

City of Albany

Planning and Zoning Commission Minutes January 13, 2009, 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, January 13, 2009.

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 November 11, 2008, November 25, 2008, and December 9, 2008 meetings.

Staff recommendation: approve.

b. 752 Pierce. Continuation of Planning Application 08-044. Design Review. Request for Design Review approval to allow an approximately 552 square foot conversion of unfinished space on the first floor.

Staff recommendation: approve.

c. 743 San Pablo. Planning Application 08-066. Conditional Use Permit. Request for a Conditional Use Permit approval to allow a massage business to operate in an existing commercial space.

Staff recommendation: approve.

d. 1061 Eastshore. Planning Application 08-072. Sign Approval. Request for approval to allow two wall signs on an existing commercial building.

Staff recommendation: approve.

Commissioner Gardner pulled item **4a**. Clay Larson pulled item **4c**.

Commissioner Arkin moved the remainder of the consent agenda. Commissioner Maass seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 752 Pierce

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

Required Finding	Explanation
<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 high-density 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 newly proposed design will have all of the new habitable space located completely within the existing building envelope. There will be new divided light windows on the side and rear elevations and a new slider door on the rear elevation. The applicant has made a conscious effort to have the new windows compliment the existing windows and to create more habitable space with zero impact on drainage, building height, etc. There will be no increase in FAR since the area of conversion is all above grade; and the total FAR is very low, compared to other comparable projects, at 31%.</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 and is completely within the existing building envelope.</i></p>
<p>4. <i>The project is in substantial compliance with applicable general and specific</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated,</i></p>

Standards for Review stated in Subsection 20.100.050.D.	including access, architecture, natural features, coordination of design details, and privacy.
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Findings. 1061 Eastshore

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

Required Finding	Explanation
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>	<i>The General Plan designates this area for high-density commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i>
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><i>The proposal is in scale and harmony with existing development in the vicinity of the site. The proposed project will not alter the size, shape or footprint of the building thus safe and convenient access to the property for both vehicles and pedestrians will not change. 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 previous signs were yellow and black in color, which were louder and more visually intrusive than the new signage. The proposed signage is appropriate in size and color. In addition, as a condition of approval the signage must be removed in-lieu of a master sign plan when the current tenant vacates.</i></p>
7. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	<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 and is completely within the existing building envelope.</i></p> <p><i>The wall signs already exist and require re-facing; therefore, will not increase in size or area thus not affect public health, safety or general welfare.</i></p>
8. <i>The project is in substantial compliance with applicable general and specific</i>	<i>The project as designed is in substantial</i>

<p><i>Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</i></p>
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Commissioner Gardner corrected page seven of the November 11 minutes: sixth paragraph, “than would be required” add “for the senior housing.” “buffer zone or park at the creeks” remove “with more trees.”

Commissioner Arkin corrected page one of the November 25 minutes: item 4a, “ecological reservation” should read “ecological restoration.” Commissioner Gardner corrected the third page: first paragraph “that if the stormwater” add “impacts.” Commissioner Gardner corrected the fifth page: first paragraph “stated that with significant “ add “unavoidable” and replace “the project” with “alternatives c and d.”

Commissioner Gardner corrected page three of the December 9 minutes: fifth paragraph, “wanted more detail” add “on operational assumptions.”

Commissioner Maass moved approval as corrected. Commissioner Gardner seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Item **4c**: Clay Larson, Albany resident, wanted to be certain that City staff was following the procedure outlined in the ordinance. He noted that the investigation report was for the technician rather than the applicant. Associate Planner Curl indicated a revised application could be submitted. Chair Panian asked the Commissioners whether they were comfortable with staff resolving any issues regarding the application. Commissioners Maass and Arkin assented. Commissioner Arkin moved approval, noting staff would complete any necessary corrections. Commissioner Gardner seconded.

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

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 743 San Pablo

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

Required Finding	<i>Explanation</i>
<p>9. <i>Necessity, Desirability, Compatibility.</i> The project’s size,</p>	<p><i>The project is located on a commercial street that has similar types of businesses.</i></p>

<p><i>intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p><i>The business is small in size and located within an already service-focused business (hair salon). Clearance from the Police Department is required prior to the issuance of a business license. The Community Development and Police Departments will continuously monitor the massage business.</i></p>
<p>10. Adverse Impacts. <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"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> 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> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<p><i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an existing building that has previously been used for office and received a parking exception for required parking.</i></p> <ul style="list-style-type: none"> a. <i>The commercial business is existing and will have a change in use but will not change in size or aesthetics.</i> b. <i>The commercial building is located on San Pablo Avenue with parking on site and shared parking on the street, which is a common situation for many commercial properties along Solano Avenue. The accessibility and traffic patterns will not change with the approval of a massage use.</i> c. <i>No noxious or offensive emissions should result from approval from of the business.</i> d. <i>The site is an existing commercial building; therefore, landscaping, parking areas and lighting are handled by the property owner and will not change with the approval of a massage use at the site. Design review is required of any new signage for the commercial space.</i>
<p>11. Consistency with Zoning Ordinance, General Plan, and Specific Plan</p>	<p><i>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>

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. 1301 Solano. Planning Application 08-078. Design Review. Parking Exception.** Study Session on a proposed demolition of an existing 1,583sq.ft. commercial/office building and construction of a new 3,609sq.ft., two-story commercial/office building.

Staff recommendation: open the public hearing, take testimony from the public, and provide direction to staff and the applicant on appropriate revisions or changes. This is a study session, no action is taken.

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Moshe Dinar, the project architect, described the project. Commissioner Arkin asked whether he had looked up and down Solano Avenue for design clues. Mr. Dinar noted he had found multiple curved-corner buildings. Commissioner Moss found the design attractive. He was concerned that the parking spaces and the back-up aisle space were all too small. He noted the landscaping on Masonic was in the public right-of-way.

Drimmi Song, the property owner, stated only two of her employees drove to work, and most of her patients walked to her office. She would encourage bicycling with bicycle racks. Her business was green-certified and she planned to go for LEED certification.

Jane Lundeen owner of 1305 Solano, had concerns about parking impacts, loss of daylight and air to the apartments, and a tall blank wall the new view from the apartments. Nathan Klemenger, tenant at 1305 Solano, had the same concerns. David Arroyo, tenant at 1305 Solano, had the same concerns. Karen Ward, owner of a building across the street, was concerned that the windows would reflect afternoon sun, creating a hazard for motorists and possibly making it difficult to work in her office. No one else wished to speak. Chair Panian closed the public hearing.

Planning Manager Bond suggested staff arrange a meeting for the applicant and neighbors to discuss issues raised at this study session. Commissioner Gardner liked the facade and broader concept, but had concern for the apartments. She noted that if the apartments were behind the property rather than next to it, daylight plane would apply. Commissioner Arkin recommended the applicant shade the windows perpendicular to the property line, to prevent overheating. He asked for plans, elevations, and three-dimensional representations to match. He asked for clarity on materials to be used, and recommended a more durable material (such as tile) close to the sidewalk. Because of the proximity to Key Route Boulevard, it would be easier to except required parking spaces. He recommended vines and perhaps trees to screen the west side. The rear of the second story could step back, light wells and windows could be added on the apartment side, and the medical office use could be upstairs, cantilevered out over the parking and retail could be located on ground floor. He also mentioned that parking and sidewalks could be covered.

Commissioner Maass felt the design was okay, and the proximity to Key Route helped with the parking exception. He suggested glass block on the apartment side, and wondered whether gating the parking would help. Commissioner Moss wanted more parking on the site. He suggested adding a landscaped area on the apartment building side. Chair Panian requested a more pedestrian-friendly design, and that the apartments not be blocked from daylight. Commissioner Arkin recommended looking into sharpening the degree angle of the parking on the north side of Solano.

The applicants for items **6b** and **6c** were not present, so item **6d** was heard next.

d. 701-705 Hillside. Status Report on Planning Application 05-025. Discussion on implementation of project originally approved in 2004 to construct two single-family homes.

Staff recommendation: open public hearing, take testimony from the public and provide direct to staff on further action if needed.

Planning Manager Bond distributed a staff report to the Commissioners and gave a brief overview. Chair Panian opened the public hearing. Michael Wallace, 715 Hillside, stated that there was no work being done on site. He was concerned about the appearance and hazardousness of the uncompleted project. Ruth Ganong asked how the city could prevent illegal secondary units in hillside homes. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Arkin wanted staff to draft a notice to the building permit holder regarding consequences of not making significant progress, and to have it reviewed by the City Attorney before sending it. Commissioner Moss asked whether the project was bonded. Planning Manager Bond indicated there was a bond, and he would check the status of the amount tied to this part of the two-home project. There was a lengthy discussion including speculation on why the work was not being done, whether and when to bring in the City Attorney, whether fines or threat of building permit expiration would be more effective. Planning Manager Bond agreed to follow up with the City Attorney on these questions.

Commissioner Arkin excused himself from the meeting. Chair Panian noted there should be a discussion about preventing illegal secondary units in hillside homes.

b. 727 San Pablo. Conditional Use Permit and Affordable Housing Agreement. Request from Villa de Albany LLC to modify existing Affordable Housing Agreement to allow payment of a fee in-lieu of providing two of four required affordable housing units.

Staff recommendation: That the Planning and Zoning Commission recommendation to the City Council that the affordable housing agreement with the developer of 727 San Pablo Avenue be modified to allow payment of a fee in lieu of providing two of the four required affordable housing units.

Planning Manager Bond delivered the staff report. Chair Panian opened the public hearing. Ed Fields, Kains Avenue, opposed allowing the in lieu fee rather than the promised low-income housing units. He felt City Council would not be able to make the findings for the fee. If

approved, they should have to pay the entire fee immediately – no extension should be allowed. Mr. Fields asked whether the owners had met the requirements for selling the low-income units. Clay Larson, Albany resident, agreed it would be impossible to make the findings. No one else wished to speak. Chair Panian closed the public hearing.

The Commissioners agreed it would be impossible to make the findings, and it would be preferable to have actual low-income units, although rental units might be easier to keep on top of.

- c. **842 Talbot. Planning Application 08-074. Front Yard Parking Exception.** Request for two front yard parking exceptions to allow a new second-unit to be constructed within an existing single-family home.

Staff recommendation: approve.

Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing. The applicant was available to answer questions. No one wished to speak. Chair Panian closed the public hearing. There was a lengthy discussion about how to approve the project with fewer than four conforming spaces without setting precedent.

Chair Panian moved approval, noting: the dimensional requirements were substantially met for two of the spaces; allowing one front-yard parking exception; and in light of the small size of the secondary unit, requiring two spaces for it was excessive. He further noted this was not to be a precedent-setting decision; it was specifically linked to the absence of new construction and the constraints of the site. Staff was instructed to draft the findings for the approval, and to ensure that the drawings reflected the actual configuration of parking that had been approved. Commissioner Gardner seconded.

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

Ayes: Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 842 Talbot

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

Required Finding	<i>Explanation</i>
1. <i>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 driveway is existing so will not restrict outdoor living space on the site nor will any other existing condition change as a result of the parking exception.</i>
2. <i>The area proposed for parking in the front</i>	<i>The front yard parking space will not exceed</i>

<p><i>yard will not exceed 7'6" in width and 20' in length.</i></p>	<p><i>7'-6" in width or 20' in length nor will a vehicle encroach into the right-of-way when parked.</i></p>
<p><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></p>	<p><i>The driveway, which is 36'-1" in length, provides adequate space for parking two vehicles without obstructing the public right-of-way. The subject property is an interior lot that is not near an intersection; therefore there should not be any visual obstructions or safety hazards as a result of granting the exception.</i></p>
<p><i>4. Any required off-street parking spaces which are in the front yard areas are so located as to minimize aesthetic and noise intrusion upon any adjacent neighbor.</i></p>	<p><i>The property owner currently uses the driveway to park vehicles. The driveway will not change in size or use with the parking exception. There should be little to no impact on adjacent neighbors due to the front yard parking exception.</i></p>

7. Announcements/Communications:

- a. City Council Study Session Discussion on Economic Development**
- b. Art Committee Discussion on Implementation Procedures for the Art in Public Places Program**
- c. Temporary Certificate of Occupancy for St. Mary's College High School Field Project**
- d. Ferry Terminal Environmental Impact Report Letter of Correspondence**
- e. Update on City Council actions related to Planning and Zoning.**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next regular meeting: Tuesday, January 27, 2009, 7:30 p.m.**

9. Adjournment

The meeting was adjourned a 11:05p.m.

Next regular meeting: Tuesday, January 27, 2009, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner