

City of Albany
Planning and Zoning Commission
Minutes April 8, 2008, Meeting

Note: These minutes are subject to Planning and Zoning Commission approval. The minutes are not verbatim. An audiotape of the meeting is available for public review.

Regular Meeting

1. Call to order

The meeting of the Planning and Zoning Commission was called to order by Chair Panian, in the City Council Chambers at 7:30 p.m. on Tuesday, April 8, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Panian
Absent: Moss
Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl,
Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the February 26, 2008 meeting.

Staff recommendation: approve.

b. 1316 Solano. Planning Application 08-007. Design Review. A request for Design Review approval to allow the remodeling of an existing building, which includes a new gabled roof, which will increase the height of the building, a new spiral staircase at the rear, new entry fencing and other improvements.

Staff recommendation: approve.

c. 627 Adams. Planning Application 08-013. Design Review. A request for Design Review approval to allow the conditioning of existing basement space into habitable space, which would include installation of new windows and a modest amount of grading.

Staff recommendation: approve.

d. 425 San Pablo. Planning Application 08-005. Parking Exception. Request for a parking exception of two parking spaces to allow an Instructional Service use to replace a Neighborhood Retail Sales use.

Staff recommendation: approve.

Commissioner Arkin pulled items **4a** and **4b**. Commissioner Gardner pulled item **4c**.

Commissioner Maass moved and Commissioner Arkin seconded approval of item **4d**.

Vote to approve item **4d**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

FINDINGS. 425 San Pablo

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

<u>Required Finding</u>	<u>Explanation</u>
<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>The majority of businesses along San Pablo Avenue do not provide off-street parking. However, four of the uses near the subject property (Wells Fargo, Wachovia, Goodyear and Alta Bates) have large parking lots that allow customers to park off-street, freeing more of the San Pablo on-street parking for other uses. A parking survey found that approximately three-fourths of the parking spaces on San Pablo Ave are unoccupied at any one time. Also, the hours of operation of the proposed business are not the same as adjacent businesses. Therefore, parking demand for the proposed use will not adversely impact parking in the adjacent area.</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 subject property is adjacent to commercial uses with large parking lots that allow for more on-street parking on San Pablo Ave for other commercial uses in the vicinity. The proposed hours of the use are different than adjacent uses, resulting in separate parking demand times, and therefore not resulting in a substantial increase in parking demand.</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>Parking counts were conducted within a 500' radius of the site. On Wednesday, March 26, 2008 staff found that at 1:00pm the occupancy rate for 49 parking spaces was 20%. At 10:30am on Thursday, March 27th it was 24% and on Monday, March 31st at 5:00pm it was 22%. An average vacancy rate of 78% is adequate to accommodate a two space parking exception.</p>

Item 4a: on page one it had "Chair Arkin" instead of "Chair Panian" in the Call to Order. On page 8, third paragraph, Commissioner Arkin made reference to San Pablo and Solano. Page 9, fourth paragraph, replace "implementation" with review final building permit application drawings.

Commissioner Arkin moved approval of the minutes as amended. Commissioner Gardner seconded.

Vote to approve item **4a**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Item **4b**: Commissioner Arkin asked about feelings regarding full height fences and gates along the sidewalk on Solano. Chair Panian opened the public hearing and invited the applicant to make a presentation. Michelle McKay, the project architect, was available to answer questions. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Gardner wondered whether the fence could be shorter. Commissioner Arkin would prefer four or three feet in height. Commissioner Maass recommended a tall trellis for infill. Commissioner Gardner noted there could be high sides stepped down to a lower gate. Chair Panian wanted a minimum 18 to 24-inch planting strip.

Commissioner Arkin moved approval, with the grating and gate portions of the fence not to exceed four feet in height and a planting strip of minimum 18-inch width to be provided. Commissioner Gardner seconded.

Vote to approve item **4b**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

FINDINGS. 1316 Solano

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

Required Finding	<i>Explanation</i>
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>	<i>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i>
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</i>	The proposal is in scale and harmony with existing development in the vicinity of the site. 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 project will not create a visual detriment at the site or the

<p><i>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>neighborhood.</p> <p>The applicant has chosen to made modest and changes that will create a more attractive, functionally efficient building along Solano Avenue. The fence is to be constructed with metal mesh panels, wood posts and an accenting trellis along the top. The new fence is more consistent with the rustic style of the building with use of the wood trellis and a brown finish for the metal. The new front and rear yard landscaping will also greatly add to the aesthetics of the site.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>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 does not expand the footprint of the building. Because of the location and of the building, height of the adjacent buildings and small scale of the proposed changes the project should have little to no impact on adjacent neighbors. It will be increasingly attractive, which is in the interest of public health, safety and general welfare.</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, and privacy</i></p>

Item 4c: Commissioner Gardner recused herself due to proximity to her residence.

Commissioner Arkin moved approval. Commissioner Maass seconded.

Vote to approve item 4c:

Ayes: Arkin, Maass, Panian

Nays: None

Motion passed, 3-0.

FINDINGS. 627 Adams

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

Required Finding	Explanation
<p>5. <i>The project conforms to the General Plan,</i></p>	<p><i>The General Plan designates this area for</i></p>

<p><i>any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>6. <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>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 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 project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The applicant has chose to create additional habitable space in a manner that creates minimal aesthetic changes, not visible from the street, does not increase the amount of impervious surface and has little to no impact on adjacent neighbors. The new windows and deck and will be attractive and consistent in appearance with the existing home.</i></p>
<p>7. <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 creates minimal aesthetic changes, not visible from the street, does not increase the amount of impervious surface and therefore will have little to no impact on adjacent neighbors.</i></p>
<p>8. <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, and privacy</i></p>

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. **1530-1532 Solano (Jerome Blank Building). Master Parking Exception.** Request for a parking exception of six parking spaces to allow a Medical Office use to replace a General Office use in two separate commercial spaces of an existing building.

Staff recommendation: approve, subject to operational conditions of approval.

Planning Associate Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Linda Mayo, the applicant, was available to answer questions. Deborah Groudant, a counselor or therapist, indicated that she was looking into moving into the basement. Lynne Anne Miles, who works with Ms. Mayo, indicated she would walk to work. Sandy Hrycijk, the property manager, stated the use would not be high impact. The other tenant was an escrow company. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Maass recommended addition of a bicycle rack to the project. Commissioner Arkin stated he could approve the application because the parking requirement in the ordinance was established for uses like traditional medical or dental where there would be “stacking” of patients, which would not be the case here. Commissioner Gardner stated it would be tough to enforce an hours restriction. She was in favor of the bicycle rack. Chair Panian agreed.

Commissioner Arkin moved approval with the added conditions: that the parking exception runs with the therapy and chiropractic use; and a bicycle rack be added. Commissioner Gardner seconded.

Vote to approve item 6a:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

FINDINGS. 1530-1532 Solano

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

Required Finding	<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>Staff reviewed the July 2000 Solano Avenue Parking Study to analyze parking counts within a 500 foot radius of the subject property. Staff also completed new parking counts within the same radius, including side street spaces in front of commercial uses. Based on these two surveys, it was found that sufficient street parking was available to justify the approval of a 6 space parking exception. Many of the commercial and retail services along Solano Avenue do not provide off-street parking. The proposed medical uses should produce a parking demand similar to other businesses along Solano Avenue, with the majority of patients parking for an hour or</p>

	less, similar to other uses on Solano Avenue.
4. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</i>	The typical clients for the medical uses will be parking on Solano Ave for approximately 45 minutes to 1 hour 15 minutes, within the allowable parking time limits and in keeping with other patrons of adjacent businesses along Solano Avenue. Therefore, the project will not generate substantial additional parking demand.
5. <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>	Staff reviewed the 2000 Solano Avenue Parking Study and also completed new parking counts within a 500-foot radius of the site. The parking counts from the two studies showed approximately the same occupancy ratios. The average occupancy rate from 9:00am – 12:00pm was 73%; from 1:00pm – 5:00pm was 79%; and from 6:00pm – 8:00pm was 91%, with an overall occupancy rate from 9:00am – 8:00pm of 80%. An average vacancy rate of 20% should be adequate to accommodate a six parking space parking exception.

b. 836 Hillside. Planning Application 08-022. Lot Merger. Application for the merger of two hillside lots.

Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. No one wished to speak. Chair Panian closed the public hearing. Commissioner Arkin moved that the lots should be merged. Commissioner Maass seconded.

Vote to approve item **6b**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

836 Hillside: Resolution #08-02 adopted

c. New Conditions of Approval

Staff recommendation: provide direction on appropriate revisions.

Associate Planner Curl delivered the staff report. There was a lengthy discussion regarding the item among the Commissioners and staff. On item G-10, it was felt that “minor” modification to approved plans should be defined, perhaps as not something that required discretionary approval. There were two number fives. Commissioner Gardner had a question about G-2

expiration. She also had a note about discharge of dewatering. I-4 and SC-5 may be inconsistent when it comes to roof drains (or that might be the point).

Chair Panian noted references to the UBC should be updated to CBC. Commissioner Gardner asked for bicycle rack to be added. Chair Panian and Commissioner Maass asked for trash enclosure to be added. Commissioner Arkin asked that the green building standards be brought up. Chair Panian noted a "not a secondary residential unit" condition should be included.

Chair Panian opened the public hearing. Ed Fields, Albany resident, asked for a guideline on when conditions apply (specifically with regard to runoff). No one else wished to speak. Chair Panian closed the public hearing.

- d. Preliminary Discussion of Housing Element Policy Issues and Planning Process.** An overview by staff of the contents of the housing element, background on unaccommodated housing need and a request for direction on next steps in the planning and community outreach process.

Staff recommendation: discuss and provide direction to staff.

Planning Manager Bond delivered the staff report. There was a lengthy discussion regarding the item among the Commissioners and staff. Commissioner Arkin stated the City would need to get creative to draw builders to do affordable housing on smaller lots. Commissioner Maass recommended including San Pablo and Solano property owners in the discussion and encourage them to get together on this. There was a lengthy discussion of secondary units. Commissioner Gardner recommended car sharing as a way to ease the parking requirements.

Chair Panian opened the public hearing. Allan Maris, Albany resident, reported there is grant money for providing housing for the mentally ill, including transitional age youth coming out of foster care. Ed Fields, Albany resident, was not opposed to some in-fill, but noted that there is not much vacant land in Albany. He did not want the character of the city to change.

There was a lengthy discussion regarding potential consequences of not trying to meet the ABAG numbers. Bob Outis, Albany resident, noted that Measure D was a big part of the problem. He reported that the City Council had formed a subcommittee to work on the University's development plans. He opined the Council should not do Gill Tract planning, and the Planning & Zoning Commission should assert its power. He noted Albany was part of a major metropolitan area and might need to change its character because low and moderate-income housing was needed.

Clay Larson, Albany resident, did not think Measure D was that big a problem because of state law trumping the city on density bonus. He also stated Measure D could be waived where there was sufficient on-street parking. He recommended identifying all R2 and R3 parcels, but he wondered what "make available" meant.

Commissioner Arkin recommended smaller scale buildings on San Pablo and Solano for a better street experience. He recommended working with the Social & Economic Justice Committee, and inviting developers in to talk about what could work. He added the idea of "bicycle only"

units. Commissioner Gardner asked that plans by the school district to provide teacher housing be included. No one else wished to speak. Chair Panian closed the public hearing.

7. Announcements/Communications:

- a. **Update on Waterfront Planning**
- b. **Update on code enforcement and nuisance activities.**
- c. **Discussion on scheduling of Design Review Guidelines work session on Tuesday, April 15.**
- d. **Reminder of cancellation of Planning and Zoning Commission meeting of May 13, 2008 due to relocation of Community Development offices on May 2 through May 5.**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Meeting: Tuesday, April 22, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 10:06 p.m.

Next regular meeting: Tuesday, April 22, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner