

City of Albany
Planning and Zoning Commission
Minutes June 28, 2005, 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 Flavell, in the City Council Chambers at 7:30 p.m. on Tuesday, June 28, 2005.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Donaldson, and Flavell
Excused: Moss and Panian
Staff present: Planning Manager Dave Dowswell, Associate Planner Billy Gross, and Planning Clerk Amanda Bennett

4. Public Comment on non-agenda items

There was no public comment.

5. Consent

a. 719 Pierce Street. Planning Application 05-031. Design Review, Parking Exception and Conditional Use Permit.

Staff recommendation: continue the meeting until July 26, 2005, to allow for public notification of request for conditional use permit.

b. 924 Ramona Avenue. Planning Application 05-041. Design Review. A request for Design Review approval to replace an existing 164 square foot garage with a 325 square foot garage.

Staff recommendation: approve.

c. Minutes of the May 31, 2005 meeting.

Staff recommendation: approve.

d. Minutes of the June 14, 2005 meeting.

Staff recommendation: approve.

Commissioner Arkin pulled item **5b**. Associate Planner Gross noted that the staff recommendation on item **5a** should refer to the July 12 meeting. Commissioner

Donaldson moved the staff recommendation on items **5a**, **5c**, and **5d**. Commissioner Arkin seconded.

Vote to continue item **5a** to the July 12, 2005, meeting, and to approve items **5c** and **5d**:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

Item 5b

Commissioner Arkin recommended 1" by 3" battens at 12" or 16" on-center be used to cover the joints in the plywood. The applicant was amenable to the suggestion. Commissioner Arkin moved approval with the condition that battens be applied. Commissioner Donaldson seconded. Chair Flavell noted he would have preferred there to be two parking spaces.

Vote to approve item **5b**:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

Findings. 924 Ramona Avenue

Findings for Design Review approval

Section 20.100.050.E, applicable to all projects:

1. 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. *The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
2. 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." *Subject to the conditions of approval, the proposal is in scale and harmony with existing development in the vicinity of the site. The architecture is 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 project will not create a visual detriment at the site or the neighborhood.

3. Approval of the project is in the interest of public health, safety and general welfare. *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.*
4. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. *The project as designed is in substantial compliance with the standards as stated, including Access, Architecture, Coordination of design details, and Retention and maintenance of buildings.*

6. Old Business

a.¹ 1021 Peralta Avenue. Planning Application 05-030. Design Review and Parking Exception. A request for:

1. Design Review approval of an approximately 885 square foot second story addition on an existing one-story residence; and
2. Parking Reduction to allow the reduction of one off-street parking space.

Staff recommendation: approve.

Planning Manager Dowswell delivered the staff report. Commissioner Donaldson wondered whether the existing chimney could be used with a gas fireplace. He was concerned about the proposed height of the new chimney. Commissioner Arkin thought that it might be too close to one of the windows. Mr. Z, the project architect, reported that the chimney would be demolished and replaced with a stucco chimney, with the height best shown on the west elevation.

Commissioner Arkin complimented the architect on the improvements to the facade. Commissioner Donaldson agreed. Commissioner Arkin had questions about a dropped window that sinks into the roof. Mr. Z indicated that is for egress. Commissioner Arkin questioned roof pitches alternately labeled five-in-twelve and three-in-twelve. Mr. Z replied they would all be three-in-twelve. Commissioner Arkin asked what the rectangle above the front windows

¹ This item was mistakenly identified as item **6c** on the agenda.

represented. Mr. Z stated it would be a recessed part of the stucco. Commissioner Arkin asked whether the windows could be taller instead.

Commissioner Arkin asked for an explanation of the side elevations showing an extension of the old roof, and a horizontal gutter or eave. Mr. Z explained the wall sticks out so he is carrying it out over the bay. Commissioner Arkin recommended the continuation not exceed six inches.

Chair Flavell opened the public hearing. No one wished to speak. Chair Flavell closed the public hearing.

Commissioner Donaldson moved approval. Commissioner Arkin seconded, with the following conditions: that the front second-story windows be as tall as possible; that the roof pitches be three-in-twelve; that the roof continuation not exceed six inches; and that the chimney not be taller than the existing, and/or be attached to the corner.

Vote to approve item 6a:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

Findings. 1021 Peralta Avenue

A. Findings for Design Review approval

Section 20.100.050.E, applicable to all projects:

1. 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. *The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
2. 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." *The proposal is in scale and harmony with existing development near the site. The architecture is 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 project will not create a visual detriment at the site or the neighborhood.

3. Approval of the project is in the interest of public health, safety and general welfare. *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.*
4. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. *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 protection of privacy.*

B. Findings for Approval of One Space Parking Reduction (20.28.040A.2)

- a. *Required spaces cannot be located in front or side yard areas without significant grading and having to pave a majority of the front yard, which would eliminate an on-street parking space.*
- b. *Space is not available to provide required parking facilities without an undue hardship, which would require the applicants to pave almost their entire front yard.*
- d. *Creation of new off-street parking spaces would require the elimination of an equivalent or higher number of on-street parking spaces, thereby justifying the request for a one space parking reduction.*

b. Madison Street, Parcel 1. Planning Application 04-042. Design Review and Variance. A request for:

1. Design Review approval to alter a previously approved application for a single-family residence on a hillside lot; and
2. Variance - The proposed buildings will be ten feet from the front property line, where a twenty-foot front yard setback is required.

Staff recommendation: receive public comment and make necessary revisions, approve.

Associate Planner Gross delivered the staff report. Hiromi Ogawa, the project architect, asked whether condition K-1 would preclude a railing such as approved for the other two houses that were part of the original approval.

Associate Planner Gross indicated that staff would interpret the conditions the same for all three houses. Ms. Ogawa asked whether condition K-2 applied to this house only, or whether it applied to all three. Associate Planner Gross stated the condition should indicate responsibility for one-third.

Chair Flavell opened the public hearing. Leon Rimov, 555 Jackson, stated he had not received notice of the previous meeting on this application. He was concerned that the earth moving required for this project would be hazardous and could cause a landslide. He noted the lack of a cul-de-sac at the end of the street, and the lack of room to turn a vehicle around. Ernie McCoy, who lives across the street from the property, also had not received notice. He asked whether the applicants would have to repair the street. Associate Planner Gross stated that the applicants are required to return the street to its pre-construction state (at a minimum). Chair Flavell closed the public hearing.

Commissioner Donaldson moved approval of design review, with "one-third" added to condition K-2. Commissioner Arkin seconded, including all modifications to the conditions in the May 24 decision.

Vote to approve design review for item **6b**:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

Commissioner Donaldson moved approval of the variance. Commissioner Arkin seconded.

Vote to approve the variance for item **6b**:

Ayes: Arkin and Donaldson

Nays: Flavell

Motion carried, 2-1.

Findings. Madison Street, Parcel 1

Findings for Variance Approval

1. *That there are exceptional or extraordinary circumstances applying to the property involved, including size, shape, topography, location or surroundings and that the strict application of this Chapter derives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The subject site presents an unusually steep slope, which is a special circumstance and a hardship to the property owner for any*

proposed development. Allowing the reduction of the front yard setback gives the property owner an opportunity to place a structure on the subject site and minimizes grading. Strict application of the code will deprive the property of privileges enjoyed by other properties in the same zoning district.

2. *That such a variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties.* Because of steep topography in the area, other existing development have a front yard setback of less than 20'. Approval of the requested variance will not grant special privilege to the subject property owner.
3. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property possessed by other property in the same class of zoning district.* The variance is necessary for reasonable hillside development to occur on the site. Similar hillside development with reduced front yard setback exist in the area.
4. *That the granting of such variance will not be a material detriment to the public welfare or materially injurious to the property or improvements in the vicinity.* Reduced grading of the hillside is a benefit to the adjacent neighbors. It is not materially detrimental to the public welfare or materially injurious to property or improvement in the vicinity.

Findings for Design Review approval

Section 20.100.050.E, applicable to all projects:

1. 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. *The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
2. 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." *The proposal is in scale and harmony with existing development in the vicinity of the site. The architecture is 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. As a condition of approval, the city requires the applicants plant two street trees within the designated planting area for the dwelling. In addition, the applicants are required to replace any removed trees on a 3:1 ratio. A final landscape/irrigation plan is required. Therefore, the project will not cause an adverse impact to the visual character, quality or appearance of the neighborhood and City.

3. Approval of the project is in the interest of public health, safety and general welfare. *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.*
4. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. *The project as designed is in substantial compliance with the standards as stated, including Access, Architecture, Landscape design, Coordination of design details and Privacy.*

c. 1004 Ventura Avenue. Planning Application 05-019. Design Review and Parking Reduction. A request for:

1. Design Review approval to allow an 800 square foot second-story addition to an existing 1,095 square foot one-story residence; and
2. Front Yard Parking Exception to allow one required parking space to be located in the front yard setback; and
3. Parking Reduction to allow the waiver of one off-street parking space.

Staff recommendation: approve.

Planning Manager Dowswell delivered the staff report. Chair Flavell reported that the Sanborn map shows no garage at this site. Planning Manager Dowswell opined the accessory building might not have been a garage, because it is very much offset from the driveway access. John Cowee, the project architect, and Jack Wholey, the property owner, spoke in favor of the application.

Commissioner Donaldson had some suggestions for protecting against flooding, such as adding a berm near the front property line. Chair Flavell noted that the palm tree could be sold for as much as \$4,000, although it would cost approximately \$7,000 to move it. Commissioner Arkin had questions regarding roof pitches, eave widths, windows, and sills. Chair Flavell thought this item should come back on consent with clearer drawings of the window details.

Chair Flavell opened the public hearing. John Cowee spoke and indicated that he agreed with the design changes recommended by staff. Jack Wholey spoke and stated that they believed that they should be given a parking reduction. He indicated that he was having an arborist trim the palm tree and for now that they intended to keep it. Chair Flavell closed the public hearing.

Chair Flavell would like to see a real attempt made to meet the parking requirement. Planning Manager Dowswell noted that the neighbor to the north had similar project approved with only one off-street parking space located within the front setback. Commissioners Arkin and Donaldson do not want the tree removed in order to make room for parking in the rear yard.

Commissioner Donaldson moved continuation of design review for this item to the July 12 meeting. Commissioner Arkin seconded.

Vote to continue design review for item **6c**:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

Commissioner Donaldson moved approval of the parking exception and parking reduction for this item. Commissioner Arkin seconded.

Vote to approve the parking exception and parking reduction for item **6c**:

Ayes: Arkin and Donaldson

Nays: Flavell

Motion carried, 2-1.

Findings. 1004 Ventura Avenue

A. Findings for Approval of One Space Parking Reduction (20.28.040A.2)

- a. *Required spaces cannot be located in front or side yard areas without having to pave a majority of the front yard and eliminate an on-street parking space.*
- b. *Space is not available to provide required parking facilities without an undue hardship, which would require the applicants to pave almost their entire front yard.*
- c. *Provision of required parking spaces would be disruptive to landmark tree. There is a large palm tree (more than 18" in diameter) located in the rear yard that would have to be removed in order to provide two legal parking spaces.*

- d. *Creation of new off-street parking spaces would require the elimination of an equivalent or higher number of on-street parking spaces, thereby justifying the request for a one space parking reduction.*

B. Findings for Approval of a Front Yard Parking Exception (20.28.040A.5)

1. *Parking within a main building, a garage, carport or other structure or in the rear or side yard is not feasible or will be disruptive to landmark trees or will severely restrict outdoor living space on the site because the setback from the garage opening to the house is only 10 feet 5 inches, which would not allow a car to maneuver into the garage or rear yard. In addition, the width of the side yard leading to the rear yard is less than 6 feet, which is inadequate for a driveway or open parking space.*

7. New Business

a. 1137 Stannage Avenue. Planning Application 05-035. Design Review, Conditional Use Permit and Parking Exception. A request for:

1. Design Review approval to allow the raising of the existing first floor to the second floor and building of a new first floor underneath, resulting in an increase in area from 1,085 square feet to 1,960 square feet;
2. Conditional Use Permit to allow the vertical extension of a non-conforming north side yard; and
3. Parking Exception to allow the second required off-street parking space to be located in the front yard setback.

Staff recommendation: discuss the project, give direction and continue to July 26th meeting.

Chair Flavell recused himself from this item. Planning Manager Dowswell delivered the staff report. He noted the staff recommendation had changed from continuing this item to July 26 to continuing this item to July 12. The application needed to be continued because staff had discovered after the notices were sent out that due to the City's Flood Damage Prevention regulations the house needed to be elevated above 28 feet. In order for a house to be higher than 28 feet, a conditional use permit must be applied for. Commissioner Arkin noted that the accessory building was not finished, and asked if there was any requirement for it to be finished before going ahead with this project. Planning Manager Dowswell indicated there is no such requirement.

Ann Tierney, the project designer, and Keeyla Meadows, the property owner, spoke in favor of the application, and displayed color renderings.

Vice Chair Moss not being present, Commissioner Donaldson assumed the duties of Vice Chair, and opened the public hearing. Chuck Herndon, 1130

Cornell, and owner of 1129 Stannage Avenue, was in favor of the application, although he had concerns regarding the north neighbor's privacy if there is a rear balcony. He also regretted that the applicant had not met with the neighbors before this meeting.

Jill Churchman, 1141 Stannage, the neighbor to the south, asked that the garage not be moved further back on the lot because it would block her only good window and mean removal of part of the garden she enjoys. Dave Radlauer, co-owner of the property, noted the rear balcony is toward the south of the flat roof portion and not the north. Acting Vice Chair Donaldson closed the public hearing.

Commissioner Arkin complimented the applicant on her garden, and on the materials and colors proposed. He opined that because of the height, the roof should be sloped to match the neighbors, and some of the bulk to the rear should be removed. He added that spaces with ceiling height should count toward FAR. There should also be a real attempt to meet the parking requirements, possibly by locating parking underneath the structure. He also noted this is a wide lot by Albany standards, and so the side yard setbacks should be able to be met. Acting Vice Chair Donaldson agreed.

Commissioner Arkin moved continuation of this item. Acting Vice Chair Donaldson seconded.

Vote to continue item **7a**:

Ayes: Arkin, Donaldson

Nays: None

Motion carried, 2-0.

b. 824 Ramona Avenue. Planning Application 05-037. Design Review. A request for Design Review approval to allow a two-story addition of 1,044 square feet at the rear of an existing one-story, 450 square foot residence.

Staff recommendation: approve.

Associate Planner Gross delivered the staff report. Ava Ng, the property owner, and Y.M. Chung, the project architect, spoke in favor of the application. Commissioner Donaldson appreciated the effort to meet the parking requirement on such a narrow lot. Commissioner Arkin asked what the rectangles above the windows represent. Ms. Chung indicated they are wood fascia, lintel trim.

Chair Flavell opened the public hearing. Bernard Knapp, 825 Pomona, stated he was the neighbor to the rear, and he had concerns about the mass, bulk, and volume of the addition, and the height and rear setback. He also did not like the north wall. He felt the deck should count as floor area, as well as the cutout and stairwell. He felt that the house did not fit with the character of Albany.

Sam Eggar, 824 Ramona, spoke in favor of the application. Anthony Knight, 823 Pomona, felt the building would be extremely long and high. He recommended shifting more of the mass forward to preserve rear yards and vegetation. Rick Zawadski, 822 Ramona, opined that the house would be too big and destroy open space in the rear yards. He asked why the applicant had not spoken to the neighbors about their plans.

Chair Flavell closed the public hearing. He noted that the building is three feet below the maximum height, and that City Council allows a 1,500 square foot house on a lot this narrow. There was consensus that moving the addition part of the way forward or all of the way forward might be preferred. Varied heights might also soften the impact of the addition. Commissioner Arkin wanted to see detail of the window recess. Commissioner Donaldson would like to see a landscaping plan or reference to proposed trees and vines that could soften the impact of the addition. Chair Flavell encouraged the applicant to meet with the neighbors.

Commissioner Arkin moved continuation of this item. Commissioner Donaldson seconded.

Vote to continue item **7b**:

Ayes: Arkin, Donaldson, and Flavell

Nays: None

Motion carried, 3-0.

8. Discussion

a. Wireless Communication Facility Submittal Requirement Checklist

Associate Planner Gross referred the Commissioners to the draft checklist, and a June 27 email from Nan Wishner, 504 San Carlos. He stated that staff agreed with Ms. Wishner's remarks, except in the case of requiring documentation of arrangements made with the building owner for access.

Clay Larson, 628 Adams, would like more language regarding visual analysis, and perhaps for it and the description of screening to be in a separate section

entitled "Visual Impact" rather than the equipment section. He also noted that painting these items to match the structures they are attached to would be insufficient, and screening should be employed.

Noting the lateness of the hour, Commissioner Donaldson moved extending time for 15 minutes. There was consensus to extend time.

Nan Wishner, 504 San Carlos, would like the checklist to be even more detailed than the ordinance, and be a living document.

Chair Flavell was amenable to expansion of the screening section. Commissioner Donaldson did not want to require photomontages. Commissioner Arkin suggested titling the new section "Visual and Aesthetic Analysis," and recommended architectural integration of these items rather than screening.

Commissioner Panian will not be able to attend the July 12 meeting. The July 26 meeting will be postponed to an alternative date of August 23. There will also be a special meeting scheduled for August 16.

9. Adjournment

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

Next regular meeting: Tuesday, July 12, 2005, 7:30 p.m.

Special Meeting: Tuesday, August 16, 2005, 7:30 p.m.

Submitted by:

Dave Dowswell
Planning Manager