

City of Albany
Planning and Zoning Commission
Minutes September 11, 2007, 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 Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, September 11, 2007.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Hitchcock, Moss, Panian

Absent: Maass

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

4. Consent Calendar

5. Public Comment on Non-Agenda Items

There was no public comment.

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

Chair Arkin noted one Commissioner had asked to hear item 6b first.

- b 1016 Cornell. Planning Application 07-046. Conditional Use Permit. Front Yard Parking Exception.** Request for Conditional Use Permit Approval to allow a large family day care to be conducted at a private residence. A front yard parking exception for one off-street parking space is requested for the one required off-street parking space.

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. Commissioner Hitchcock asked whether the driveway would be a parking space or a play area. Assistant Planner Curl indicated it remains a parking space but is to be used as a play area. Chair Arkin opened the public hearing and invited the applicant to speak first. Roxanna Ferreira, the applicant, spoke in favor of the application. The following people spoke in favor of the application: Anna Kaminske, Albany resident and day-care parent; Rosie Sechel Albany resident and day-care parent; Glenn Cotter, Albany resident and day-care parent; Zaro, Albany resident and day-care parent; and Erika Kemp, Berkeley resident and day-care parent. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss moved approval with condition of approval 7 modified to have the driveway available for parking between 6:00 p.m. and 8:00 a.m., with parking for employees to be made available at 1020 Cornell, a property also owned by the applicant. Commissioner

Hitchcock seconded, with the amendment that the gate be closed between 8:00 a.m. and 6:00 p.m. Commissioner Moss accepted the amendment. Chair Arkin offered an amendment waiving the requirement for the fence between 1016 and 1020 Cornell, as long as the other rear yard fences were still required. The maker and seconder of the motion agreed.

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

Ayes: Arkin, Hitchcock, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 1016 Cornell

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

<u>Required Finding</u>	<u>Explanation</u>
<p>1. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, 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 General Plan designates this area for residential uses. Large family day cares are consistent with residential uses. Additionally, the project meets City zoning standards for location, intensity and type of use and development.</i></p>
<p>2. <i>Adverse Impacts.</i> <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> 	<ul style="list-style-type: none"> a. <i>The size shape and arrangement of structures on the site are appropriate for a large family day care.</i> b. <i>The pick up and drop off times vary from day to day and are not structured like a school schedule; therefore ,there is reduced concern about traffic flow and volumes. A parking count was conducted showing an average of over 60% vacancy for parking.</i> c. <i>New solid fences in the rear yard will be required to create a barrier against noise. It is a residential street with lower levels of traffic so noise affecting the children is not a concern.</i> d. <i>A condition of approval has been added requiring landscaping in the front yard and that all signage receive design review approval.</i>

<p><i>d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></p>	
<p>3. Consistency with Zoning Ordinance, General Plan and Specific Plan. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</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.</i></p>

Special Finding allowing required parking to be located at adjacent property at 1020 Cornell

The property owner at 1020 Cornell also owns the adjacent property to the south located at 1020 Cornell. The one required off-street parking space for the day care’s full time employee shall be located at 1016 Cornell between the hours of 8am to 6pm Monday through Friday.

Findings for Front Yard Parking Exception at 1020 Cornell(Per section 20.28.040(A5) of the AMC)

Required Finding	Explanation
<p><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></p>	<p><i>The location of the existing home prohibits access to the rear yard. The existing garage is a one-car garage that cannot be expanded deep enough to create a tandem garage, without extreme grading and expansion beyond the existing footprint.</i></p>
<p><i>2. The area proposed for parking in the front yard will not exceed 7’6” in width and 20’ in length.</i></p>	<p><i>The parking in the driveway/front yard will meet all size requirements.</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 24’ long 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 200’ from the nearest intersection (Marin Avenue and Cornell Street); 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 permitted in the front yard areas are so located as to minimize aesthetic and noise</i></p>	<p><i>The driveway is currently used for parking so will be legalized as a parking space but in</i></p>

<i>intrusion upon any adjacent neighbor.</i>	<i>practically has already been utilized one. Staff has not received any concerns or complaints about the parking of vehicles in the driveway.</i>
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- a. 922 Polk. Continuation of Planning Application 07-027. Design Review.** Request for Design Review approval to allow an existing crawl space/basement area to be excavated and converted into 650sq.ft. of habitable space.

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak first. Mario Trejo, an agent for the applicant, spoke in favor of the application. Commissioner Moss noted a couple of items on the plans that might have been mistakes – what appeared to be a roof over the stairs, and the light-well stair to the right in its entirety. Commissioner Hitchcock wanted to know what the path to the entry would be. Mr. Trejo indicated it would be paved. Commissioner Panian asked for clarification on the window details. Mr. Trejo indicated the grid pattern would be to match. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Hitchcock felt the sliding glass doors should be removed from the garage. Commissioner Panian moved approval with the windows to match. Commissioner Moss seconded.

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

Ayes: Arkin, Hitchcock, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 922 Polk

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

Required Finding	Explanation
4. <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>
5. <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</i>	<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</i>

<p><i>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>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 utilized existing building area to create more habitable space. The home will not increase in size, footprint or mass so will have little to no impact on neighbors. All aesthetic changes are minor and will have little to no impact on neighbors.</i></p>
<p>6. <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 will not increase the footprint. Aesthetic changes are minimal and shall have minimal if any impact on adjacent neighbors.</i></p>
<p>7. <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>

c. 819 Stannage. Planning Application 07-049. Design Review. Parking Exception.

Request for Design Review approval to allow a 725sq.ft. two-story addition to the rear of an existing home. A parking exception is requested to allow one off-street parking space where two are required.

Staff recommendation: approve.

Commissioner Panian recused himself due to proximity to his residence.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak first. Laurie Bockholt, the project architect, spoke in favor of the application. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin recommended replacing the metal railing at the front of the house with a wooden railing to match the rear. Commissioner Moss moved approval of Design Review with the required parking to be provided on-site, tandem arrangement acceptable, and a reduction of total square footage so as not to exceed FAR to be reviewed by staff. Commissioner Hitchcock seconded.

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

Ayes: Arkin, Hitchcock, Moss

Nays: None

Motion passed, 3-0.

Findings. 819 Stannage

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

Required Finding	Explanation
<p>8. <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>9. <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 designed the addition to be well integrated into the existing home. Matching building materials and window trim have been proposed. All setback and height requirements are met and they</i></p>
<p>10. <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 addition area extends beyond the rear wall of the neighbors so should have little to no impact on privacy of the neighbors. The home is west facing so the addition should have little to no impact on sunlight for the neighbors.</i></p>
<p>11. <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</i></p>

	<i>privacy</i>
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d. 949 Cornell. Planning Application 07-054. Design Review. Request for Design Review approval to allow an existing 234sq.ft. two-story addition to the rear of an existing home. *Staff recommendation: approve.*

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak first. Denison Cook, the project architect, spoke in favor of the application. No one else wished to speak. Chair Arkin closed the public hearing.

There was a brief discussion about whether the deck should or should not be considered. There was consensus among the Commissioners that the deck was acceptable. Chair Arkin noted it was an attractive addition. He also noted this was the first green points checklist to come to the Commission and that the applicant achieved over the 50 points requirements with the help of the local priority points. A few more points would be required to be green point certified by StopWaste.Org.

Commissioner Hitchcock stated it was a beautiful design and moved approval. Commissioner Panian seconded, with the amendment that the deck would be allowed. Commissioner Hitchcock accepted the amendment.

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

Ayes: Arkin, Hitchcock, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 949 Cornell

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

<u>Required Finding</u>	<u>Explanation</u>
12. <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>
13. <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</i>	<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</i>

<p><i>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>significant vegetation and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood. The proposed addition is small in size and the applicant has designed the addition to be well integrated into the existing home. Matching building materials window trim and architectural features have been added, which create an attractive, consistent appearance. All development requirements are met.</i></p>
<p><i>14. 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 addition area extends an existing second-story area of the home. It is approximately 6' longer than the existing home and the same height; therefore, should have little to no impact on adjacent neighbors. Aesthetically the addition is an improvement on the existing rear elevation.</i></p>
<p><i>15. 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>

- e. **Introduction to City Building Permit Process and Code Enforcement.** Preliminary introduction to building division responsibilities in anticipation of amendments to Municipal Code mandated by changes in the building code in January 2008 and implementation of nuisance abatement activities in Albany.
Staff recommendation: no staff report attached. Staff to make presentation.

Planning Manager Bond delivered the staff report. Chair Arkin opened the public hearing. No one wished to speak. Chair Arkin closed the public hearing.

There was a brief discussion about what nuisance abatement was. Chair Arkin recommended having the City Attorney write the letters rather than Planning & Building staff. There was discussion about building permit extensions. At least half of the Commissioners present wanted these items to go through the Commission before they went to City Council.

- 7. **ANNOUNCEMENTS/COMMUNICATIONS:**
 - a. **Jim Lindsay - software for instant runoff**

Preston Jordan spoke about using instant runoff voting.

b. Brief status report on St. Mary's College High School

Planning Manager Bond noted receipt by the Commissioners of an e-mail message from Chris Hamilton, asking the City to put off the next meeting about St. Mary's because their CEQA consultant would not be able to attend. He noted that Hal Brandes would not be able to attend the meeting either, and that staff wanted to go ahead and hold the meeting.

c. Safeway Community Meeting Notice

The meeting will be on Wednesday, September 19.

d. Correspondence from Steve Pinto regarding Safeway issues.

There was a discussion about a communication the Commissioners had received about leaks and mold at the rear of the Solano Avenue Safeway store.

e. Pedestrian Plan Information and Survey

Planning Manager Bond asked the Commissioners to complete their surveys.

f. Municipal Code Updates

Planning Manager Bond reminded the Commissioners that these were in their packets.

g. Future Agenda Items

- Affordable housing in fall
- Mixed-use 900 block of San Pablo Avenue

8. Future Planning And Zoning Commission Meeting Agenda Items

Maureen Crowley and Ed Fields had questions about 727 San Pablo Avenue and the affordable units, now that they have switched from rentals to for sale units. The whole thing will go before City Council.

Chair Arkin wanted to work on the Design Review guidelines as discussed at the previous meeting. He proposed third Tuesday of each month. Commissioner Moss recommended fixed start and end times: 7:00 p.m.- 9:00 p.m.

9. Adjournment

The meeting was adjourned at 9:54 p.m.

Next regular meeting: Tuesday, September 25, 2007, 7:30 p.m.

Submitted by:

Amber Curl
Assistant Planner