PA 16-041 Design Review and Parking Exception for a Second Story Addition at 761 Gateview Avenue. The applicant is seeking Design Review and Parking Exception approval for a second story addition at 761 Gateview Avenue. The subject site is a 4,262 square foot lot with an existing 1,080 square foot three bedroom, two bathroom home built in 1969. The project scope includes a 341 square foot bedroom/bathroom addition located at the rear of the home as well as an 878 square foot second story addition. The second story addition includes three bedrooms and two bathrooms. This will result in a 2,320 square foot six bedroom, four bathroom house with a maximum height of 24 feet 9 inches. One parking space is provided in the attached garage and the second parking space is proposed to be located in the setback, requiring a front yard Exception. **Recommendation**: Review and provide feedback to the applicant and staff. Draft findings and Conditions of Approval are included should the Commission decide to take action.

CEQA: The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

City Planner Hersch presented the staff report dated June 8, 2016.

Ben Tarcher, the Project Architect, explained that the home would be expanded to accommodate the size of the family and he had designed something that worked for the client while remaining within the envelope of the zoning limitations. He noted that the second story would not be visible from the street. Most of the building was stucco, there was some horizontal wood siding in the front that would be retained, and since the deck would be redone the railings would also be replaced as would the steps. He stated there would be plenty of parking but some of the parking would be tandem parking. The

property owner owned a smaller car and he expected that three cars could be parked off street. He added that the backyard was steep, the addition would cantilever a bit into the yard, although the yard was currently almost unusable due to the steepness and a small deck had been added over what he called a cliff.

There would be a new internal stair inside; the kitchen would be redone although it would be in the same place; and any impacts on the neighbors had been mitigated to the greatest extent possible. The homes on either side of the subject site were taller and larger than what had been proposed as part of the application. The addition would not be visible from the front or rear given the steepness of the lot, and the home in the rear would be able to see over the roof. The adjacent houses were currently looking onto the subject house and no setbacks were being violated.

When asked, Mr. Tarcher identified some of the design elements of the cottage style home with simple lines in the same design and roof slope of the existing home. The master suite had a view and a Romeo and Juliet deck had been proposed to allow the enjoyment of the view. The design of the existing home had not been changed and the new elements were consistent with what currently existed.

Given the high floor area ratio (FAR), Commissioner Kent emphasized that the proposal required exceptional design. He referred to the steps on the outside and commented that they were very steep at 8.9 inches per step, and the handrails did not reach the bottom.

Mr. Tarcher explained that was the existing condition, and while the stairs would remain in the existing location, they would be rebuilt to code. When asked about the back deck, he emphasized the steep slope and agreed with Commissioner Kent's concern for the 18 inches between grade. He suggested the area might have to be enclosed or used to store bicycles. He also commented that he did not think it would be cantilevered.

PUBLIC COMMENTS OPENED

Younian Lou, 756 Gateview Avenue, Albany, who lived across the street from the subject site, expressed concern for the second parking space which was very steep and for the number of cars that could be associated with the site given the proposed six bedrooms. He suggested the steepness of the slope could create a safety issue for neighbors, and recommended that other solutions to the parking be considered.

When asked, Mr. Tarcher described the wide parking area and used the plan to show where three cars could be parked. As to the neighbors' concern for the existing slope of the parking, he stated if changing the slope there would be no way to get into the garage and there would be a very steep approach to the driveway. He agreed that the area was very steep and major excavation would be required to address that issue. When asked if other areas could be leveled, he stated that significant excavation would be required and compared to other houses on the block stated the subject site had a substantial amount of parking and residents currently parked on the driveway. Given the topography, he added it was fortunate the garage had been set back a decent space.

Chair Giesen-Fields verified with staff the requirement for a Parking Exception for the front yard setback.

In response to Commissioner Menotti, Ms. Hersch stated that generally when considering parking the slope was not a factor in that the concern was to ensure the base dimensions of 8.5 feet in width and 18 feet in length.

PUBLIC COMMENTS CLOSED

Chair Giesen-Fields commented that every house in the cul-de-sac had a car parked in front of it on the sidewalk. In terms of the design, he liked the fact that some of the windows had an expressed trim adding some detail and he liked the mix of materiality in terms of keeping the horizontal siding at the bottom and stucco at the top. He agreed the stairs should be revised to be more code friendly.

Commissioner Friedland asked if Commissioner Kent had to recuse himself given that he lived in the neighborhood.

Commissioner Menotti noted that from the front view the windows on the upper level were not symmetrical. He was concerned with the steepness of the driveway and questioned whether it was a viable place to park.

With respect to the windows on the upper level, Commissioner Donaldson agreed it was asymmetrical but suggested the window would not be visible. He generally supported the project, did not see that it reached a higher standard given the high FAR, questioned the six bedrooms and noted the likelihood that more than two cars would be parked in the future, although he recognized that the current parking requirement was two spaces for each single-family dwelling. His only concern with the Parking Exception was the steepness of the driveway although the City had no policy with that aspect. As it was, there was a big paved area that could easily accommodate two cars. He supported the project, acknowledged the steep slope, and noted there was a vacant lot behind the house and it would not be difficult to place a house on that hillside and have great views given that the second floor addition would be well below the hillside. He stressed the need for a higher level of design but recognized that the architect was following the contemporary mid-century modern style of the existing structure.

Chair Giesen-Fields stated that the space below the balcony should be enclosed by wood slats or some other means to add some architectural detail.

Commissioner Kent liked the proportions of the building, stated it fit nicely into the hillside, and while he had some concern for the deck and the stairs, he could accept the proposal with code compliance for the stairs. Since there was no requirement for driveway slope, it was difficult to address that situation although he asked if bollards could be installed. He supported the project.

ANN A. sch re	ABSENT: None Motion passed, 5-0 Chair Giesen-Fields identified the 14-day appeal period. BUSINESS: None OUNCEMENTS/COMMUNICATIONS/DISCUSSION Waterfront Transition Plan
ANN A. sch re	BUSINESS: None OUNCEMENTS/COMMUNICATIONS/DISCUSSION
ANN A. sch re	OUNCEMENTS/COMMUNICATIONS/DISCUSSION
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sch re	Waterfront Transition Plan
on Ju	eported that the Waterfront Transition Plan had been approved by the City Ine 6, 2016 by a 4-1 vote.
В.	ABAG MTC Report on Merger
olitan	eported that the Association of Bay Area Governments (ABAG) and the Transportation Commission (MTC) had just moved into the same office in Sar
olan; a	so reported on the Notice of Preparation for PlanBayArea to solicit feedback and highlighted the East Bay Municipal Utility District (EBMUD) luncheon on the he District.
NEXT	MEETING: July 13, 2016
ADJO	DURNMENT
_	was adjourned at approximately 8:45 P.M. meeting: Wednesday, July 13, 2016 at 7:00 P.M. at Albany City Hall.
ed by	: Anne Hersch, City Planner
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