

City of Albany
Planning and Zoning Commission
Minutes February 12, 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 Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, February 12, 2008.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Maass, Moss, Panian

Absent: None

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

4. Consent Calendar

There were no items on the 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

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

Staff recommendation: continue to date certain of February 26, 2008.

Commissioner Moss moved continuation of this item to the February 26, 2008, meeting. Commissioner Arkin seconded.

Vote to continue item **6a**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

- b. 631-637 Stannage. Planning Application 07-083. Condominium Conversion.** A request for approval of a Condominium Conversion to allow 4 existing apartment units to be converted into condominiums.

Staff recommendation: approve.

Associate Planner Curl delivered the staff report, and noted a correction to page 13, condition one. Chair Panian opened the public hearing and invited the applicant to make a presentation.

Ed Klotz, the project applicant, and Debo Sodipo, the project engineer, were available to answer questions. No one else wished to speak. Chair Panian closed the public hearing.

Chair Arkin recommended garage doors found on the building to the north. Commissioner Moss recommended changing the CC&Rs to include a restriction on how many of the units could be rented out. There could also be language about not using the parking lifts for storage – keeping them open for parking use. Commissioner Panian wanted to see more detail on the plans regarding windows, doors, landscape, railing, garage door, etc.

Commissioner Arkin moved approval of the condominium conversion, with correction of condition of approval one and amendment of CC&Rs regarding the parking lifts remaining usable for automobile storage. Commissioner Maass seconded. It was agreed that the design review portion of the application could come back on consent.

Vote to approve item **6d**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

For Condominium Approval, Physical: Section 20.60.060:

Compliance with Applicable Codes and Additional Standards.

- 1) *Utilities: The apartments already have separated metered utilities and shall remain separate. 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 the City's Building and Housing Code and Fire Prevention 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 the California Building Code. An acoustical study dated, September 25, 2007 provides recommendations to meet noise requirements and are a condition of approval of the condominium conversion.*
- 5) *Private Storage Space: There is currently 200 cubic feet of waterproof, lockable storage space for each unit in the carport area, which complies with the requirement.*

- 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 four-unit project would be 800 feet of shared usable open space (this requirement could be reduced with private open space, but this alternative is not applicable to this application). The applicant has calculated that approximately 900 sq. ft. of useable open space is provided on the property (not including the front yards). The rear yard is approximately 636 square feet in area. The zoning ordinance requires that no dimension of the common open space be less than 15 feet. The dimensions of the rear yard are approximately 13'x50' and the side yard is similar in size but also does not meet the minimum dimension requirements. Thus, the proposed conversion is legal non-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 Low Density Residential. With four units on a 5,000 square foot lot, the subject property is developed at a density equivalent to 35 units/acre, and thus is legal non-conforming with respect to the Low Density Residential density of up to 12 units per acre. The property will remain non-conforming, irrespective of whether the conversion is approved.*

Secondly, 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).

- B. *Impact on Senior Citizen, Disabled and Low/Moderate Income Tenants: There are currently no tenants at the site; therefore, displacement of senior tenants is not a concern.*
- C. *Annual Limitation: The city has received one other condominium conversion application in the calendar year 2007 for 12 units; therefore, the number of condominium conversions exceeding the 3% of the City's total multi-family rental housing is not a concern.*

- c. 729 Santa Fe. 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.

Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing and invited the applicant to make a presentation. Lillian Mitchell, the project architect, was available to answer questions. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss opined the projection of the front bedroom increased the feeling of bulk and mass for little gain. Commissioner Arkin recommended dropping the gable to make it more like a bay. He also suggested a lower gable over the master bath, articulation of the flat south side, a lighter eave, and a trellis over the second parking space.

Chair Panian felt this was massive, and the columns might be weird at the pedestrian-level view. Commissioner Arkin noted that if a third conforming parking space were created, that would allow the owners to apply for approval of a secondary residential unit.

Commissioner Arkin moved continuation to the February 26, 2008, meeting. Commissioner Moss seconded.

Vote to continue item 6c:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

d. Update of Design Review Guidelines

Staff recommendation: discuss and provide direction to staff on appropriate revisions and next steps.

Associate Planner Curl delivered the staff report. Chair Panian opened the public hearing. Doug Donaldson, Albany resident, provided a slide show of "good" and "bad" second-story additions. Gary Samonsky also brought photos. There was a lengthy discussion about the photos and the process of updating the guidelines. It was decided that the commissioners would e-mail their comments on the nine points of text to staff. No one else wished to speak. Chair Arkin closed the public hearing.

e. Review of Draft 2007 City of Albany General Plan Annual Update

Staff recommendation: provide direction to staff on appropriate revisions and make recommendation to the City Council.

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

Commissioner Maass mentioned LU5 transitional and asked whether that was included in the design review guidelines. Commissioner Panian raised the idea of GIS mapping. Commissioner Maass asked under LU6 whether they were still in business, and also noted the new auto

dealership. Under Circulation 1, studies underway for traffic calming near El Cerrito Plaza. Commissioner Moss on HE1 noted the mortuary site and inclusionary housing. On CHS3 he had a note regarding vinyl siding and wanted "outdoor environment" added.

Commissioner Moss moved recommendation to City Council with tonight's comments and corrections (including document from Clay Larson, Albany resident). Commissioner Maass seconded.

Vote to recommend item **6e** to City Council:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

7. Announcements/Communications:

- a. Neilson Storm Drain Negative Declaration
- b. Waterfront Update

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next Regular Meeting: Tuesday, February 26, 2008, 7:30 p.m.

9. Adjournment

The meeting was adjourned at 10:44 p.m.

Next regular meeting: Tuesday, February 26, 2008, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner