

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes September 9, 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 Albany Community Center at 7:30 p.m. on Tuesday, September 9, 2008.

### **2. Pledge of Allegiance**

### **3. Roll Call**

Present: Arkin, Gardner, Maass, Moss, Panian  
Absent: None  
Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl,  
Planning Clerk Amanda Bennett

### **4. Consent Calendar**

#### **a. Minutes from the May 27, 2008, July 8 and July 22, 2008 meetings.**

*Staff recommendation: approve.*

Commissioner Maass noted the July 22, 2008, minutes had references to Chair Panian who was not present. Commissioner Arkin indicated the July 22, 2008 meeting ended at 11:55 p.m. and moved approval with the noted corrections. Commissioner Gardner seconded.

Vote to approve item **4a** as amended:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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

Clay Larson, Albany resident, was concerned about an ongoing lack of information on the updated City of Albany Web site. Planning Manager Bond indicated staff was working on streamlining the process for uploading staff reports and other documents.

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

#### **a. City Council request for comments and recommendations on establishing Paid Parking Program.**

*Staff recommendation; provide comments and recommendations to assist the City Council in its discussion regarding the potential of establishing a paid parking program in the City of Albany.*

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. Ed Fields, Kains Avenue, wanted to see a financial study to be able to learn whether paid parking would raise money or cost money. He opined free parking was an amenity appropriate for a small city.

Rhoda Bennett, Cornell Avenue, opposed parking meters saying they would hurt local businesses and that a parking permit program would hurt homeowners near Solano. She recommended making Solano Avenue more pedestrian and bicycle friendly. Gene Helwig, Brighton Avenue, asked why the city was trying to fix something that was not broken. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin asked staff to include the public comment from this meeting citing the meeting date. He was in favor of the City Council exploring paid parking (not implementing it, necessarily). He requested addition of a bullet point regarding a financial study. He favored zero-emission parking rather than low-emission. He wanted the city to encourage walking and bicycling.

Commissioner Moss wanted a study of how paid parking on Solano would impact the neighborhood streets. There would need to be stepped up enforcement on the neighboring streets. He suggested funding permits for residents with the proceeds from the parking meters. Commissioner Moss recommended there be a fee collected for commercial parking waivers and that income and paid parking income fund future additional parking spaces on or near Solano.

Commissioner Gardner wanted parking for car share vehicles, whether no- or low-emission. Commissioner Maass only favored meters if it would reduce motor vehicle trips and fund more parking. He recommended if there were residential permit parking every household should be issued one or two permits at no cost, with large fees for additional permits. Commissioner Panian wanted to see a financial analysis that would address whether this would generate direct revenue or not, and whether it would impact sales tax revenue or not.

It was agreed that staff would bring the recommendation back on the September 23, 2008, consent calendar.

- b. 904 Santa Fe. Planning Application 07-087.** Design Review. Request for Design Review approval of a new mixed-use building, which includes two residential units and one commercial retail space.

*Staff recommendation: provide direction to the applicant on any appropriate design changes and approve the project.*

Commissioner Moss recused himself due to proximity to his residence. Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Mahmoud Pourzand, the project designer, was available to answer questions. The following people had concerns about the proposed project: Keith Weinstein, Carmel Avenue; Barbara Wezelman, Carmel Avenue; Joseph Redjen, Santa Fe Avenue; Clay Larson, Albany resident; Jane Cavali, Santa Fe Avenue; Guy Cavali, Santa Fe Avenue; and Ed Fields, Kains Avenue. Concerns included:

- Height
- Mass
- Out of scale, out of character
- Inconsistency between the General Plan and Zoning map
- Daylight plane

- Large terraces should be counted in FAR
- Lack of three-dimensional presentation including neighbors
- When the garage was demolished there would be a gap in the fence
- Lack of tree preservation
- Change in grade magnifies height
- Loss of privacy
- Loss of daylight
- Replacement of current view with a view of the proposed project
- Noise
- Increased traffic
- Pedestrian safety during large-scale construction
- Taller than buildings on Solano
- Lack of commercial parking
- Parking impacts
- Difficult to make the design review finding that it is consistent with and functionally harmonious with surroundings

No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Gardner asked whether the General Plan or the Zoning map was older. Planning Manager Bond indicated it was believed by staff that there was a typographical error in the General Plan. Commissioner Gardner would prefer the daylight plane be applied to the entire property line, rather than the five feet. She cautioned the Commissioners to consider what would be harmonious, because this would be precedent setting.

Commissioner Maass liked the underground parking and the overall design and felt the project was huge. Commissioner Arkin agreed maximum FAR never fits well but this site was zoned Solano Commercial. The project should provide a transition between commercial and residential. He supported adding employee parking. He wanted to be sure there would be sills on every window, and preferred a hip roof to the rear.

Chair Panian stated the individual units could be smaller to allow at least a ten-foot rear yard where children could play and to back away from the concerned residential neighbors. He recommended pulling the upper story in at the rear and side and exposing the walkway, in addition to adding more articulation. He found the current proposal boxy with an awkward cantilevered upper mass.

The Commissioners agreed they would want to review the building permit set of plans for consistency. After a discussion about whether there could be a successful up or down vote at this meeting, Commissioner Arkin moved continuation to the September 23, 2008, meeting in order to have time to review the plans in more detail. Commissioner Gardner seconded.

Vote to continue item **6b**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

**c. 908 Ventura. Planning Application 07-081. Design Review. Conditional Use Permit.**

A request for Design Review approval to allow a 923sq.ft. second-story addition to an existing single-family home. A Conditional Use Permit is also requested to allow the extension of a nonconforming (northern) wall.

*Staff recommendation: approve Planning Application 07-094. Design Review and Conditional Use Permit, subject to attached findings and conditions of approval.*

Chair Panian recused himself from this item due to proximity to his residence. Associate Planner Curl delivered the staff report. Vice Chair Maass opened the public hearing and invited the applicant to make a presentation. Bill Bondy, the project architect, and Nasif Iskander, the property owner, delivered a presentation and were available to answer questions.

Yael Blum, Ventura Avenue, was concerned about loss of views. Amy Adair, Ventura Avenue, was in favor of the application and noted Albany did not have a view preservation ordinance. Steve Kraft, Ventura Avenue, opined anyone purchasing a home on that block should have foreseen all the houses would grow to two stories. No one else wished to speak. Vice Chair Maass closed the public hearing.

Commissioner Moss felt redesign to preserve the neighbors' views would be a financial hardship, and he could approve the project, but he wondered whether the stairs thirteen feet from one of the parking spaces in the garage might pose a problem. Mr. Bondi expressed willingness to move the stairs to the other end of the deck. Commissioner Gardner stated the design was improved and she could approve it. Commissioner Arkin found the design handsome. Vice Chair Maass was also able to approve.

Commissioner Arkin moved approval with the added condition that the stairway was to be relocated. Commissioner Gardner seconded.

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

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

**Findings. 908 Ventura**

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

<i>Required Finding</i>	<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 residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i>

<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>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.</p> <p><i>The applicant has chosen a unique design concept, which includes maintaining the bungalow style on the front façade and a modern style design on the rear façade, which is interesting and unique. The two elevations are distinctly different. The second-story addition is setback from the front wall with the northern half of the addition being taller with a gabled roof. It sits further out than the southern half of the wall, which breaks up the front façade and creates architectural interest when viewed from the street.</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. The home will not extend out further than the two adjacent homes, which means that all of the rear yards will remain open and free from shadowing by structures. It is similar in size and mass than neighboring homes and has designed to be aesthetically appealing and attractive.</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, and privacy</i></p>

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

<i>Required Finding</i>	<i>Explanation</i>
<p>5. <b><i>Necessity, Desirability, Compatibility.</i></b> <i>The project’s size, intensity and location of the proposed</i></p>	<p><i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for</i></p>

<p><i>use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p><i>location, intensity and type of development.</i></p>
<p>6. <b>Adverse Impacts.</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>	<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 project will not create a visual detriment at the site or the neighborhood.</i></p> <p><i>The existing northern side yard setback is 3'-6", three inches short of conforming with the required 3'-9" setback. The home adjacent to the north has a driveway that runs between the two homes and appears to be "maxed out" in size, which means there is little possibility the home will extend out to the south, further to the subject property.</i></p> <p><i>Requiring the wall to be brought in 3" would be increasingly difficult for such a small length and would make very little difference aesthetically or functionally.</i></p> <p><i>The traffic and circulation on the site will not change and no noxious or offensive noise, glare, dust or odor will result from approving a conditional use permit.</i></p>
<p>7. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</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>

There was a brief recess.

- d. 423- 427 Talbot. Planning Application 08-037. Subdivision. Planned Unit Development. Parking Exception. Design Review.** Request for a Subdivision, Planned Unit Development and Design Review approval on an application to construct a new twelve-unit, three-story, multi-family building.

*Staff recommendation: provide direction to the applicant regarding design of the project and to staff on the preparation of findings and conditions of approval, and continue the agenda item to a future meeting.*

Commissioner Moss recused himself due to proximity to his residence. Planning Manager Bond delivered the staff report. Commissioner Gardner asked staff to provide examples of reduced parking approvals. Chair Panian opened the public hearing and invited the applicant to make a presentation. Charles Kahn, the project architect, and Rolf Bell, the property owner/builder, made a presentation and were available to answer questions.

Clay Larson, Albany resident, thought the height limit in the front was 28 feet rather than 35. Stu Goodman from 417 Evelyn spoke about noise and car pollution concerns. Ed Fields stated that there reduction in parking spaces was a concern with the large number of bedrooms proposed. He also supported affordable housing issues being dealt with prior to approval. Mimi McQuen, adjacent neighbor spoke stating that the building would impede upon her sunlight and open space and that the project did not taken into consideration the integrity of the neighborhood. She supports the street closer and continues to have concerns about the parking reduction and the loss of architectural harmony in the neighborhood. Jim Chu, neighbor, stated that the building was not harmonious with the neighborhood and did not support it for various reasons including size, mass and parking exception.

Commissioner Gardner moved to extend the meeting one hour. Commissioner Maass seconded the motion.

Commissioner Maass stated that he liked many aspects of the building, was okay with fewer parking spaces with it's location close to public transit but did express concerns about parking lifts being used for storage. He recommended increased articulation on the north and side elevations. Commissioner Gardner had concerns about the parking exception and recommended additional counts be done on weekends and later in the evenings, but was an appropriate place for density.

Commissioner Arkin recommended final review of building permit drawings by the Commission. He agreed additional counts should be done and believes the project to be of an appropriate size and scale fo rthe neighborhood. He suggested the plate heights being lowered to 8' but supports staff's interpretation of the code. Commissioner Gardner also supports the interpretation of the code for consistency with how other projects have been reviewed.

Chair Panian stated that meaningful changes have been made and that reminded that this was an R-3 district where density is allowed. He stated that parking needed to be carefully

considered. Commissioner Maass stated that while he liked the project it was quite large. Commissioner Gardner suggested that restricting the use of the parking lifts for storage could be incorporated into the CC&Rs; Chair Panian and Commissioner Maass concurred.

There was a discussion about the possibility of electric cars being accessible to the neighborhood, although not specifically proposed with the project. Commissioner Arkin suggested acquiring about the parking lifts already installed at Portland Gardens. There was a discussion about meeting the Art Ordinance requirements. Chair Panian opined that piecemealing the project was not preferable.

Commissioner Arkin moved to continue the project to a date certain and Commissioner Gardner seconded the motion.

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

- e. **962 Cornell. Planning Application 08-044. Parking Exception. Conditional Use Permit. Design Review.** Request for Design Review approval to allow a 626sq.ft., second-story addition to an existing single-story home. A conditional use permit is requested to allow the extension of the nonconforming northern wall. A parking exception is requested to allow one off-street parking space where two are required.

*Staff recommendation: approve the request for Parking Exception, Conditional Use Permit and Design Review to allow a 626sq.ft. second-story addition, subject to the attached draft findings and conditions of approval.*

Associate Planner Curl provided the staff report. Kurt Hearld, the architect proceeded to discuss the building materials.

Susan Vootz, the adjacent neighbor had concerns about the small setback between the homes and feared loss of light. She suggested that the mass be reduced and gable roofs added instead of shed roofs and that a different type of material be used. Lisa Stradlehoffer, the adjacent property owner, did not like the rooflines and preferred a softer, less modern design.

Commissioner Maass moved to continue the meeting for 20 minutes. Commissioner Gardner seconded the motion.

Commissioner Moss stated that he like the design and that gable roofs would not have the same affect. He was concerned about window placement for privacy and preferred to see a whole section of metal siding versus half-and-half at the top and bottom. Commissioner Gardner stated that she could support a conditional use permit and parking exception with the cover on the rear balcony removed. Commissioner Maas stated that concurred with previous statements, as did Commissioner Arkin who recommended that the building be possibly reduced in height.

Commissioner Arkin moved to continue the meeting to a date uncertain. Commissioner Moss seconded the motion.



Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

**7. Announcements/Communications:**

- a. Update on City Council actions related to Planning and Zoning.
- b. Notification of café approval at 862 San Pablo Avenue
- c. Correspondence Housing Consortium of the East Bay
- d. News Article: Senate Bill 375
- e. Update on revised Conditions of Approval

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

- a. Next Regular Meeting: Tuesday, September 23, 2008, 7:30 p.m.
- b. Discussion of Commission Meeting Schedule for Fall 2008 -- Hold meetings on November 25, 2008 and December 23, 2008?

**9. Adjournment**

The meeting was adjourned at 12:25a.m.

Next regular meeting: Tuesday, September 9, 2008, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Associate Planner*