

# *City of Albany*

## **Planning and Zoning Commission Minutes January 29, 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 7:37 p.m. on Tuesday, January 29, 2008.

#### **2. Pledge of Allegiance**

#### **3. Roll Call**

Present: Arkin, Maass, Moss, Panian<sup>1</sup>

Absent: None

Staff present: Planning & Building Manager Jeff Bond, Public Works Manager Richard Cunningham, Planning Consultant Billy Gross, Associate Planner Amber Curl, Planning Clerk Amanda Bennett

#### **4. Consent Calendar**

- a. **Minutes from the December 11, 2007 and January 8, 2008 meetings.**

*Staff recommendation: approve.*

- b. **1161-1175 Solano. Planning Application 07-017. Conditional Use Permit.** A request for Conditional Use Permit approval to allow liquor to be sold at a previously approved building with a café use.

*Staff recommendation: approve.*

The consent agenda items were approved by unanimous consent.

#### **5. Public Comment on Non-Agenda Items**

There was no public comment.

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

**Items 6a** and **6b** were postponed until after Commissioner Panian arrived.

- c. **704 Cornell. Planning Application 07-056. Design Review. Parking Exception.** A request for Design Review approval to allow a 540sq.ft. second-story addition to an existing single-family home. The applicant is also requesting a parking exception to allow one off-street parking space where two are required.

*Staff recommendation: approve.*

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

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<sup>1</sup> Commissioner Panian arrived at 7:49 p.m., during the **Item 6c** public hearing.

Commissioner Moss questioned the sandwiched upper story framing and the quasi-second unit.

Commissioner Panian arrived at this time.

Chair Arkin asked about the neighbor's communication regarding loss of privacy. Associate Planner Curl noted it was the neighbor to the rear. Chair Arkin noted that the structures were not abutting. Commissioner Maass noted the absence of story poles. Commissioner Panian stated it was a modest addition maintaining open space. He could approve the parking exception. He opposed the slider windows. Ms. Solomon stated all of the windows were to be replaced.

Chair Arkin recommended moving one second-story front bedroom window to the south side to improve the appearance and to get better light. He recommended reducing the rear bedroom and moving the stair out of the driveway and to the rear, preserving the parking space. The back bedroom could have a projecting rear bay added to add space and character. Also, the master bath window could be reduced for neighbor privacy.

Commissioner Moss moved approval of design review, with the recommendation for redesign to preserve the parking and the revision of windows discussed. Commissioner Panian seconded, adding that all the windows were to be replaced. Commissioner Moss accepted the amendment.

Vote to approve item 6c as amended:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

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

<b>Required Finding</b>	<i>Explanation</i>
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>	<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>
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</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

<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>significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p><i>The addition has been designed to continue the architectural style of the home. The applicant has made a conscious effort to create more habitable space without maxing out the building height or increasing the amount of impervious surface. With the removal of the deck and reduction in the garage the project will actually decrease the amount of impervious surface and bring the rear yard lot coverage into conformance. There are only two new windows proposed on the south elevation and one on the south, which reduces the potential to intrusion on privacy of adjacent neighbors.</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 addition is located over only half of the existing home and expands only a small area of the home's footprint. There are only two new windows proposed on the south elevation and one on the south, which reduces the potential to intrusion on privacy of adjacent neighbors. The project will also bring the rear yard lot coverage into conformance with current development requirements.</i></p>
<p>4. <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>

**d. 1134 Evelyn. Planning Application 07-095. Design Review.** A request for Design Review approval to allow an approximately 600sq.ft., two-story addition to an existing single-family.

*Staff recommendation: approve.*

Associate Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to make a presentation. Ruskin Hartley, the property owner, was available to answer questions. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin opined the plans showed a sensitive and appropriate addition. Commissioners Moss, Maass, and Panian agreed.

Commissioner Panian moved approval. Commissioner Moss seconded.

Vote to approve item **6d**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

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

<b>Required Finding</b>	<i>Explanation</i>
<p>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></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>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>	<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 addition has been designed to continue the architectural style of the home. The applicant has made a conscious effort to add matching details such as decorative brackets and vents, which add to the character of the home. Although the new windows do not match the double-hung windows on the existing home they are smaller in size and higher up on the wall, which provides increased privacy for adjacent neighbors.</i></p>
<p>7. <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</i></p>

	<i>development in the area. The addition is attractively designed with reduced sized windows to provide increased privacy for neighbors. Two off-street parking spaces are provided and all development requirements. The project should have little to no impact on neighboring properties.</i>
8. <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>

**e. 1231 Solano. Amendment to Planning Application 07-051. Conditional Use Permit.**

Request for a conditional use permit to allow expansion of an existing, previously approved tutoring and learning center.  
*Staff recommendation: approve.*

Associate Planner Curl delivered the staff report. Chair Arkin asked whether the previous use had parking. Chair Arkin opened the public hearing and invited the applicant to make a presentation. Karen Hobbs and Sharyn Nunan were available to answer questions. Commissioner Moss warned that the lease amendment made the tenants responsible for ADA remodel. Marilyn Siegal, SIL parent, and Robert Cheasty, Chamber of Commerce and Solano Avenue Association, spoke in favor of the application. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss could approve with the lease of theater parking. Commissioners Maass and Panian agreed. Chair Arkin asked whether SIL staff used the parking. They did.

Commissioner Maass moved approval. Commissioner Moss seconded.

Vote to approve item **6e**:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

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

<b>Required Finding</b>	<b>Explanation</b>
9. <b><i>Necessity, Desirability, Compatibility.</i></b> <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>	<i>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing office space and the tutorial classes will be</i>

<p>10. <b>Adverse Impacts.</b> <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"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></li> <li>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></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></li> </ul>	<p><i>valuable service to the community.</i></p> <ul style="list-style-type: none"> <li>a. <i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</i></li> <li>b. <i>Staff conducted a parking count throughout a regular business day and found a vacancy rate of 55%. Many of the staff and students will be using public transportation and walking or biking to the site.</i></li> <li>c. <i>No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</i></li> <li>d. <i>It is an existing site without need for additional landscaping, services areas and lighting. Design review approval and a building permit for signage has already been obtained by the property owner.</i></li> </ul>
<p>11. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</b> <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>

**Parking - Municipal Code Section 20.28.020 "N" is met with the parking agreement established with Albany Twin Theatres.**

- f. **1060 Peralta. Planning Application 07-081. Design Review. Conditional Use Permit.** A request for Design Review approval to allow an 800sq.ft., second-story addition and to excavate/refinish a 1,600sq.ft. basement area into habitable space. A conditional use permit is requested to allow a reduced side yard setback of 2' on the north side where a 3'-9" side yard setback is required.

*Staff recommendation: provide direction to the applicant on appropriate revisions to the plans for a second-story addition and excavation and conversion of crawl space into habitable space.*

Associate Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to make a presentation. Overland, the property owner, and Chito Valeros, the project architect, were available to answer questions. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss noted with an application such as this one that was maxing out the FAR and the subterranean, uncounted space, there should be no requests for approval of use permits or parking exceptions, and the design should be excellent and sensitive to the impacts to neighbors. He opined the design of the exercise and storage rooms looked like bedrooms. He opposed the extension of the nonconforming setback and the use of front yard parking. He noted a third floor might require a second exit stair. Commissioner Maass did not agree with the extension of the nonconforming setback or the slider windows. He felt the proposed structure was huge and boxy.

Commissioner Panian also opposed the extension of the nonconforming setback and would not approve the parking exception. He recommended revisiting the window style and layout. He would prefer either gable or flat roofs rather than a combination. He noted the guardrails on the decks were industrial looking, and the horizontal bars would be a climbing risk for children.

Chair Arkin emphasized that at maximum FAR the bulk should be mitigated and the design should be improved. He recommended looking at the other rear facades on Terrace Park for help designing the rear facade. He wanted the height kept as low as possible, suggested playing with asymmetry, and pulling in and out (e.g., incorporating bays, etc.) to break up the massing.

Commissioner Panian moved continuation of this item. Commissioner Maass seconded.

Vote to continue item 6f:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**Item 6g** was postponed until after the Public Works Manager arrived.

**b. 2008 Work Program**

*Staff recommendation: no action required – for discussion only.*

Planning Manager Bond delivered the staff report. Chair Arkin opened the public hearing. Ed Fields, Kains Avenue, noted that the policy and procedure for selling and/or renting affordable housing was not mentioned. Clay Larson, Adams Street, asked that meetings of public interest (citywide items) be broadcast. No one else wished to speak. Chair Arkin closed the public hearing.

**a. Election of Planning and Zoning Commission Officers.**

*Staff recommendation: elect a new Chair and Vice Chair.*

Chair Arkin opened the nominations. Commissioner Moss nominated Commissioner Panian for Chair. Commissioner Panian accepted. Chair Arkin nominated Commissioner Maass for Vice Chair. Commissioner Maass accepted. No one else wished to speak. Chair Arkin closed the nominations.

Vote to approve the nominations of Commissioner Panian for Chair and Commissioner Maass for Vice Chair:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

**i. Resolution of Appreciation for Jan Hitchcock**

*Staff recommendation: discuss and provide direction on revisions.*

The Commissioners unanimously approved the resolution.

**h. Preliminary Discussion of Housing Element Policy Issues and Planning Process.**

An overview by staff of the contents of the housing element, background on site inventory assumptions, and a request for direction on next steps in the planning and community outreach process.

*Staff recommendation: discuss and provide direction on revisions.*

Planning Manager Bond delivered the staff report. Chair Arkin opened the public hearing. Ed Fields, Kains Avenue, asked whether UC Village could be included. Clay Larson, Adams Street, opined that ABAGs growth estimates were not realistic – that 800 people were not added to the city in 10 years. He also felt that the secondary units, legal and not, probably would suffice in numbers of units. He recommended pressuring ABAG. He noted that Albany was already denser than most of the Bay Area.

Commissioner Moss would like to challenge ABAG not taking non-traditional living arrangements into account. He noted that school attendance continued to increase. Commissioner Panian stated that densification is the idea. Chair Arkin asked for a map showing the existing density in the city, and to have a representative from ABAG present.

**g. 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: discuss and provide direction on revisions.*

Planning Manager Bond and Planning Consultant Gross delivered the staff report. Chair Arkin asked how long the use was expected to last and whether the temporary buildings would be purchased or leased. It was anticipated the use would last two to three years, and the structures



would be leased. Chair Arkin asked whether the zoning would run with the land. Planning Manager Bond indicated the PUD would end with the use.

Chair Arkin opened the public hearing. Ed Fields, Kains Avenue, stated this temporary use should be covered by a temporary use permit rather than a PUD. No one else wished to speak. Chair Arkin closed the public hearing. There was agreement among the Commissioners that this was a temporary use and could be covered by a temporary use permit.

**7. Announcements/Communications:**

- a. Letter from Neighbors regarding 1161-1175 Solano Avenue approval.
- b. Letter from Friends of Five Creeks regarding Whole Foods/University Village.
- c. Update on Removal of Monterey Pines from the Gill Tract (Staff report from January 22, 2008 City Council meeting attached for information.)
- d. League of Cities Planners Institute Program

**8. Future Planning and Zoning Commission Meeting Agenda Items:**

- a. Next Regular Meeting: Tuesday, February 12, 2008, 7:30 p.m.
- b. Special Meeting on February 19, 2008 to discuss residential design guidelines

Planning Manager Bond stated that there would probably not be a February 19 special meeting because the February 18 regular City Council meeting was moved to February 19 due to the holiday.

**9. Adjournment**

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

Next regular meeting: Tuesday, February 12, 2008, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Associate Planner*