

CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT

Agenda date: June 8, 2010
Prepared by: JB

ITEM/ 4b

SUBJECT: Planning Application 10-030. Conditional Use Permit and Sign Permit.
The applicant is requesting a Conditional Use Permit to allow the establishment of "Lumber Liquidators" retail establishment in a portion of the existing two-story "Myer Crest" building. In addition, the applicant is requesting permission for installation of two 12 foot by 5 foot wall signs on the south and west sides of the building. .

SITE: 1061 Eastshore

**APPLICANT/
OWNER: Angel Aguilar for Bethana LLC**

ZONING: Commercial Mixed Use

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the request for design review, parking exception, and conditional use permit, subject to the attached findings and conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property has an existing two-story, twenty unit commercial building. The property is in the CMX (Commercial Mixed Use) zoning district. In the CMX district all uses require a conditional use permit. The applicant is requesting approval to allow the re-establishment of "Lumber Liquidators" retail establishment in a portion of the existing two-story "Myer Crest" building. The proposed location was most recently used for mattress retail sales. In 2007, the Commission approved a master conditional use permit to allow certain uses, including building materials sales and service within an enclosed building.

In addition, the applicant is requesting permission for installation of two 12 foot by 5 foot wall signs on the south and west sides of the building. The Municipal Code Section states that approval by the Planning and Zoning Commission is required for all signage in the CMX zoning district. There are no prescribed size limitations in the CMX district, and thus an applicant can propose any sized signage.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15301 "Existing Facilities" of the CEQA Guidelines, which exempts projects for operation, repair, maintenance, permitting, leasing, licensing or minor alteration to existing structures.

DISCUSSION OF KEY ISSUES

The proposed signage is based on Lumber Liquidator's standard national signage program. Generally, staff does not support signs that go beyond basic identification of the business establishment. In the past, however, the City has generally given deference to corporate signage models if the size and location complies with City standards. In this case, the signage includes an 800 phone number, which if approved, staff would suggest that it be made clear that the Commission's intent is not to set a precedent for future sign applications.

Attachments:

1. Analysis of Zoning Requirements
2. Project Application & Plans

Findings for 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>The General Plan designates this area for high-density commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</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 proposed project will not alter the size, shape or footprint of the building thus safe and convenient access to the property for both vehicles and pedestrians will not change. 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 previous signs were yellow and black in color, which were louder and more visually intrusive than the new signage. The proposed signage is appropriate in size and color. In addition, as a condition of approval the signage must be removed in-lieu of a master sign plan when the current tenant vacates.</p>
<p>3. <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 and is completely within the existing building envelope.</p> <p>The wall signs already exist and require re-facing; therefore, will not increase in size or area thus not affect public health, safety or general welfare.</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>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</p>