

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: 2/24/09

Prepared by: AC

Reviewed by: JB

ITEM/ 6a
SUBJECT: **Planning Application 08-078. Design Review. Parking Adjustment.** Demolition of an existing 1,583 sq. ft. commercial/ office building and construction of a new 3,660 sq. ft., two-story commercial/office building. Adjustment to parking requirements from 15 spaces to five spaces.

SITE: 1301 Solano

**APPLICANT/
OWNER:** Moshe Dinar for Drimmi Song with Isong Orthodontics

ZONING: SC (Solano Commercial)

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take testimony from the public, discuss the proposed project, and provide direction to the applicant on appropriate revisions.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 3,735 sq. ft. parcel on the corner of Solano Avenue and Key Route currently containing a one-story commercial building. There is a two-story apartment building to the east and a single-family home to the north. Key Route runs along the west side of the building. There are four existing parking spaces located at the rear (north) end of the lot. There also is an access easement benefiting the adjacent property owner located in the driveway between the four rear lot parking spaces.

The applicant is proposing to demolish the existing 1,583 square foot building and construct a new 3,096 square foot two-story commercial/office building, which would have a ground floor orthodontics practice and second story professional office. The total height of the building is approximately 25 feet from existing grade. The proposed footprint of the building is relatively the same as the existing building; however, approximately 250 square foot of building area will be added at the rear of the building. Five parking spaces are proposed at the northeast end of the proposed building. At this time the applicant anticipates using the first-floor of the proposed building for her orthodontics practice (currently located on Solano Avenue), and lease out the second-story space for other office uses as well.

In regards to parking, the City's standard requirement is that one parking space is required for every two hundred square feet of medical office use and one parking space is required for every

hour hundred square feet of commercial/retail space. The applicant would like the parking exception to allow for medical uses to be permitted in both the first and second floors thus a reduction of fourteen spaces is required.

This proposal was first presented to the Planning and Zoning Commission on January 13, 2009 where the Commission had a number of concerns, which are discussed below in further detail.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15331, "Infill Development Projects," of the CEQA Guidelines, which exempts small infill.

DISCUSSION

The applicant is seeking expedited review in order that construction be completed before expiration of her existing Solano Avenue lease in 2010. Staff originally agreed to make every effort to complete the staff analysis for the Commission's February 24, 2009 meeting. Unfortunately, due to weather conditions and school holidays, staff was unable to complete the parking counts. In addition to completion of the parking analysis, staff believes that additional information, including elevation drawings of the north and east side of the building, window and door details, design of the trash enclosure, and a description of how the project will comply with green building requirements also are necessary elements of a complete application. Staff also has not been able to review the plans with the Public Works Departments and the Fire Department. For example, additional time will be required to determine the feasibility of re-striping street parking in this area.

Previous Hearing and Revisions

The applicant has held several meetings with Jane Lundin, the owner of the apartment building located to the east of the subject property. As a result of those discussion, the applicant has made a number of revisions, including providing a 3-foot side setback from the property line on the east side of the building (7 feet total between buildings). In addition, the second floor is set back an additional 2 feet. On the west side of the building, the second floor cantilevers over the sidewalk portion of the Key Route public right-of-way by three feet. In addition, the parapet on the east side of the building will be minimized to allow as much light as possible to reach the windows in the west side of the apartment building. The area between the two buildings would be landscaped and gated. Care also would be given to lighting in the area between the buildings.

The principle remaining issue is that the location of the elevator shaft enters into the second story setback area. As a result, the elevator shaft will shade the expanded setback area, to some degree defeating its purpose.

Design Review

The proposed building is essentially the same design that was proposed at the first public hearing. It has a contemporary architectural style. It has, however, been redesigned to have a 3'

side yard setback on the east side, to provide more sunlight and air, which the potential loss of was a huge concern for neighbors in the apartment building to the east. A narrow landscape strip is proposed in the setback area. The second floor cantilevers over the west wall by 4', creating an offset, non-symmetrical appearance to the building.

It has a flat roof with a parapet that has a maximum height of 25' from existing grade. The current building has a maximum height of 12' so the proposed building is slightly more than double the height of the existing building. The increased height, which is in the form of a squared-off parapet, continues around the entire building. The aluminum fascia projects out on the south elevation and there is bracketed sunshade, both of which draws attention to the entrance of the building. There is a small projection on the south elevation that has a maximum height of 27'. There are rectangular-shaped, divided light windows that are aluminum and there are aluminum sunshades and fascia accents. The many accent and floor-to-ceiling windows will likely create an open and airy feel. It is proposed to be finished with stucco and cement plaster walls.

Overall the building appears to be aesthetically attractive and of an appropriate size and mass for its location, and matches many other buildings on Solano Avenue. The two-story massing and lobby would activate the corner and serve as a new focal point for passers-by. The revisions to the design are intended to meet concerns previously expressed by neighbors. Staff appreciates the applicant's willingness to find a common solution with neighbors. Windows could be added to the side of the projection on the north wall to create more of a bay window appearance. In addition, a detailed landscape, lighting and maintenance plan should be provided if the 3' side yard setback is approved.

Parking Exception

Per City parking standards, 15 parking spaces would be required for the proposed building and uses. The applicant is requesting a reduction is required parking to five spaces, which would be provided on the north side of the building.

The proposed project is located on the corner of Solano Avenue and Key Route Avenue, which has a landscaping median separating the two lanes of traffic. The Commission had concerns about the large parking exception proposed and requested that parking counts be conducted at various times throughout the week. Staff has since conducted two daytime parking counts but unfortunately, due to weather conditions and school holidays, staff was unable to complete a full range of daytime and early evening parking counts.

The first parking count was conducted on Tuesday, January 27, 2009 at 12pm where the vacancy rate was 54%. The second count was conducted on Tuesday, February 3, 2009 at 3 pm where the vacancy rate was 53%. Thus far there appears to be adequate parking to grant a parking exception; however, staff will conduct more day and evening time sites for future review. In particular, mid-morning and early evening counts will be conducted in the near future.

Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

Attachments:

1. Analysis of Zoning Requirements
2. Application, Plans, Photos
3. Email Exchange Between Jane

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts And Permitted Uses

General Plan: Commercial
 Zoning: SC (Solano Commercial)

20.16 Land Use Classifications

General and professional offices

Surrounding North - Single Family Residential (SC zone) East - Multi-family (SC zoning)
 Property Use South - Commercial West - Commercial/ (Key Route Blvd)

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table Of Site Regulations By District.

	Existing (approx.)	Proposed (approx.)	Requirement
Setbacks			
Front (south)	Approx. 2' (curved frontage)	0'	0'
Side (west)	2' (at closest pt)	No change	0'
Side (east)	0''	No change	5'
Rear (north)	Approx. 54' (angled rear ppl)	49'	15'
Area			
Lot Size	3,735	No change	--
Lot Coverage	42.3%	47.8%	100%
Maximum Height	12'	25'	35' max.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	3,735	No change	--
Floor Area			
First Floor	1,583	1,670	--
Second Floor	0	1,426	
Total	1,583	3,096	--
Total Counted	1,583	3,096	--
Floor Area Ratio	0.42	0.83	1.25

* No exemptions to FAR applicable.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See project description.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.58 Art in Public Places Program

Project will be subject to public art program requirements.

20.100.030 Use Permits.

The use of the second floor has not be determined. A use permit might be required for certain second floor uses.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on February 13, 2009 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues.