

City of Albany
Planning and Zoning Commission
Minutes June 22, 2010, Meeting

APPROVED

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 Gardner, in the City Council Chambers at 7:30 p.m. on Tuesday, June 22, 2010.

2. Pledge of Allegiance

3. Roll Call

Present: Gardner, Moss, Panian

Absent: Arkin, Maass

Staff present: Planning Manager Jeff Bond, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the March 9, 2010 Regular Commission Meeting.

Recommendation: Approve.

b. Minutes from the April 27, 2010 Regular Commission Meeting.

Recommendation: Approve.

c. Minutes from the May 25, 2010 Regular Commission Meeting.

Recommendation: Approve.

d. 610-614 San Pablo. Planning Application 10-040. Conditional Use Permit. Parking Exception. The subject property is approximately 6,250 square foot of retail space along San Pablo. The applicant is requesting a Conditional Use Permit to allow the conversion of the space into a gym and fitness center. A Parking Exception is also requested to allow zero off-street spaces where 20 are required.

Recommendation: Approval.

e. 423 San Pablo Avenue. Planning Application 10-027. Conditional Use Permit & Design Review for Wireless Antenna. The applicant requests City approval to allow the removal of the four existing wireless communication antennas and replacement with six new antennas on an existing 65-foot high monopole. The existing pole is located at the rear (east) side of the property. Also currently installed on the monopole are antennas serving Metro PCS. The monopole is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City's Planning and Zoning Code.

Recommendation: No substantive discussion or action. Continue to a date uncertain.

Planning Manager Bond reported Commissioner Arkin would be arriving later. He delivered Commissioner Arkin's edits to **4a** page 4—change “included” to “inclined,” and double-check whether the name of the architect was right, and **4b** page 3—change “broken facade” to “facade

broken into discrete pieces.”

Commissioner Arkin arrived 7:36 p.m.

Ed Fields, Kains Avenue, pulled item **4d**. Chair Gardner opened the public hearing. Mr. Fields said Clay Larson thought this should not have been on consent (scale of parking exception). Maybe commercial parking counts should not include residential blocks. Employee and customer parking impacts on residential neighbors were significant. He asked how many customers might be on site at the same time. Maureen Crowley, Kains Avenue, stated the parking study grossly over-calculated the amount of on-street parking. She felt there should be residential permit parking limiting other vehicle parking to 90 minutes in her neighborhood. She also recommended speed bumps to slow the drivers down. She wanted to see plenty of parking for bicycles on the commercial site.

Joan Larson, Adams Street, agreed the available on-street parking had been exaggerated and wanted to see plenty of bicycle parking on the commercial site. Kara Colier, the project applicant, spoke in favor of the application. Stephanie Travis, Curtis Street, spoke in favor of the application. Mr. Larson asked whether bicycle parking could be located in the driveway. Planning Manager Bond recommended it remain clear for emergency egress. Frank Henefer, co-owner of the property, was available to answer questions. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Moss asked why the driveway could not be used for employee parking. Commissioner Panian asked staff whether the parking study might really change if redone. Planning Manager Bond was willing to redo the study. Commissioner Arkin suggested adding bicycle parking in the driveway. Commissioner Moss thought Albany should look into requiring Class One bicycle lockers. Chair Gardner wanted the bicycle parking maximized and a transportation plan recommending staff and customers bicycle or use mass transit, or park on San Pablo Avenue.

Commissioner Panian moved approval with the additional conditions. Commissioner Moss seconded adding a requirement for parking for four bicycles inside. Commissioner Panian moved the consent calendar items as revised. Commissioner Moss seconded, noting he would not be voting on the April 27th minutes because he was not there. Commissioner Gardner noted she would not be voting on the May 25th minutes because she was not there.

Vote to approve items **4a, 4b, 4c**, and **4d**, and to continue item **4e**:

Ayes: Arkin, Gardner, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 610-614 San Pablo

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

Required Finding	Explanation
<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><i>The General Plan designates this area for General Commercial. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing commercial building, currently vacant, and the conversion of use into a fitness center is an appropriate use for the neighborhood. The fitness center caters to Albany residents, and it will be beneficial to the Albany community to allow this use along San Pablo.</i></p> <p><i>The proposed business is an existing business that serves the community and helps contribute to public health of residents and workers.</i></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 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> 	<ul style="list-style-type: none"> a. <i>The proposal is in scale and harmony with existing development near the site. It is an already developed site.</i> b. <i>At the proposed hours of operation, on-street parking is often available in the San Pablo commercial district.</i> c. <i>No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</i> d. <i>It is an existing site without need for additional landscaping, services areas and lighting. Design review approval is not necessary.</i>
<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</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</i></p>

<p><i>Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p><i>adversely impact property, improvements or potential future development in the area. The proposed business will not create an excessive amount of noise and should have little to no impact on surrounding neighbors.</i></p>
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Findings for a Parking Adjustment approval (Per section 20.028.040B5 of the AMC)

Required Finding	Explanation
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Staff has conducted parking surveys of the neighborhood, and found that there is sufficient space to accommodate 20 additional cars.</p>
<p>2. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</i></p>	<p>The membership base for the business consists primarily of Albany residents, and the owners will encourage members to walk or bike to the facility. The peak hours will be early in the morning and in the evening after regular business hours, minimizing the potential parking impact.</p>
<p>3. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighborhood uses.</i></p>	<p>Parking surveys were conducted, within a 500-foot radius around the subject property in June 2010, at various times throughout the week. Based on current conditions, observed through the parking counts, there appears to be adequate street parking available to grant a one vehicle parking exception.</p>

5. Public Comment on Non-Agenda Items

Ms. Larson distributed forms for the Commissioners to provide suggestions for the next community plaque. Ms. Crowley wanted to know when the allegedly illegal “Grand Opening” signage would be removed from the Taco Bell. Commissioner Panian asked that parking discussion be agendized.

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

- a. **1137-1139 Solano. Planning Application 09-037. Design Review and Parking Exception.** Demolition of an existing mixed-use building and construction of a new three-story building, including ground floor retail and a total of three residential units on the second and third floor. The project would require approval of a parking exception allowing six spaces where seven would otherwise be required.
Recommendation: approval.

Planning Manager Bond delivered the staff report. Commissioner Panian recused himself due to proximity to his residence. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Richard Janzen, the project architect, spoke in favor of the application. Karen Losnick, Stannage Avenue, pointed out that Cafe Trieste had been approved but not opened, so there had been no opportunity to evaluate parking impacts.

Bob Jones, 838 Stannage, wanted to be sure the height had been measured appropriately (lots not on same plane, and he grew vegetables in his yard year round). He was opposed to construction seven days a week. He also wanted to be sure the parking exception for one space was correct (not two?). He stated it was often difficult to find a parking space in the area. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Moss appreciated the improved design. He wanted some kind of relief on the facade--a trellis or something. He was concerned about the trashcans blocking the exit. He was concerned about the masonry wall at the rear shading the neighbor's garden. Commissioner Arkin found the building's shadow would hit the fence and would not impact the neighbor. He liked the use of bays and solar-control awnings. He wondered whether the stucco and wood being reversed might make sense.

Commissioner Arkin moved approval with excess parking spaces made available to commercial uses, design details to be approved by staff, noise study, and fence height to be agreed on by neighbors. Commissioner Moss seconded.

Vote to approve item 6a:

Ayes: Arkin, Gardner, Moss

Nays: None

Motion passed, 3-0.

Findings. 1137-1139 Solano

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

Required Finding	Explanation
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>	<i>The General Plan designates this area for Community Commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i>
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</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 Solano Avenue architectural style. The proposed project will provide safe and convenient access to the

<p><i>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>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 subject property is already developed with commercial and residential uses, and the intensity of uses will not increase. The same number of retail and residential units will be constructed in the new building.</p> <p>The proposed building is attractive and is a significant improvement over the existing building. It is in scale with other buildings on Solano, and the massing will provide visual interest along the street. The rear courtyard provides an attractive and usable open space for residents.</p>
<p>6. <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.</i></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><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. A shadow study has been done and has indicated that no shading will impact the rear residential neighbors, and the project will have minimal impact on the adjacent commercial buildings. Parking counts for similar projects in this neighborhood have shown that adequate street parking is available to support a parking exception.</i></p>

Findings for a Parking Adjustment approval (Per section 20.028.040B5 of the AMC)

Required Finding	Explanation
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be</i></p>	<p>Many of the commercial and retail services along Solano Avenue do not provide off-street parking. The applicant has provided all six</p>

<p><i>less than the required parking spaces.</i></p>	<p>required residential parking spaces, and only requests an exemption for one retail space. Given previous parking surveys for other projects in this neighborhood, Solano can accommodate the additional parking space.</p>
<p>4. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</i></p>	<p>The site is developed with a commercial building, which was also the previous use for this property. It should not generate substantial additional parking demand.</p>
<p>5. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighborhood uses.</i></p>	<p>Several parking surveys have been conducted in the neighborhood and along Solano for past projects of a similar nature, including one for 1301 Solano, a few blocks away. Based on these past surveys, and on observations of the neighborhood by staff, there appears to be adequate street parking available to grant a one-vehicle parking exception for the single required retail parking space.</p>

- b. **1100 Eastshore Avenue. Planning Application 10-027. Conditional Use Permit & Design Review for Wireless Antenna.** The applicant requests City approval to allow the remounting of six existing cell phone antennas and the addition of three new antennas and a microwave dish on an existing racetrack tower at Golden Gate Fields. The tower is located at the northwest corner of the racetrack. The current installation is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City’s Planning and Zoning Code.

Recommendation: preliminary discussion and continue to a future date for final action.

Planning Manager Bond delivered the staff report. Chair Gardner opened the public hearing and invited the applicant to make a presentation. Chad Christie, representing the applicant, was available to answer questions. Mr. Fields stated this was not maintenance. He was concerned the application was incomplete. The use did not belong in the waterfront district. He referred to Ms. Wishner's communication regarding this item that had been distributed to the Commissioners. There was concern about safety for workers in the observation tower. No one else wished to speak. Chair Gardner closed the public hearing.

Commissioner Arkin agreed the use should be tied to the current use and owner (not the land). It looked like it would be a visual improvement to the existing. He asked that the Waterfront Committee also review this if time allowed. Commissioner Panian felt an expanded use should not be allowed when the ordinance did not allow the use in this zone. Commissioner Moss thought this was a better location than one closer to residential zones. Chair Gardner agreed this was not just maintenance but that this was not close to any residences.

7. Announcements/Communications:

- a. **Correspondence from Ecology Center regarding a farmers market and related update from staff on the process for establishment of a farmers market.**

Planning Manager Bond delivered the staff report. Ben Feldman, Ecology Center, was available to answer questions.

- b. **New Alameda County Stormwater Requirements for Development Projects.**
- c. **Update on City Council agenda items related to Planning and Zoning activities.**

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. **Next Regular Planning and Zoning Commission hearing scheduled for July 13, 2010.**

9. Adjournment

The meeting was adjourned at 9:33 p.m.

Next regular meeting: Tuesday, July 13, 2010, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager