

City of Albany
Planning and Zoning Commission
Minutes June 10, 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, June 10, 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

Planning Manager Bond announced that, due to the request of the applicants, items **6e** and **6g** were withdrawn/postponed.

4. Consent Calendar

a. Minutes from the April 22, 2008 meeting.

Staff recommendation: approve.

b. 1516 Beverly Place. Planning Application 08-030. Design Review. Request for Design Review approval to allow construction of a new 947sq.ft. second-story addition.

Staff recommendation: approve.

Commissioner Arkin wanted to comment on item **4b**. Commissioner Moss wanted a separate vote on item **4b**.

Commissioner Gardner moved approval of the minutes. Commissioner Maass seconded.

Vote to approve item **4a**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Item **4b**: Commissioner Arkin congratulated the applicant on achieving the highest number of green points to date. He liked the seven-foot plate height at the eaves of the second story. Commissioner Moss felt this was a big addition and there being an accessory building with a bathroom on the property could lead to a secondary residential unit without conforming parking. Commissioner Arkin asked whether a requirement for a deed restriction indicating there was no secondary residential unit would suffice. Commissioner Moss stated it would.

Commissioner Arkin moved approval as amended. Commissioner Maass seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

FINDINGS. 1516 Beverly Place

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

Required Finding	<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>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, which would be 4,400sq.ft, nor is there an increase in the amount of impervious surface. There are decorative vents proposed under the face of the eaves, which create an attractive aesthetic element. There are also double-hung windows proposed on all four elevations, which match the existing home. Overall, the addition is attractive and of the appropriate size, scale and mass for the neighborhood.</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</i></p>

	<p><i>development in the area. The project meets all development requirements. The applicant has brought in the nonconforming western side yard setback to meet development requirements. There are only two double-hung windows on the side elevations of the second-story. The addition is 3' below the maximum allowable height and does not increase the amount of impervious surface on the site.</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>

5. Public Comment on Non-Agenda Items

Ed Fields, Albany resident, asked the Commission not to waive inclusionary housing (item 6e), because inclusionary housing was not a development standard.

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

- a. **1157 Brighton Avenue and 420 Cornell Avenue. Planning Application 07-079. Design Review.** Request for a Design Review approval on an application to construct a new four-story, multi-family building.

Staff recommendation: approve.

Commissioner Moss recused himself due to proximity to his residence. Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. David Trachtenberg, the project architect, was available to answer questions.

Ed Fields, Albany resident, asked whether the open space should be required to be on the ground. Clay Larson, Albany resident, was disappointed by the open space being located on the roof. He felt the structure should be limited to three stories or 35 feet, whereas the proposed project was four stories. He asked whether the front yard daylight plane had been considered.

Gene Helwig, Albany resident, opined that the tandem parking would not be used, which would have an impact on available on-street parking. Baron McQue, Albany resident, asked why there were no solar panels. He recommended there be time limits for non-residential on-street parking. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin noted that the zoning ordinance allowed tandem parking. He asked whether the roof deck railing would be visible. Mr. Trachtenberg noted it could be open steel or glass so that it would “disappear.” Elijah Stackhous, with Trachtenberg Architects stated it could also be pulled back from view. Commissioner Arkin found the project well designed and proportioned and within the height limit. He recommended the roof railing be set back outside of the daylight plane.

Commissioner Maass found the west elevation plain, and recommended a vent. Chair Panian suggested dropping the sills and/or adding sun shades. Commissioner Gardner wanted green deconstruction of the existing structures to be required.

Commissioner Arkin moved approval of item **6a** with staff to confirm open space and all other requirements met and the roof deck railing set back with respect to the daylight plane. Commissioner Gardner seconded, adding amendments regarding adding detail to the west elevation; green deconstruction; and evaluation of lowering the front windows and sills. Commissioner Arkin accepted the amendments.

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

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

FINDINGS. 1157 Brighton

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

<u>Required Finding</u>	<u>Explanation</u>
<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><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.</i></p> <p><i>The applicant has proposed a well-designed building that meets all development requirements and provides a unique and attractive building to a fairly high traffic corner. It is also an ideal to location to have a higher density of residential development since there are only two other areas of the city that permit multi-family residential development. It is near</i></p>

	<i>schools, public transportation, and a shopping center all of which make it an ideal location for residents. The mix in building materials and break up of wall planes creates articulation and variation in depth, which is attractive.</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. It is located in a highly visible area and has been thoughtfully designed to be aesthetically appealing from all sides. It is in scale with the rest of the neighborhood and will be an attractive addition to the neighborhood.</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>

Special Finding

The applicant has provided 1,600sq.ft. of open space, between the private and common open space. The Planning and Zoning Code allows up to 200sq.ft./per unit of private open space to be contributed to the open space requirement. The project allows 212.5sq.ft. /per unit of private open space, which meets the spirit and intent of the ordinance and open space requirement.

b. 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: provide direction to the applicant on appropriate revisions to the project and approve it subject to staff review and approval.

Chair Panian recused himself 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 Izkander, the property owner, were available to answer questions.

Yael Eilblum, a neighbor, wanted at least part of her view preserved. Howard Graves, a neighbor, was concerned about the mass, high ceilings, and the flat roof cutting off views and light. The solar panels would be above 28 feet. The modern rear was out of character with the

neighborhood. The large bay window in the bedroom would cause a loss of privacy to the neighbors. No one else wished to speak. Vice Chair Maass closed the public hearing.

Commissioner Moss stated the project was nicely designed but the plate heights could be adjusted down. Commissioner Gardner wanted to see what the height and window placement would be like in relation to the neighboring structures. Commissioner Arkin liked the modern and traditional mix. He had recommendations to reduce all but the northwest corner plate heights; revise the southeast corner bay that appeared like a chimney hanging off on two brackets; and use either a modern bay and window or a traditional bay and window. He asked for a three-dimensional model.

Commissioner Gardner moved continuation. Commissioner Arkin seconded.

Vote to continue item **6b**:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.

c. 905 Carmel. Planning Application 08-019. Design Review. Request for Design Review approval to allow a 609sq.ft. second-story addition to an existing single-family home.

Staff recommendation: approve.

Commissioner Moss recused himself due to proximity to his residence. Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Steve Swanson, the project architect, was available to answer questions. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin moved approval. He noted the chimney could be altered or removed with staff approval. Commissioner Gardner seconded.

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

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

FINDINGS. 905 Carmel

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

Required Finding	<i>Explanation</i>
9. <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>10. <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 made an effort to add many architectural elements that create an aesthetically appealing homes, for example, wrought iron accents, tile roofs, column accents, etc. The project increases the size of the home without maxing out the square footage allowed for the home and does not increase the amount of impervious surface.</i></p>
<p>11. <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 additional mass is located at the rear, center of the home. It is more than 10’ from both side property lines; therefore, should have little to no impact on adjacent neighbors. The addition will be finished in stucco with a composition shingle roof to match the existing home. The applicant has chosen to increase the living area of the home in conscientious manner by using existing space, not increasing the amount of impervious surface or raising the maximum height of the building.</i></p>
<p>12. <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>

d. Review of City Inclusionary Housing Requirements, State Density Bonus Requirements, and Implementation Policies for Affordable Housing.

Staff recommendation: provide feedback to staff.

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. Clay Larson, Albany resident, stated that inclusionary was required (not encouraged). With density bonus and incentives/concessions it was hard to show cost savings, and the health and safety issue was easy to claim. If requirements were lowered, buildings might be even uglier.

Ed Fields, Albany resident, noted a 20% density bonus did not require 20% more units. He wanted to be sure that affordable units, once created, would remain affordable in perpetuity. Allan Maris, Albany resident, recommended being mindful of the number of affordable units required to be added. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin stated that believes density bonus units should be included in addition to inclusionary units. He also stated that concessions make a project work. He believes aggregation of lot size and units are preferable to a minimum lot size requirement.

Both Commissioner Maass and Commissioner Panian believes that the inclusionary units and density bonus units should be separate as well.

e. Provide Recommendation to the City Council on a Request for a Density Bonus and a Modification to an Existing Agreement to Provide Four Units of Affordable Housing at 727 San Pablo Avenue. The requested modification is to allow higher income households qualify for affordable units.

Staff recommendation: do not modify existing agreement.

Continued to a date uncertain, at the applicant's request.

f. 423-427 Talbot. Planning Application 08-037. Subdivision. Planned Unit Development. Design Review. Study session on application for a Subdivision, Planned Unit Development, Design Review, and Density Bonus approval to construct a new twelve-unit, three-story, multi-family building. On a 10,000 square foot lot.

Staff recommendation: take testimony from the public and provide direction to staff and applicant on appropriate revisions.

Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Charles Khan, the project architect, provided a brief presentation and was available to answer questions. Mr. Khan stated that they were planning on achieving double the green points, that there was not exception for reduction in FAR for mutli-family parking and that they did not want to request a density bonus.

Commissioner Gardner asked why a variance was not considered

Commissioner Arking moved to extend the meeting until 12:00a.m. Commissioner Gardner seconded the motion.

Ed Fields, resident on Kains, asked why the number of units could not be reduced. Clay Larson, resident on Adams, stated that a mix of studios and one-bedrooms would reducet he size. Baron McQue, 433 Talbot, stated that the Cerrito Plaza project, accompanied by the

proposed project raises property value and parking concerns. Mune Mcque stated that the building did not compliment the neighborhood and had concerns about emergency vehicle access, safety for children and supports closing the street.

Commissioner Arkin stated that the reduced rear yard might be okay and believes that the courtyard is not included in the FAR, per definition. Commissioner Maass believes that allowing a 0' rear yard setback is problematic and that it would be difficult to find a trash location. Commissioner Panian recommended reducing the number of units. Commissioner Gardner stated that a multi-family building is appropriate for the location.

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

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

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

Continued to the July 8, 2008 public hearing, at the applicant's request.

7. Announcements/Communications:

- a. Update on City Council actions related to Planning and Zoning**
- b. Reminder of Design Review Guidelines work session and Housing Element Discussion on Tuesday, June 17, 2008, 7:00 at the Albany Community Center.**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next Regular Meeting: Tuesday, June 24, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 12:24p.m.

Next regular meeting: Tuesday, June 24, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner