

City of Albany
Planning and Zoning Commission
Draft Minutes February 26, 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 City Council Chambers at 7:30 p.m. on Tuesday, February 26, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian

Absent: None

Staff present: Community Development Director Ann Chaney, Planning & Building Manager Jeff Bond, Planning Consultant Billy Gross, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the January 29, 2008 meeting.

Staff recommendation: approve.

- b. 631-637 Stannage. Planning Application 07-083. Design Review.** A request for Design Review approval to allow exterior changes to an existing 4-unit apartment building. (Approval to allow conversion of apartment units to condominiums was granted by the Commission on February 12, 2008.)

Staff recommendation: approve.

- c. 729 Santa Fe. Continuation of Planning Application 07-093. Design Review.** Request for approval to allow excavation and renovation to create a habitable basement. The project also includes a small addition to the existing second-story.

Staff recommendation: approve.

Commissioner Arkin pulled items **4b** and **4c**.

The remainder of the consent calendar was unanimously approved.

Item **4b**: Commissioner Arkin noted the garage doors would be 64% of the width of the lot. He recommended a higher quality garage door, with upper glazing and vertical elements. Ed Klotz, the project applicant, did not disagree with these notes.

Commissioner Arkin moved approval with staff to review the garage door. Commissioner Moss seconded.

Vote to approve item **4b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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 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><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 building will be much more attractive with the enclosed garages and functionally much more desirable for property owners. The new garage will create a much more attractive street elevation, which will improve not only the appearance of the building but also the neighborhood. It will also be less obvious that it is a multi-family building and appear more like a large single-family home, which is more consistent with the majority of buildings found on the street. A generous landscaping plan has been proposed which will create a softer appearance.</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 improvements will create a softer, more attractive appearance for the building and neighborhood. Public health and safety will be improved with many parts of</i></p>

	<i>the building being brought into conformance with current building code.</i>
4. <i>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>

Item **4c**: Commissioner Arkin reported that he had a conversation with the project architect. He stated he would prefer the front bay to be flush with the front of the porch. Commissioner Moss would prefer a planter. Chair Panian was not sure a planter would work. Lillian Mitchell, the project architect, reported the applicants would rather the bay be flush with the porch.

Commissioner Arkin moved approval with the option of making the bay flush with the porch. Commissioner Maass seconded. Commissioner Moss opined the projecting bay would make this too bulky and massive.

Vote to approve item **4c**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: Moss

Motion passed, 4-1.

Findings for Design Review 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 residential 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>	<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>The 225sq.ft. addition to the second-story changes the aesthetics of the home but is attractive. The mix in building materials with</i></i>

	<i>the addition of horizontal wood siding actually breaks up the facades better than the plain stucco finish currently does. The new windows have a trim and sill and are varied in size and shape, which add to the aesthetic value of the side elevations.</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 addition is attractively designed with only a slight increase in height. The applicant has made some of the windows sand blasted windows to preserve the privacy of adjacent neighbors. The applicant has also created a second off-street parking space where there is currently only one, which is located in the garage.</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>

5. Public Comment on Non-Agenda Items

Chair Panian welcomed Andrea Gardner to the Commission.

Clay Larson, Albany resident, asked whether there were ever retrospective reviews – looking at completed projects (especially large ones) to see if they resemble the plans.

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

- a. Temporary Police and Fire Facilities at northeast corner of Jackson Street and Monroe Avenue: Major Use Permit. Design Review.** A request for approval to locate temporary modular facilities for the Albany Fire Department and Albany Police Department.

Staff recommendation: approve.

Planning Consultant Gross delivered the staff report. Chair Panian opened the public hearing. Clay Larson, Albany resident, wondered whether the communications tower would be moved and, if so, whether the cellular ordinance would apply. Mike Urbansi, UC Village Resident Association, raised concerns about: incompatibility with the playground use; traffic; sirens; and where to turn if there are problems. Ed Fields, Albany resident, wanted to know whether the University could keep the entire set-up after the city vacated the premises. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Moss could approve the application. Commissioner Arkin was concerned about the University keeping the set-up but that there was nothing the City could do to prevent it. He

was also dismayed at having to house anyone even temporarily in unhealthy, un-green materials. He could support the application. Commissioner Maass could approve the application. Commissioner Gardner recommended requesting used (older) temporary buildings because they would give off less fumes. Chair Panian stated there should be a hotline for village residents. Planning Manager Bond noted that residents could call him directly. Chair Panian recommended the fire and police departments hold an open house for the neighborhood.

Commissioner Moss wanted to be sure Monroe would stay open (no construction equipment, etc.). He recommended the Art Commission be asked to beautify the buildings and fence. He moved approval with a note to discuss Monroe being kept open with the University. Commissioner Maass seconded.

Vote to approve item **4b**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

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

Required Finding	Explanation
<p>9. Necessity, Desirability, Compatibility. <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 project allows the City of Albany to continue to provide emergency services to the community by temporarily relocating the Fire and Police Departments. The project location will allow both departments to remain centrally located and better able to respond in a timely manner. The site is located within University Village, adjacent to other public/quasi-public uses, such as the UV Community Center, Activities Center and Children's Annex, and therefore is compatible with the neighborhood.</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</i> 	<ul style="list-style-type: none"> a. <i>The proposed site is of adequate size to serve the specific spatial needs of the two emergency services departments, including emergency vehicle storage and street access.</i> b. <i>No adverse impacts due to accessibility and traffic have been identified. The site is accessible to both traffic and pedestrians from San Pablo Avenue and Jackson Street. The majority of traffic from the Police and Fire Departments comes from employee trips, not visitor trips, and therefore the volume of traffic at the intersection of San Pablo Ave and along Monroe St will not increase adversely in comparison with existing traffic. Because of the</i>

<p><i>traffic, and the adequacy of proposed off-street parking and loading;</i></p> <p><i>c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></p> <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><i>large number of departmental vehicles, the proposed parking plan provides more off-street parking spaces than is required by the zoning ordinance.</i></p> <p><i>c. No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</i></p> <p><i>d. In conjunction with the Design Review approval, the treatment of all visual aspects has been found to be acceptable for this temporary use.</i></p>
<p>11. 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 project allows the City of Albany to continue to provide emergency services to the community by temporarily relocating the Fire and Police Departments. Based on the temporary nature of the use, the proposed project has been determined to be consistent with the Zoning Ordinance and General Plan.</i></p>

Findings for Temporary Use Permit approval (Per section 20.100.030.F.4 of the AMC)

Required Finding	Explanation
<p><i>1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of the Zoning Ordinance.</i></p>	<p><i>With the inclusion of the attached conditions of approval, the proposed temporary use is consistent with the policies of the General Plan and the provisions of the Zoning Ordinance.</i></p>
<p><i>2. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.</i></p>	<p><i>The project will not be detrimental to property or improvements in the surrounding area, as the use is compatible with adjacent uses. Approval of the application positively impacts public health, safety and general welfare by ensuring continued public safety services while the seismic retrofit work of the City Hall complex is completed.</i></p>

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

Required Finding	Explanation
<p><i>1. 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>Based on the temporary nature of the use, the proposed project has been determined to 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. In conjunction with the</i></p>

	<i>Design Review approval, the project has also been found to meet the applicable design guidelines.</i>
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>The project design and site planning has been completed with consideration to current conditions, including existing trees and drainage patterns. The proposed temporary modular buildings are visually in keeping with existing structures located on the opposite side of Jackson St. The Apparatus Bay has been located so as to minimize impacts to neighboring residential uses due to its height.</p> <p>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>
3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	<i>The project will allow the temporary relocation of the Fire and Police Departments while the current City Hall complex is undergoing seismic retrofit work. Approving the temporary use permit for the project is directly in the interest of public health, safety and general welfare.</i>
4. <i>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>

- b. 934 San Pablo. Planning Application 06-074. Design Review. Density Bonus. Affordable Housing.** Study session to discuss proposed new three-story mixed-use building with thirteen residential units and two retail units. A density bonus & other concessions, as described below, are also requested as part of the approval.
Staff recommendation: provide direction to applicant and staff.

Associate Planner Curl delivered the staff report. There was a discussion regarding density bonus and inclusionary housing. Chair Panian opened the public hearing and invited the applicant to make a presentation. Hoss Azimi, the project applicant, was available to answer questions. Commissioner Gardner wondered why only half of one unit went up to the fourth floor. She wanted to see samples of parking lifts being used. She felt the facade was not in character.

Ed Fields, Albany resident, read from the state code on density bonus, and opined that 8 units would be appropriate for this site, without retail units. There should be one concession only. He felt the parking lifts would not be used for parking. Clay Larson, Albany resident, was concerned about the height. He felt the table in the zoning ordinance was not ambiguous – there should be limits on density for tiny lots. He wondered about staff’s judgment on the setback where commercial abuts residential.

Mark O’Brien, Albany resident, was concerned about the height, massing, density, and loss of parking. Jo Fox, Albany resident, was concerned by the height and size of the project. No one else wished to speak. Chair Panian closed the public hearing.

Commissioner Gardner opined eight units would be correct. Commissioner Moss was concerned about the massing, setbacks, and the calculation for density bonus. Commissioner Arkin stated that affordable housing had to be provided even if Albany residents opposed increased density. He argued that the urban streets of the city (e.g., San Pablo and Solano Avenues) were the appropriate location for these units. He would prefer multiple small projects on small lots rather than incentivization of aggregate lots.

Regarding the design, Commissioner Arkin recommended removing/revising the curved roofs, which seemed out of character with the rest of the design. He wanted to see more three-dimensional renderings and more detail. He recommended a physical model including the whole block to show relationship with neighboring structures. He would like the glass block over the stair square rather than sloped. He thought there were walls projecting into the daylight plane. He liked the horizontal shapes on the west side and recommended bringing some to the street facade.

Commissioner Maass noted the shading on the drawings looked wrong. He was not fond of the projection on the top of the building. He would like to see more wood slats and less stucco. Commissioner Gardiner noted this would be setting precedent. She could approve the size and the retail. A good transition to the residential zone would be very important. Commissioner Moss liked that the units were compact. He would like the San Pablo Avenue facade articulated at street level. He would favor a 15-foot setback at the residential transition. He would like to see gray water use.

There was a discussion of the daylight plane requirement.

There was a brief recess.

c. 701-705 Hillside. Review of Project Implementation. Planning Application 05-025.

Discussion of implementation of project originally approved in 2004 to construct two single-family homes.

Staff recommendation: for information only. No action to be taken.

Michael Wallace, resident at 715 Hillside, made a presentation on the concerns about the implementation of the project at 701-705 Hillside. The concerns include violations of building permit conditions and Cal-OSHA regulations, violations of revised plan conditions of approval, and violation of FAR regulations.

Ruth Ganong, 710 Hillside, expressed concern about the length of time the project was taking to be completed. She also share concerns about the violations described by Mr. Wallace.

Chen Shen, 716 Hillside, described how construction-related trucks damaged his phone line and that construction-related garbage had been left next to his house.

Bock Chan, 895 Hillside, expressed concern with stairway taking away his view. He also stated that his neighbor, Thelma Rubin, 899 Hillside, has lost her view as a result of the construction.

Commissioner Moss expressed concern that the property owner/contractor was not present. Commissioner Gardner expressed concern about the appearance of piecemeal changes to the project. She also stated that lack of fencing is a substantial issue. Commissioner Arkin indicated that the City needs to learn from situations like this, and perhaps the Commission needs to review the final building permit application drawings of controversial projects. Commissioner Maass questioned what might have caused changes to the project after approval and disappointment that details fell through the cracks.

Chair Panion apologized to the neighbors of the project. He suggested that floor area ratio regulations might need to be cleaned-up. In addition, the City needs to be more careful in describing conditions of approval. He also mentioned the need for imposition of fines or other nuisance abatement procedures.

The Commission requested that staff arrange for the property owner to respond to issues raised and that the issue be brought back to the Commission for further discussion.

7. Announcements/Communications:

- a. **Update on Waterfront Planning**
- b. **City Council action to form subcommittee regarding University Village**
- c. **Initiation of design of Codornices Creek Phase 3**
- d. **ABAG Climate Change**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Meeting: Tuesday, March 11, 2008, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 12:11 a.m.

Next regular meeting: Tuesday, March 11, 2008, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager