

City of Albany
Planning and Zoning Commission
Minutes May 27, 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, May 27, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Maass, Moss, Panian

Absent: Arkin, Gardner

Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

Chair Panian announced that due to a lack of a quorum, the following items would be rescheduled: items **4a**, **6a**, **6b**, and **6c** would be postponed until June 10, 2008 and **6d** would be postponed until June 24, 2008.

4. Consent Calendar

a. Minutes from the April 8, 2008 meeting.

Staff recommendation: approve.

b. 1166-1170 Solano Ave. Planning Application 08-021. Parking Exception. A request for a Parking Exception to allow the waiver of the two additional parking spaces that would be required due to the restaurant expansion.

Staff recommendation: approve.

c. 1100 Portland Avenue and 701-705 San Pablo Avenue. Planning Application 07-083. Condominium Conversion. A request for approval of a Condominium Conversion to allow 12 existing apartment units and two retail commercial spaces to be converted into condominiums.

Staff recommendation: approve.

d. 727 San Pablo Avenue. Planning Application 08-036. Approval of Minor Exterior Alteration. A request for approval for installation of a gate into the parking lot at 727 San Pablo Avenue.

Staff recommendation: approve.

Commissioner Moss pulled item **4d**. An unidentified person pulled item **4c**. Commissioner Moss moved approval of item **4b**. Commissioner Maass seconded.

Vote to approve item **4b**:

Ayes: Maass, Moss, Panian

Nays: None
 Motion passed, 3-0.

FINDINGS. 1166-1170 Solano

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

Required Finding	<i>Explanation</i>
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Staff reviewed the July 2000 Solano Avenue Parking Study to analyze parking counts within a 500 foot radius of the subject property. Staff also completed new parking counts within the same radius, including side street spaces in front of commercial uses. Based on these two surveys, it was found that sufficient street parking was available to justify the approval of a 2 space parking exception. Many of the commercial and retail services along Solano Avenue do not provide off-street parking. The proposed expansion of the existing restaurant should not result in a parking demand greater than that available in the immediate vicinity.</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 restaurant will be parking on Solano Ave for a time period 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, with an overall occupancy rate from 11:00am – 8:00pm of between 81% and 84%. An average vacancy rate of 16-19% should be adequate to accommodate a two parking space parking exception.</p>

Item 4c Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing. David Farello, tenant, stated the tenants were not noticed regarding this meeting. He was opposed to the application. Julie Graves, Albany resident, spoke in favor of rental units with sheltered parking and elevators. Ed Fields, Albany resident, asked whether the meeting had been properly noticed. Planning Manager Bond described the noticing procedure. Frank

Bergamaschi and Sarah Woodard, the property owners, spoke in favor of the application. Chair Panian closed the public hearing.

Commissioner Moss recommended that if any tenants were displaced from units for sale, they be given preference for rental of the other units. Chair Panian wanted the affordable units to remain rentals. Commissioner Maass noted that anything involving the inclusionary housing would come before the Commission again.

Commissioner Moss moved approval. Commissioner Maass seconded.

Vote to approve item 4c:

Ayes: Maass, Moss, Panian

Nays: None

Motion passed, 3-0.

FINDINGS. 1100 Portland

For Condominium Approval, Physical: Section 20.60.060:

A. Compliance with Applicable Codes and Additional Standards.

- 1) Utilities: The apartments already have shared meters utilities. The HOA shall be responsible for all utility allocation among the units as well as payment for utilities. A condition of approval has been added (condition 4) requiring that the project meet all requirements for utilities.
- 2) Fire Prevention: A condition of approval has been added (condition 5) requiring that the project meet all fire prevention requirements, which will include fire alarms be installed.
- 3) Exits: The structure's exits, exit ways and appurtenances shall conform to the standards set forth in Chapter 8 of the City Housing Code and Chapter 33 of the City Building Code (condition 6).
- 4) Sound Transmission.
 - a) Shock Mounting of Equipment: There are no permanent mechanical equipment, such as motors, compressors, pumps and compactors so shock mounting of equipment is not an issue of concern.
 - b) Noise Standards: The structure shall conform to all interior and exterior sound transmission standards of California Building Code.
- 5) Private Storage Space: 200 cubic feet of waterproof, lockable storage space has been provided for each unit on the first floor (diagram found in attachment 4, section 11), which complies with storage spaces requirements.

- 6) Landscape Maintenance: A condition of approval has been included (condition 9) requiring that all landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality and that a landscape maintenance agreement among the owners shall be included in the CC&Rs for the development.
- 7) Useable Open Space: The Condominium Conversion ordinance states “a multifamily dwelling which does not provide reasonable private and common outdoor usable open space may be considered to be ineligible for conversion.” The standard zoning ordinance requirement for a twelve-unit project would be 1,200 feet of shared usable open space (this requirement could be reduced with private open space, but this alternative is not applicable to this application). A 2,752sq.ft. courtyard has been provided for the tenant. Thus, the proposed conversion is conforming with respect to this requirement.

For Condominium Approval, Non-Physical: Section 20.60.060:

- A. General Plan Conformity: The General Plan designation for the subject property is Commercial. Policy LU 1.2: states that a goal is to “Establish Zoning standards for areas designated Planned Residential Commercial (PRC) to encourage, but not necessarily require, that redevelopment of underutilized commercial areas include a mix of residential and commercial uses.

GOAL LU 2: Encourage and upgrade commercial and mixed residential-commercial use development along San Pablo Avenue in order to expand the City’s economic base, to increase housing opportunities, and to foster transit-oriented development along this major transit corridor.

The General Plan’s Housing Element includes goals and programs that encourage preservation of rental housing. Housing Element Policy HE 1.2 states “Continue to limit conversion of existing multi-family residential units to condominiums. Limited equity cooperatives and other innovative housing proposals which are affordable to low and moderate income households are encouraged.” This policy has been implemented in the zoning ordinance with an annual limitation on the conversion of rental units, and the proposed conversion complies with the annual limitation (see paragraph C. below).

The project proposed project complies with all three of these general plan policies. It provides a mixed-use development that is located along a street with transportation and retail options. Approval of the condominium conversion will not decrease the number of units in the city but will increase the number of owner-occupied units.

- B. Impact on Senior Citizen, Disabled and Low/Moderate Income Tenants: There are currently tenants on the site. The applicant intends to sell only four units in the near future. All tenants will be offered first rights to refusal. A condition of approval has been

added requiring that future tenant relocation plans shall be reviewed and approved by planning staff prior to implementation.

- C. Annual Limitation: The city has received one other condominium conversion application in the calendar year 2007 for 4 units; therefore, the number of condominium conversions exceeding the 3% of the City's total multi-family rental housing is not a concern.

Item 4d Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. Ed Fields stated a gate would make the parking inaccessible. He wondered how enforcement of gate open/gate closed hours would be managed. He asked that the owners be made to comply with affordable housing levels before giving them anything. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Moss stated that many details from the approved plans had been skipped and/or lost. He wanted the inclusionary housing filled instantly. Chair Panian wanted to hear from the applicants themselves.

Commissioner Moss moved denial of the application because the gate would not be consistent with the original approval. Commissioner Maass seconded.

Vote to deny item 5d:

Ayes: Maass, Moss, Panian

Nays: None

Motion passed, 3-0.

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. **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 two-story, multi-family building.

Staff recommendation: approve.

- 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.

- 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.

d. 1020 Curtis. Planning Application 07-042. Review for compliance with Conditions of Approval (two-story addition to an existing single-family home).

Staff recommendation: provide direction to applicant on appropriate revisions or approve as proposed.

Items 6a, 6b, 6c, and 6d were all continued to the next meeting, as initiated by staff recommendation.

Vote to continue item **6a, 6b, 6c, and 6d**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

e. 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: discuss and provide direction to staff and applicant on appropriate "next steps" if needed.

Planning Manager Bond delivered the verbal staff report. Chair Panian opened the public hearing. Thelma Rubin, Albany resident, was concerned the FAR calculation was not sufficiently limiting the size of hillside projects. She recommended not allowing bathrooms in storage areas. Michael Wallace, Albany resident, was disappointed there was no written staff report. He asked whether the scenic easement had been recorded.

Ruth Ganong, Albany resident, asked whether the deed restriction stating that there was not a legal secondary residential unit had been filed. An unidentified person asked whether there was a limit on the amount of hardscaping allowed. Planning Manager Bond explained that there would be a drainage plan. No one else wished to speak. Chair Panian closed the public hearing.

f. Study Ordinance regarding Tobacco-Related Retail Establishments

Staff recommendation: discuss and provide direction to staff and/or recommendation to City Council on study of the need for regulations regarding the sale of tobacco productions.

Planning Manager Bond delivered the staff report. Commissioner Moss requested that the ordinance stay non-specific and be applicable city-wide. Commissioner Panain added that concurred and mentioned that a broad range of options for the ordinance was preferable.

7. Announcements/Communications:

a. Update on Waterfront Planning

b. Update on City Council actions related to Planning and Zoning

c. Reminder of Design Review Guidelines work session 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 10, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 11:55 p.m.

Next regular meeting: Tuesday, June 10, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner