

City of Albany
Planning and Zoning Commission
Minutes April 28, 2009, 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 Maass, in the Albany Community Center at 7:30 p.m. on Tuesday, April 28, 2009.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Gardner, Maass, Moss, Panian
Absent: None
Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl,
Planning Clerk Amanda Bennett

4. Consent Calendar

Before addressing the consent calendar, Chair Maass announced that item **6f** would not be heard at this meeting because of corrections that were required. Commissioner Panian moved continuation of item **6f** to the May 12, 2009, meeting. Commissioner Gardner seconded.

Vote to continue item **6f**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

a. Minutes from the March 24, 2009 and April 14, 2009 meetings.

Staff recommendation: approve.

b. 1245 Solano. Planning Application 09-013. Conditional Use Permit. Request for Conditional Use Permit approval to allow a self-contained coffee cart to be operated at a vacant site on Solano Avenue.

Staff recommendation: approve.

c. 664 Key Route. Planning Application 09-018. Design Review. Request for Design Review approval to allow a 152 sq.ft. second-story addition to the rear of an existing single-family home.

Staff recommendation: approve.

d. 957 Madison. Planning Application 09-017. Design Review. Parking Exception. Request for Design Review approval to allow a 515 sq. ft. single-story addition to the rear of an existing single-family home. A parking exception is requested to allow no off-street parking where two spaces are typically required.

Staff recommendation: approve.

Commissioner Gardner had corrections for item **4a**. Commissioner Moss had a question on item **4b**. Commissioner Arkin moved approval of items **4c** and **4d**. Commissioner Gardner seconded.

Vote to approve items **4b** and **4c**:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 664 Key Route

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

Required Finding	<i>Explanation</i>
<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 addition is attractive in appearance and consistent with the architectural style of the home. The applicant has made a conscious effort to match the existing detail of the home, and the proposed addition will create continuity in the overall appearance of the home.</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 project meets all development requirements. The proposed addition has conforming setbacks on all sides of the home. The addition is modest in size, and will not increase the height or footprint of the home. The addition will create an attractive home that should have little impact on</i></p>

	<i>adjacent neighbors.</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>

Findings. 957 Madison

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

<u>Required Finding</u>	<u>Explanation</u>
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 medium density 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>	<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 addition is modest in scale, and is not visible from the front façade. The rear addition is attractive in appearance and consistent with the architectural style of the home. The rooflines and architectural details create visual interest to the home.</i></p>
7. <i>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 project meets all development requirements. The proposed addition has conforming setbacks on all sides of the home. The home has a maximum height of 16’, and will not increase with the addition. The addition will create an attractive home that should have little to no impact on adjacent neighbors.</i>
8. <i>The project is in substantial compliance</i>	<i>The project as designed is in substantial compliance</i>

<p><i>with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</i></p>
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Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

Required Finding	Explanation
<p>1. <i>Required spaces cannot be located in front or side yards. .</i></p>	<p><i>The existing home does not have a curb cut or on-site parking. The side yard setback is 8'-1", which is not wide enough to qualify as an open side yard parking space. There is not sufficient space to create a conforming parking in the front yard.</i></p>
<p>2. <i>Space is not available to provide required parking facilities without undue hardship.</i></p>	<p>With the addition as proposed, there is only sufficient space for one parking space in the rear yard. To create access to that parking a new curb cut and the removal of landscaping and vegetation in the side and rear yard would be required. To create the second space would require a redesign of the proposal to move the sidewall of the home. Given the modest nature of the proposed addition, this seems to qualify as "undue hardship" for the applicant.</p>
<p>3. <i>Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i></p>	<p><i>No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.</i></p>
<p>4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i></p>	<p>The creation of new off-street parking would eliminate one on-street space with the addition of a curb cut.</p>
<p>5. <i>The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i></p>	<p>The home will remain a single-family home and the addition will not increase the height of the structure. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.</p>

Item 4a: Commissioner Gardner noted on page 11 of the March 24, 2009, minutes, the fourth sentence of the first paragraph seemed to have lost the second half. Regarding the housing element workshop she indicated "she" had not "supported" but that "several participants had noted second units and Solano Avenue development ..." Commissioner Moss moved approval of the minutes as corrected. Commissioner Arkin seconded.

Vote to approve item **4a** as amended:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Item 4b: Commissioner Moss asked how wastewater would be handled. Hanan Ohn, the project applicant said that he would follow Health Department standards. Commissioner Moss asked about the use of recyclable dinnerware. Mr. Ohn said it would be recyclable and/or compostable. Commissioner Moss asked how many tables and added that stated he was limited to a space of 15 by 20 feet. Commissioner Arkin asked about the use of a generator. Mr. Ohn stated that the power would come from Sofia Café. Commissioner Arkin suggested adding the outline of operation found in the letter. Commissioner Maass wanted generator use limited to emergencies only. Commissioner Moss recommended a temporary power pole drop from PG&E. He did not want the generator used before 10:00 a.m. on weekends.

Commissioner Arkin moved approval incorporating the outline of operation in the letter and the generator to be used in a power outage only. Commissioner Gardner seconded.

Vote to approve item **4b** as amended:

Ayes: Arkin, Gardner, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 1245 Solano

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

Required Finding	<i>Explanation</i>
<p>1. 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>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 currently undeveloped and underutilized. The proposed business provides another appropriate and desirable service to patrons and thus may increase the foot traffic and vibrancy in the Solano corridor. Conditions of approval have been added requiring review of the business if the site is developed in the future or if any chronic problems occur at the site.</p>
<p>2. 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</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The site will continue to be undeveloped with a nonpermanent structure that is self-contained</p>

<p><i>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> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<p>and that can be secured in the evenings. Conditions of approval have been added requiring review of the business if the site is developed in the future or if any chronic problems occur at the site.</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>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. All of the permitted uses have little to no impact on other tenants in the building or surrounding areas and the applicant is required to secure approvals from all other applicable agencies.</p>

5. Public Comment on Non-Agenda Items

Francesco Papilla was concerned about non-permitted corner fruit sellers. Commissioner Arkin suggested agendaizing the issue. Commissioner Moss recommended sending it to City Council.

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

- a. Presentation by Janet Smith-Heimer, Sustainability Committee Co-Chair Regarding Liaison Relationship Between the Sustainability Committee and Planning and Zoning Commission**

Staff recommendation: For discussion and provide direction to staff on how best to facilitate collaboration.

Janet Smith-Heimer, Sustainability Committee Co-Chair, talked about the possibility of building a liaison relationship. There followed a lengthy discussion of possibilities. Suggestions included: limiting the Committee's involvement in items before the Commission to those requiring environmental assessment; including the Committee's cap measures on a future agenda; the Committee reporting about their process to the Commission; and the possibility of formation of a subcommittee made up of a couple of members of each body.

b. 1249 Marin. Planning Application 09-021. Design Review. Request for Design Review approval to allow improvements to an existing public facilities building.

Staff recommendation: Provide design direction to staff and continue public hearing to an administrative design review hearing.

There was unanimous consent to move item **6b** to the end of the agenda.

c. 949-953 San Pablo. Planning Application 09-022. Design Review. Parking Exception. Request for Design Review approval to allow remodeling and improvements to the existing buildings, which would include new awnings, market stalls, solar panels, seating areas and walkways to create a community market area. a Parking Exception to allow nine parking spaces where 12 are required for the change in uses.

Staff recommendation: For discussion only. Provide direction to staff and the applicant on appropriate revisions.

Commissioner Arkin recused himself from this item because he was the applicant. Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. David Arkin, the project architect, made a presentation. Commissioner Gardner asked about the market stalls. Joyce Sigman, the property owner, stated there would be six too eights stalls used in rotation by different farmers.

Joanna Fox stated she was a neighbor to the rear. She was concerned that nothing was being done for the rear where there was a chain link fence. Her daughter's bedroom was 45 feet from the property. She felt outdoor dining until midnight would be a problem. She stated the property had sat unused for 90 days and should revert to the original zoning. She did not want to listen to car doors and cars bottoming out and there would be traffic hazards to neighborhood children.

Ann Simpson, Kains Avenue, complained she had not received the public hearing notice. She reported there were already enough people going the wrong way on Kains. She opposed the driveway on Kains, Ed Fields, Kains Avenue, liked the change in use. He though parking to the rear was in the ordinance, but not driveways or walkways. He suggested reducing the parking to zero and having no driveway to Kains.

Katrina O'Brien quoted a code section about the driveway needing to be controlled. Dennis McCullough thought it was a great idea but worried for the neighbors. Mark O'Brien, 953 Kains, was concerned about intoxicated drivers, wrong way drivers, hours of operation, and noise. Yolanda Marchant, 958 Kains, had the same concerns and also concerns about lights. Jim Cavalli, a resident, stated 6:00 a.m. was too early for noise.

No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner wondered if the use of the rear driveway could be restricted. Commissioner Moss suggested a block wall to the rear, and limiting loading to the southwest portion of the project. He also hoped the photovoltaic hot water panels could be more integrated. Commissioner Panian asked why the project prioritized cars. He would like to see a greenway, and a physical and acoustical buffer to the rear.

There was a brief recess.

- d. 904 Santa Fe. Planning Application 07-087. Design Review.** Request for Design Review approval to allow an existing building to be demolished and construction of a new 4,300sq.ft, two-story, mixed use building.
Staff recommendation: approve.

Commissioner Moss recused himself due to proximity to his residence.

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Mahmoud Pourzand, the project designer, made a presentation. Joseph Reggi, the neighbor to the south, felt the project would be too close to his property and had too many windows and he would lose his privacy. Barbara Wezelman, a rear neighbor, thanked Mr. Pourzand for modifications to the project. She was concerned about the garage being at the property line, and wanted to be sure the garage height would not exceed ten feet. Jane Cavalli thanked Mr. Pourzand for modifying the design. She was concerned about weeds currently growing high and sending seeds throughout the neighborhood. Mr. Pourzand stated he could use obscure glass in some of the south-facing windows and attractive facing on the garage. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin opposed the garden window and recommended a regular window to match the others. He suggested adding a small window above the doorway. Commissioner Panian thanked the applicant for revising the project. He recommended revisiting the window layout, perhaps reducing the master bedroom bay.

Commissioner Arkin moved approval including: the bay on the south side upper floor to feature obscure glass on south-facing windows; no garden window; and a window added above the front entry door. Commissioner Gardner seconded.

Vote to approve item **6d**:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

Findings. 904 Santa Fe

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

Required Finding	Explanation
<p>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></p>	<p>The General Plan designates this area for residential development. The project, however, meets City zoning standards for location, intensity and type of development and complies with stated land use policies in the General Plan.</p>
<p>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 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 Design Standards. 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. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The building is of a contemporary style with some Spanish style accents such as a tile roof and stucco finish. All the elevations, except for the north, are well articulated and attractive. The applicant has made a conscious effort to add architectural details such as wood railings and tile details, which enhance the appearance of the building. A master sign plan and landscape plan will also increase the aesthetic quality of the site.</p>
<p>6. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>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 meets all development requirements.</p> <p>Four parking spaces have been provided for the two housing units and the commercial space is small in size, which is preferable for it’s location and close proximity to residential properties. The second and third stories are stepped away from the properties at the west and south and</p>

	<p>does not reach the maximum allowable height limit thus will have less impact on neighbors. It will increase housing opportunities in the City and provide a small, lower impact commercial space to transition from Solano Avenue to Santa Fe Avenue.</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>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy. Additional railings and reduction in size of decks and balconies have increased privacy for adjacent neighbors.</p>

e. 1301 Solano. Planning Application 08-078. Design Review. Parking Exception.

Demolition of an existing 1,583 sq. ft. commercial/office building and construction of a new 3,660sq.ft., two-story commercial/office building. A Parking Exception is requested to allow five spaces where 15 are required.

Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Moshe Dinar, the project architect, made a presentation. Francesco Papilla a neighbor, appreciated the attention to detail on finishes, and found the project attractive and it turned the corner well. He was concerned about parking.

Commissioner Arkin recommended 60-degree parking as a condition of approval. Commissioner Moss asked what the Commission's feelings were about granting a variance. Commissioners Arkin and Panian thought it was appropriate. There was a discussion about the findings needed to grant a variance, previous project approved with a variance and future implications of granting a variance.

Commissioner Moss recommended that two motions be made. Commissioner Panian moved approval of Design Review and Commissioner Moss seconded.

Vote to approve Design Review for item **6e**:

Ayes: Arkin, Gardner, Maass, Panian, Moss

Nays: None

Motion passed, 5-0.

Commissioner Moss moved approval of the variance with the following project-specific conditions :

- 1) An employment policy must be implemented, which encourages employees to bike and walk to work. When employees need to drive vehicles shall be parked in the rear parking lot and along Key Route.

- 2) The applicant shall re-stripe the parking stalls to 60-degree spaces along Solano Avenue. The applicant shall prepare the plans, subject to city staff review and approval.
- 3) A planter shall be installed, and finished in the same material as the building, along Key Route Boulevard. The applicant shall work with the City's Urban Forester to determine appropriate location and plant types.
- 4) A landscape plan shall be submitted, subject to staff review and approval, prior to issuance of a building permit. All landscaping must be installed, subject to staff review and approval, prior to final sign off.

f. Recommendation to the City Council on Proposed Amendments to the Planning and Zoning Code to Correct and Clarify Development Regulations.

Staff recommendation: That the Commission recommend that the City Council approve the draft ordinance containing proposed amendments to the Planning and Zoning Code.

As noted previously this item was continued to the May 12, 2009, meeting.

b. 1249 Marin. Planning Application 09-021. Design Review. Request for Design Review approval to allow improvements to an existing public facilities building.

Staff recommendation: Provide design direction to staff and continue public hearing to an administrative design review hearing.

Planning Manager Bond provided the staffs report. Ed Fields asked what the cost of the consultation for the building was and how much stucco would have to be removed. He also felt that the proposed solutions were for problems that have not yet occurred.

Commissioner Arkin stated that he was comfortable leaving the building in its original architectural form. He recommended that glass in the four faces of the tower and a solid cap over the flying beam would be appropriate if needed and that the glass should be inset. He added that proper ventilation must be considered.

Commissioner Panian preferred to maintain the tower and understand the sensitivity to cost issues. Commissioner Maas concurred with the comments made by the other Commissioners.

No motion was made; however, the Commissioners unanimously agreed that the tower should remain.

7. Announcements/Communications:

- a. Update on City Council actions related to Planning and Zoning
- b. Next Planning and Zoning Commission meeting is scheduled for May 12, 2009

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. Next regular meeting: Tuesday, May 12, 2009, 7:30 p.m.

9. Adjournment

The meeting was adjourned at 11:51p.m.

Next regular meeting: Tuesday, May 12, 2009, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner