

City of Albany
Planning and Zoning Commission
Minutes March 24, 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, March 24, 2009.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Maass, Moss

Absent: Gardner, Panian

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

4. Consent Calendar

a. Minutes from the February 24, 2009 meeting.

Staff recommendation: approve.

- b. 804 Curtis. Planning Application 09-006. Design Review. Parking Exception.** Request for Design Review approval to allow a 134 sq. ft., two-story addition to the rear of an existing single-family home and to convert 255 sq. ft. of existing crawl space into habitable space. A parking exception is also required to allow one off street parking space where two are required.

Staff recommendation: approve.

- c. 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.

- d. 1013 Ordway. Planning Application 09-010. Design Review. Parking Exception.** Request for design review approval to allow conversion of 395sq.ft. of existing crawl space into habitable space of an existing single-family home. A parking exception is requested to allow one off-street parking spaces where two are required.

Staff recommendation: approve.

Planning Manager Bond pulled item **4c** to continue at the request of the property owner. Commissioner Arkin moved items **4a**, **4b**, and **4d**. Commissioner Moss seconded.

Vote to approve items **4a**, **4b**, and **4d**:

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

Findings. 804 Curtis

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>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>The architectural style of the addition is consistent with the existing home, and the design details of the Spanish tile roofing and the Juliette balcony unify the design of the home. The proposed addition is an improvement from the existing rear façade, and creates visual interest.</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 and the addition does not increase the height of the home at all. By converting crawlspace into habitable space, the applicant has proposed an efficient way to increase the living space of the home with minimal increase in mass or footprint of the structure.</i></p>
<p>4. <i>The project is in substantial compliance with applicable general</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated,</i></p>

<i>and specific Standards for Review stated in Subsection 20.100.050.D.</i>	<i>including access, architecture, natural features, coordination of design details, and privacy</i>
---	--

Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

Required Finding	Explanation
1. <i>Required spaces cannot be located in front or side yards. .</i>	<i>The existing home has a driveway that is 15' in length, which does not meet minimum length requirements for driveway parking. The existing home has side yard setbacks of 1'-6" and 2'-11", which prohibits access to the rear yard to provide a second required off-street parking space.</i>
2. <i>Space is not available to provide required parking facilities without undue hardship.</i>	The applicant would have to demolish one side of the home to allow access to the rear yard for parking. This is an "undue hardship" considering the project will not require demolition or replacement of home. The existing home is split level, which does not allow the garage to be deepened to provide a tandem parking space in the garage.
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>	<i>No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.</i>
4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	Not applicable.
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>	The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.

Findings. 1013 Ordway

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

Required Finding	Explanation
<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 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, using matching metal railings and stucco siding. The overall appearance of the home will change minimally.</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 development in the area. The project meets all development requirements. The maximum height of the home is 21’ and will not change with the addition. The project will not affect the mass of the home, and overall, the project will have very little impact on the neighboring properties.</i></p>
<p>8. <i>The project is in substantial compliance with applicable general and specific</i></p>	<p><i>The project as designed is in substantial compliance with the standards as stated,</i></p>

Standards for Review stated in Subsection 20.100.050.D.	including access, architecture, natural features, coordination of design details, and privacy .
---	---

Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

Required Finding	Explanation
6. Required spaces cannot be located in front or side yards. .	The existing home has a driveway that is 10' in length, which does not meet minimum length requirements for driveway parking. The home has side yard setback of 4'-4" on one side, and as proposed, will have a 3' setback on the other side, which prohibits access to the rear yard to provide a second required off-street parking space.
7. Space is not available to provide required parking facilities without undue hardship.	The applicant would have to demolish one of the sidewalls and completely reconstruct one side wall of the home to allow access to the rear yard for parking. This is exceeding difficult and an "undue hardship" considering the project will not require demolition or replacement of sidewalls. The proposed addition is on the lower level, up to the existing wall of the garage, which would not allow the garage to be deepened provide a tandem parking space in the garage.
8. Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.	No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.
9. Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.	Not applicable.
10. The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.	The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is

	appropriate for the proposed addition.
--	--

Commissioner Moss moved continuation of item **4c**. Commissioner Arkin seconded.

Vote to continue item **4c**:

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

5. Public Comment on Non-Agenda Items

Commissioner Arkin reported he had applied for a building permit for a kitchen remodel and the green building checklist was not required. He asked that a review and discussion of the green building checklist be agendized.

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

- a. 1051 Ventura. Planning Application 08-045. Conditional Use Permit. Parking Exception. Design Review.** Request for Design Review approval to allow an existing home to be raised up to create habitable space from existing crawl space and to construct a 372sq.ft., two-story addition to the eastern side of the home. A Conditional Use Permit is requested to allow the extension of a nonconforming front yard setback and a Parking Exception is requested to allow one off-street parking space where two are required.

Staff recommendation: Staff recommends that the Planning and Zoning Commission open the public hearing, receive public comment, provide direction to the applicant, and continue the meeting to a future meeting date for action.

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Luis Porras, the property owner, was available to answer questions. Ed Fields, Kains Avenue, wanted clarity on setbacks and heights. He mentioned a seven-inch side yard and the lack of story poles. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin noted this was a small, oddly shaped lot, and the design was sensitive to impacts on neighbors. Commissioner Moss liked the design and layout and wanted clearer detailed drawings. He also wanted the storage areas defined (possible future uses). He was ambivalent about the parking exception. Chair Maass could approve the exception.

Commissioner Arkin moved approval with the standard conditions of approval added. Chair Maass seconded. Commissioner Moss noted that if the stairs were made steeper they could be moved further from the sidewalk. Mr. Porras and staff agreed.

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

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

Findings. 1051 Ventura

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

<u>Required Finding</u>	<u>Explanation</u>
<p>9. <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 high-density residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></p>
<p>10. <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 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, as well as to add improved detail to enhance the visual interest of the home. The applicant has chosen to increase the amount of habitable space by converting existing space, constructing a single-story, and not constructing above, which has less of a visual and physical impact on the site and less impact on neighbors. Due to the sloping topography of the lot, the home will continue to appear as a two-story on the south and west elevations but a one-story on the north and east elevations. The home has some</i></p>

	<i>attractive features such as a parapet roof, an arch-shaped covered porch, stucco overhangs and true divided light windows with wood frames and sills. The architectural style and elements of the home will remain the same.</i>
<i>11. 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. It has a maximum height of 21', which is consistent with the existing maximum height of the home and with the height of other homes in the neighborhood. The addition is increasing the living space of the home without excessively increasing the mass or height.</i>
<i>12. 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 for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

Required Finding	Explanation
<i>11. Required spaces cannot be located in front or side yards. .</i>	<i>The existing home does not have a useable driveway, with only 1'-8" in front of the garage . The unique triangular lot prohibits access to a rear yard to provide a second required off-street parking space.</i>
<i>12. Space is not available to provide required parking facilities without undue hardship.</i>	<i>The applicant would have to demolish one side of the home to allow access to the side yard for parking. This is an "undue hardship" considering the project will not require demolition or replacement of home. Although the garage is being expanded, it is not possible to enlarge it enough to provide a second parking space in the garage.</i>

<p>13. <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>14. <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>Not applicable.</p>
<p>15. <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 existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.</p>

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

Required Finding	Explanation
<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 development. Additionally, the project meets City zoning standards for location, intensity and type of 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"> <li data-bbox="331 1507 748 1648">a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> <li data-bbox="331 1648 748 1858">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 data-bbox="331 1858 748 1915">c. <i>The safeguards afforded to prevent noxious or offensive</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 existing dwelling and 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>Given the unique triangular shape of the lot, the extension of the nonconforming wall is appropriate, and will not have adverse effects on the neighbors. The extension of the front wall will not be any closer to the front property line than the</i></p>

<p><i>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>existing wall.</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>

- b. 701 Hillside. Status Report on Planning Application 05-025.** Discussion of implementation of project originally approved in 2004 to construct two single-family homes.

Staff recommendation: Open the public hearing, discuss the project and provide direction to staff on any appropriate future actions.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Michael Wallace, 715 Hillside, stated he was appalled the property owner was not in attendance. He reported an outdoor toilet not connected to anything. He asked the Commission and staff to keep the 60-day cycle and work to get the house construction moving. Mr. Fields recommended putting in language about permits being cancelled or people might think permits would not be cancelled. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Moss opined not enough progress was being made on the construction, and that the City should find a way to be tougher. Commissioner Arkin noted Sonoma County had a 36-month sunset for project completion. Chair Maass asked for this to be agendized. Commissioner Moss acknowledged the property owner was trying to comply. Commissioner Arkin encouraged Albany citizens to urge the City Attorney to continue with the letter. Commissioner Moss asked staff to bring an update to the April 14, 2009, meeting.

- c. Review of Draft procedures for Implementation of Administrative Citation Ordinance.** Discussion of implementation of project originally approved in 2004 to construct two single-family homes.

Staff recommendation: Open the public hearing, discuss the project and provide direction to staff on any appropriate future actions.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Michael Wallace, 715 Hillside, stated the fines should be set high (\$1,000, \$1,500, \$2,000 ...) in order to get action. No one else wished to speak. Chair Maass closed the public hearing. Commissioner Arkin had questions about how this dovetailed with the 180-day inspections and whether the timeframe was flexible.

d. Recommendation to the City Council on Proposal to Initiate 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.

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing. Mr. Fields asked whether section one meant the Community Development Director would be required to determine all front yards. In section three he had questions about no hearing being required unless requested. In section four regarding live entertainment, he note that the code revisions needed to be consistent throughout the municipal code. He wanted section five to state, "not to exceed three stories." In section eight there should be a reference to Table 2B, Note 4. In section ten it should be lower of natural or finished grade rather than higher.

Clay Larson, Albany resident, felt there should be background discussion included in 13 and 14. He stated a daylight plane discussion was supposed to have been agendized but that had not happened. He opined section one was not needed because front and side were already defined. He would leave section three to City Council. Regarding section five, he wanted a legal opinion regarding 35 feet and three stories. He wanted to be sure daylight planes included balconies. He wanted adjacent lots with different grade heights addressed, and asked how other communities handle that. He wanted setbacks and daylight planes of interior lot lines of R2 and R3 addressed.

Ruth Ganong, Hillside Avenue, wanted section one retained. She cited three examples of lots where the long side should have been the front. She would like an ordinance prohibiting the kind of excavation found at 701-705 Hillside. She would also like a view ordinance. Mr. Wallace noted not all houses have four corners. He was concerned with the lack of definition of finished grade. Thelma Rubin, Albany resident, wanted houses in proportion to lots and 50% of the area. She asked whether lot coverage could be restricted in this way. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Moss wanted to meet regarding daylight places. He agreed it should be the lower of natural or finished grade. He thought entertainment permits could remain a City Council function. Commissioner Arkin wanted daylight plane options and wanted to see the massing. He noted the perimeter of a house could be averaged. He noted confusion between section 10 and section 8: somewhere it should have said rear property line rather than required minimum setback. He asked whether section 13 was allowing for residential. Commissioner Arkin moved continuation to the April 14, 2009, meeting. Commissioner Moss seconded.

Vote to continue item 6d:

Ayes: Arkin, Maass, Moss

Nays: None

Motion passed, 3-0.

e. Review of Preparations for Housing Element Workshop on March 31, 2009.

Staff recommendation: Provide direction to staff.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Mr. Fields stated he did not see any special notice regarding the March 31, 2009, special meeting. Mr. Larson wanted the question of whether Albany really wanted to add 276 units of housing included. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin liked the proposed format. He asked what other cities were doing, such as aggressive second unit policies, mixed use on main corridors, etc. Commissioner Moss recommended zoning maps be available for each table.

7. Announcements/Communications:

- a. **Update on City Council actions related to Planning and Zoning**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next regular meeting: Tuesday, April 14, 2009, 7:30 p.m.**

9. Adjournment

The meeting was adjourned at 10:18 p.m.

Next regular meeting: Tuesday, April 14, 2009, 7:30 p.m.

Submitted by:

Amber Curl
Associate Planner