

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes July 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 Albany Community Center at 7:30 p.m. on Tuesday, July 8, 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 June 10, 2008 meeting.**

*Staff recommendation: approve.*

**b. 1532 Solano. Planning Application 08-039. Conditional Use Permit.** Request for a Conditional Use Permit approval to allow a massage business to operate in an existing office building.

*Staff recommendation: approve.*

**c. 808 Key Route. Planning Application 08-035. Design Review. Front Yard Parking Exception.** Request for Design Review approval to allow a 296sq.ft. rear addition to an existing home. The applicant is also requesting approval of a front yard parking exception.

*Staff recommendation: approve.*

**d. 959 Ordway. Planning Application 08-041. Design Review.** Request for Design review approval to allow construction of a new 86sq.ft., second-story addition.

*Staff recommendation: approve.*

Commissioner Arkin pulled items 4a and 4c. Commissioner Gardner moved approval of items 4b and 4d with the correction to 4d that the fire condition be "Fire 1." Commissioner Maass seconded.

Vote to approve items **4b** and **4d as amended**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0<sup>1</sup>.

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<sup>1</sup> Commissioner Moss recused himself from the vote on item 4b.

**FINDINGS. 1532 Solano**

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

<b>Required Finding</b>	<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 less, similar to other uses on Solano Avenue.</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 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.</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>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.</p>

**FINDINGS. 959 Ordway**

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

<b><u>Required Finding</u></b>	<i>Explanation</i>
<p>1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states “designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient.”</i></p>	<p><i>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the 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. The applicant has chose to increase the square footage of the home without “maxing out” the allowable square footage. The proposed addition balances out the appearance of the home, which currently looks slightly awkward with only all of the second-story “weight” on one side of the home. The horizontal wood siding finish creates an attractive contrast of materials and breaks up the elevations.</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 project meets all development requirements. The addition meets all required setbacks, does not increase the building height. There is one small picture window located on the new north elevation. It is located high enough that residents of the home will not be able to look out of it; therefore, having no impacts on privacy to neighbors.</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>

**Item 4a** Commissioner Arkin noted on page 8, regarding density bonus, third paragraph, that density based on the General Plan was preferable to minimum lot size because it discouraged aggregation of lots. He moved approval as amended. Commissioner Gardner seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

**Item 4c** Commissioner Arkin had concerns about counting the substandard garage as a parking space. Chair Panian opened the public hearing and invited the applicant to speak. Heather and Ridge Patton, the owners, and Andrew Woolman, the project architect, spoke in favor of the application. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Gardner considered the project modest enough not to require modification of the garage. Commissioner Moss agreed. After a discussion about parking space sizes, Commissioner Gardner moved approval. Commissioner Maass seconded.

Vote to approve item **4c**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

**FINDINGS. 808 Key Route**

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

<b>Required Finding</b>	<i>Explanation</i>
<p>5. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>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 increase the square footage of the home without "maxing out" the allowable square footage. The addition is attractive in appearance and consistent with the architectural</i></p>

	<i>style of the home. The applicant has made a conscious effort to match the existing detail of the home, as well as to add improved detail to enhance the visual interest of the home.</i>
<i>7. Approval of the project is in the interest of public health, safety and general welfare.</i>	<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 meets all development requirements. The addition meets all required setbacks, does not increase the building height and will create a more attractive accessory structure along the southern property line. The project should have little to no impacts on adjacent neighbors.</i>
<i>8. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	<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>

**Findings for Front Yard Parking Exception (Per section 20.28.040(A5) of the AMC)**

<b>Required Finding</b>	<b>Explanation</b>
<i>1. Parking within a main building, a garage, a 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.</i>	<i>The location of the existing home prohibits access to the rear yard. The existing garage is a one-car garage that does not meet minimum parking requirements.</i>
<i>2. The area proposed for parking in the front yard will not exceed 7'6" in width and 20' in length.</i>	<i>The existing driveway is 7'6" in width and 17' in length, which means that in its existing condition it provides an adequate space to allow a second car to be parked in the driveway and out of the public right-of-way.</i>
<i>3. The parking space is designed so that no part of any vehicle will extend beyond the property line into the public right-of-way or will come within 1' of the back of the sidewalk, nor permit a parked vehicle to constitute a visual obstruction exceeding 3' in height within 25' of the intersection of any 2 street lines. The Planning and Zoning Commission shall not approve a front yard parking space unless a finding is made that visual obstructions are not a significant safety hazard.</i>	<i>The 22'-1" in length driveway provides adequate space for parking a vehicle without obstructing the public right-of-way. The subject property is an interior lot that is approximately; therefore there should not be any visual obstructions or safety hazards as a result of granting the exception.</i>
<i>4. Any required off-street parking spaces which are permitted in the front yard areas are so located as to minimize aesthetic and noise intrusion upon any adjacent neighbor.</i>	<i>The driveway is currently used for parking a vehicle, which means that approval of the front yard parking exception will not alter existing conditions or practices. There should be little to no</i>

	<i>impact on adjacent neighbors due to the front yard parking exception.</i>
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**Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)**

<b>Required Finding</b>	<b>Explanation</b>
1. <i>Required spaces cannot be located in front or side yards.</i>	The existing driveway is 7'6" in width and 17' in length, which means that in its existing condition it provides an adequate space for parking a vehicle. The location of the home prohibits access to the side and rear yards for parking.
2. <i>Space is not available to provide required parking facilities without undue hardship.</i>	The applicant would have to demolish one of the sidewalls and completely reconstruct one sidewall of the home to allow access to the rear yard for parking. This is exceeding difficult and an "undue hardship" considering the project will not require demolition or replacement of sidewalls. The driveway is currently used for parking a vehicle, which means that approval of the front yard parking exception will not alter existing conditions or practices. There should be little to no impact on adjacent neighbors due to the front yard parking exception.
3. <i>Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i>	<i>No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.</i>
4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	Not applicable.
5. <i>The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i>	The home will remain a single-family home and the driveway remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.

**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. **934 San Pablo. Planning Application 06-074. Design Review. Non-residential Parking Adjustment. Density Bonus. Affordable Housing. Public hearing for approval of a new four-story mixed-use building with thirteen residential units and two retail units. A density bonus & other concessions, as described below, are also requested as part of the approval.**

*Staff recommendation: open public hearing, review project financial analysis and submitted design, and continue final action on project to date certain of July 22, 2008.*

Planning Manager Bond and Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to speak. Hoss Azimi, the project architect, made a presentation.

Clay Larson, Albany resident, opined there should be three affordable units, with a maximum of eight to eleven total units. The CEQA language should not be boilerplate. The number of stories should be limited to three. The setbacks for required daylight plane should be applied.

Christina Osborn, Adams Street, was opposed to the height, the number of units, and the parking lifts. She also felt the balconies on the rear would destroy the privacy of the neighbors to the rear, and that the balconies would also collect umbrellas and other tall, obstructing objects that would violate the daylight plane. She would prefer the open space to be in the center or facing the street.

Deborah Ritchie, part owner and property manager for Town Centre, was concerned about impacts on parking. John Nakamura, owner of Albany Ford, opposed the parking lifts. He recommended more parking spaces and fewer units.

Commissioner Gardner asked whether a plan with fewer units had been considered. She opined parking lifts would not be used for parking. This dense development being shoehorned in would have large impacts on the community.

Commissioner Moss stated it looked like five concessions: increased density, FAR, and rear height, along with deck projections into the daylight plane, and decreased parking. The railings on the property lines would not be allowed. The bay was awkward and no change in the roof elevation along the front.

Commissioner Arkin noted the purpose of the density bonus was to provide additional housing and affordable units. He saw two concessions: increased FAR and reduced parking, which meant there should be two affordable units plus one inclusionary unit, for a total of 12 or 13. He asked the shadows be removed from the drawings. He suggested the bay at the southeast corner would look more like a bay if the wall below it were set back. The awnings and valance helped, but there could be a heavier cap worked into the geometry of the building. There should be more bicycle parking. The building permit submittal plans should be brought to the Commission for review.

Commissioner Maass wanted to resolve the number of units before addressing the design. Chair Panian stated the space did not prioritize people. He wondered if the site was too small for the project. He found the design incoherent. He opposed the use of glass block because it was essentially unreinforced masonry.

Commissioner Arkin moved continuation to the July 22, 2008, meeting to hear back from the attorney. Commissioner Maass seconded.

Vote to continue item 6a:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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

*Staff recommendation; provide initial 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. Christina Osborn, Albany resident, opposed meters. She noted it would impact parking on side streets as people avoided the metered spaces. She asked how much revenue would be generated, and whether it would be from the meters or from citations. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Moss opined the City should collect a fee for parking exceptions and waivers. The Commissioners agreed to e-mail their thoughts to staff.

**c. 701-705 Hillside. Status Report on Implementation of Planning Application 05-025.**

Discussion of implementation of project originally approved in 2004 to construct two single-family homes.

*Staff recommendation: discussion.*

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. Mark Frederick, the property owner, stated he was waiting for approvals from the City. Michael Wallace, the neighbor, said Thelma Rubin asked him to report she was concerned about the intermediate floor. It should be either uninhabitable or should be counted in the FAR. He opined the construction was moving too slowly.

Commissioner Moss stated that inspections were need to be for substantial work and were not calls just to check in on a project. There was a consensus with the Commission that the update hearings should continue for accountability. Commissioner Arkin requested a copy of both the approved and building permit plans. Commissioner Panian recommended that the applicant be diligent about constructing what is approved in the plans and keeping discussions about issues that can be dealt with. All Commissioners agreed that future update reviews could occur at the beginning of the agenda.

**d. 845 Cleveland. Planning Application 06-077. Lot Line Adjustment. Planned Unit Development. Design Review.**

*Staff recommendation: approve amendment to previously approved Planned Unit Development.*

Planning Manager Bond explained that the way the site was graded is a fundamental issue with the increased building height. Commissioner Gardner asked for confirmation that all of the buildings are over height, which is the case.



Sylvester McBride, one of the applicants stated that the the garage requires a height opening of 7'-8", which was not realized during plan check. He also requested that vertical tongue and groove siding be allowed instead of corrugated metal as originally approved.

Commissioner Arkin stated that no operable or divided light windows changed the aesthetics of the home.

Meeting motioned to continue until 11:30pm.

Commissioner Arkin stated that the windows need to be recessed and no trim would be most attractive. He also stated that the design of the building could not continue to change. Commissioner Moss prefers corrugated metal. He is not as concerned about the height but the changes in design. Commissioner Maass also prefers the corrugated metal. Commissioner Moss stated that the building cannot be built as drawn but would like to see more detailed plans.

Commissioner Moss moved to continue the agenda item to the next meeting to allow time for more detailed plans to be provided. Commissioner Gardner seconded the motion.

**7. Announcements/Communications:**

- a. Update on City Council actions related to Planning and Zoning.
- b. Recent State of California publications on climate change ("Climate Change Draft Scoping Plan" and "CEQA and Climate Change").

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

- a. Next Regular Meeting: Tuesday, July 22, 2008, 7:30 p.m.
- b. Regular Meetings of August 12, 2008, and August 26, 2008, will be cancelled for summer recess.
- c. Work session on Housing Element tentatively scheduled for July 15, 2008.

**9. Adjournment**

The meeting was adjourned at 11:55pm

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

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Submitted by:

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*Amber Curl*  
*Associate Planner*