

City of Albany
Planning and Zoning Commission
Minutes October 23, 2007, 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 7:34 p.m. on Tuesday, October 23, 2007.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Hitchcock, Maass, Moss, Panian

Absent: None

Staff present: Planning & Building Manager Jeff Bond, Planning Consultant Ed Phillips, Assistant Planner Amber Curl

4. Consent Calendar

a. Minutes from the October 9, 2007 meeting.

Staff recommendation: approve.

No changes were made to the minutes.

Vote to approve item **4a**:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

5. Public Comment on Non-Agenda Items

None.

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

a. 1259 Brighton. Continuation of Planning Application 06-069. Conditional Use Permit.

Request for a Conditional Use Permit to allow language and culture classes to be conducted on Saturday mornings at Albany Middle School.

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and announced that the timer would be used allowing 3 minutes per speaker, except from the applicants themselves. The following people spoke from the applicant side: Mr. Song, parent of two children with KCS, Maeson, a junior at Albany High School, Weiwen, the applicant. The applicant and supporters spoke about the benefits and services provided by the Chinese School. It was also explained that it is a non-profit. The applicant clarified that half the attendants are from Albany, that there would be classes 30 mornings per year with about 12-15 classes per session. The elementary schools were not appropriate to hold classes because they would

interfere with the personalized classrooms with teacher and students' personal belongings. Plus, the classroom facilities are physically too small for the older students. The applicant has provided a traffic management plan and a parent agreement, which were summarized. And no summer classes or classes on holidays would be conducted.

Commissioner Moss asked if there would be a penalty if parents don't comply with the parent agreement. Commissioner Hitchcock expressed concerns about the classes conflicting with the middle school and recommended that the students be restricted to the building and courtyard areas. The applicant responded that they receive a calendar from the middle school so they can schedule around major events.

Commissioner Moss stated concerns about the school having been in operation without a conditional use permit. Commissioner Panian echoed the concern. The applicant responded that there was not a clear understanding that the school's agreement to the lease and the city's approval were independent. Planning Manager Bond responded that typically sanctions are not put on facilities that are in the process of approval. They are only implemented if the project is denied approval.

Application supporters Barbara Sung, Thomas Riley spoke in support of the application.

Doug Donaldson had two concerns. One was the land use issue and whether it was appropriate to have a commercial use in a residential area. The other concern was that it was disrespectful to the process to be operating without a conditional use permit.

The following people spoke from the neighbor side: Michael Tompkins, Dennis Fox, and Richard Brown. The neighbors asked the Commission to hold off on approval so that the negotiations could continue. Jan Nelson and Tenygn Chew, Maureen Crowley, Mike Wong, Roque Martinez, Kung Fohn, Ed Fields, Eddie Soh, Keng Shee, Linny Rhen, Winnison, Shopan Chew all spoke in support of the application. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss stated that he supported the application but realized that some issues needed to be worked out. He recommended that 45 day per year limit should be set. Commissioner Hitchcock had reservations about the project and believes the site is already overused, which would lead to traffic and overflow problems thus cannot support the project. Commissioner Maas believes that KCS provides a needed service and supports the project. Commissioner Panian stated there was a disconnect between the school district and the city. He believes that the concerns can be addressed through the CUP conditions and supports the project.

Commissioner Maas motioned for approval. Commissioner Moss seconded adding conditions that the school not be scheduled in conflict with other events occurring at the site, a copy of the agreement with the school district and school's bylaws be submitted to staff, a drop-off and pick-up program be established, a 45 day trial to allow the project to return to the Commission. Commissioner Arkin added that KCS had provided the information requested in June regarding why the school could not be held at an alternative site.

Vote to approve item 6c as amended:

Ayes: Arkin, Maass, Moss, Panian

Nays: Hitchcock

Motion passed, 4-1.

Findings for 1259 Brighton

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>The General Plan designates this area for high density development. There is already an existing school at the site where classes with 300-900 students are conducted during the weekdays, year around. The proposed school is not consistent with the general plan but is consistent with the existing use on the site. Additionally, the project meets City zoning standards for location, intensity and type of development.</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"> 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</i> 	<ul style="list-style-type: none"> a. The site is already developed with a school. The size, shape and arrangement of the existing structures are appropriate for class instruction. b. There are areas available for drop-off and pick-up on both Spokane Avenue and Brighton Avenue. There are 20 parking spaces designated specifically for the Chinese School on Saturday mornings. The applicant also has a contractual traffic management plan with all parents with children enrolled in the program. c. A rotation of children will be required for breaks times/recess and students are only allowed in the courtyard areas. There should be no glare, dust or odor as an impact of the classes. d. There is adequate landscaping, screening, open spaces, parking

<p><i>such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></p>	<p>and loading/service areas, lighting and signs since the site is already developed with a school.</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.</p>

Special Finding Regarding the General Plan: The proposed school is not consistent with the General Plan in that it is designated as a residential site. The school, however, is consistent with the existing middle school use.

- b. **951 Stannage. Planning Application 07-058. Design Review.** Request for a design review approval to allow a new 420sq.ft. second-story addition to an existing single-family home.
Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak first. Doug Gawoski, project architect spoke about the project. Commissioner Maas appreciated the design of the home and that it was within the FAR limits, but noted that it was close to “maxed out.” Commissioner Panian called the addition elegant but suggested the corner window location be rethought. Commission Hitchcock said the improvements and addition nicely improve the appearance of the home and did not have concerns about the FAR. Commissioner Moss stated it was a nice addition but also concerns about the appearance of the corner window. Chair Arkin said the home was close but did not exceed the FAR and that he likes corner windows. He suggested that a tile vent window be added to match the existing vent.

Commissioner Maas moved approval and Commissioner Moss seconded.

Vote to approve item 6c as amended:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian
Nays: None
Motion passed, 5-0.

Findings for 951 Stannage

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

Required Finding	<i>Explanation</i>
4. <i>The project conforms to the General Plan,</i>	<i>The General Plan designates this area for residential</i>

<p><i>any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>development. Additionally, the project meets City zoning standards for location, intensity and type of development.</i></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 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 home has been thoughtfully and well designed. A conscious effort has been made to incorporate complementing architectural elements that create an attractive addition that is well integrated into the existing home. The addition is setback 24’-6” from the street, which provides some visual relief with the mass of the addition setback. The property owner is able to get increased building area without increasing the building area thus impervious surface and should have minimal impacts on adjacent neighbors as designed.</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. The addition is located at the center of the home. There are driveways on either side of the home, which provides a larger space between the homes and all development requirements, therefore, the addition should have little to no impact on adjacent neighbors.</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</i></p>

- c. **904 ½ San Pablo. Planning Application 07-065. Design Review.** Request for Design Review approval to allow multiple new wall signs for a new palm reader business.

Staff recommendation: deny the request for Design Review approval, determine which signs are appropriate, and direct staff to draft findings and conditions of approval based on appropriate signage.

Assistant Planner Curl delivered the staff report noting that the signage was painted without design review approval. Chair Arkin opened the public hearing and invited the applicant to speak first. Angelo George, Julia George, the applicants and Julie Benton, the owner spoke. The applicant would like to keep the signage on the side of the building and suggested removing the signs in the doorway and stated that there many nonconforming signs in the city.

Maureen Crowley, a neighbor, believes that are other nonconforming signs in the city but it's not justification to allow more. Wayne Black owns the building on the corner and stated that it would benefit his tenants to allow large wall signs and that is was not fair to restrict other businesses and not allow them the same signage.

Commissioner Panian asked if buildings with multiple tenants receive signage on a "first come, first serve basis." Staff responded yes. Commissioner Moss asked if the applicant misunderstood design review approval as needed only for new signage and not painted signs. Chair Arkin noted that allowable signage is provided based on lot width and that this was a narrow lot. Commissioner Panian stated that he quickly noticed the painted sign when it went up. Commissioner Maas echoed that it jumps out at those passing by. Commissioner Hitchcock stated that she could not support approval of the sign and that it was too big for the building. She suggested a maximum of 72sq.ft. be allowed. Chair Arkin stated he didn't know if he was comfortable with 72sq.ft. Commissioner Panian stated that 72sq.ft. was an arbitrary number and that proliferation of signs that large could be problematic.

Commissioner Arkin stated that the signage in the vestibule was okay and should not be counted. He believes the bay window signs to be attractive and is inclined to approve all signs except the northern sign. He suggested that a 50%/10% ratio, like for "in window" signs be used which would allow 40sq.ft. for the second-story business.

Chair Arkin moved to continue the project to allow a new sign program to be proposed by the applicant. Commissioner Panian seconded.

Vote to continue item 6c:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

d. 934 San Pablo. Planning Application 06-074. Design Review. Density Bonus.

Affordable Housing. Study session to discuss construction of a new three-story mixed-use building with thirteen residential units and two retail units. A density bonus & other concessions, as described below, are also requested as part of the approval.

Staff recommendation: discuss, provide direction to the applicant, no action is taken.

Assistant Planner Curl reported gave the staff report. Commissioner Panain asked for clarification on the inclusionary and density bonus units required. Commissioner Maas asked if the inclusionary housing unit would include as one of or in addition to the density bonus units. Chair Arrkin stated that the elevator/stairwell area could be exempted from the height.

Hass Izimi, the architect and applicant provided a presentation on the project. Chair Arkin moved to extended the meeting until midnight. He continued to ask that a survey be provided and if there was a change in grade from the sidewalk. He asked if the units were going to be handicapped accessible. Commissioner Hitchcock asked if the height of the building could be lowered. The applicant responded yes.

Clay Larson stated that the project cannot meet the development requirements with exemptions and that a daylight plane needs to be provided, regardless of how it is interpreted. He also stated that the increased incentives should result in increased affordable housing.

Ed Fields stated that 13 units is not allowed on a 7,500sq.ft. lot and that it exceeds the maximum allowable for a lot of that size. He stated that the purpose of the density bonus is to provide more affordable housing. He questioned whether lifts were appropriately used as intended and if the developer and a real want to develop affordable housing.

John Nakamura, an Albany business owner stated that the traffic will overflow parking will end up on Adams Street and suggests that auto malls are what the city should encourage. He also questioned whether the parking lifts would be used as intended.

Maureen Crowley stated that 8 were the maximum number of units permitted. She is afraid the building will overshadow the existing single-family homes and would prefer auto repair use than mixed-use on San Pablo Avenue because mixed-use is too large and out of scale. She also expressed concerns about the loss of small businesses along San Pablo Avenue.

Terry Millow stated that finding parking on Adams is horrible, is afraid that overflow will end up on Adams street, and that Albany is losing its quaint feel.

Commissioner Panian stated that mixed-use was the future of Albany's urban fabric. He also stated that Albany has an aggressive parking requirement and people like the city because they can walk to services. He would like to see more affordable housing produced but with more conscious development.

Commissioner Moss struggled with the design because of the density. The FAR, density are maxed out and the quality of design is lost. He suggested adding more articulation to the buildings elevations, especially the side and rear elevations. He also suggested decreasing the size of the units, and providing more functional decks instead of communal roof. He stated that the mechanical equipment could be put in the basement. He feels that the payment of an in-lieu fee is ungenerous in providing affordable housing.

Commissioner Hitchcock believes that mixed-use has a lot of support and is appropriate when commuter buses are available. She stated that there was an inconsistency in the number of

allowable units. She had concerns about the open space being available to the handicapped and does not believe that parking lifts work as intended.

Commissioner Maas stated that many of these issues are driven by Sacramento. He believes that mixed-use is the future of San Pablo. He likes the front façade but believes some more articulation, reduction of units or something needs to be revised to make the project work.

Chair Arkin would like clarification on the requirements of the density bonus and what the state code says. He believes income diversity is important and the point of inclusionary housing is to create more affordable housing. He believes the design of the building is a good start but would like to see a 3-dimensional depiction and details on the materials and colors. He informed the applicant that Caltrans does not allow projections into the right-of-way. He also stated that all daylight planes should be fully complied with and shown on the plans.

Vote to continue item **6d** to allow the applicant to make appropriate revisions:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Commissioner Maas moved to extended for 10 minutes

e. Waterfront Planning Process Final Report.

Staff Recommendation: Discuss Final Report and provide comments to the City Council if desired.

Planning Manager Bond delivered the staff report. Commissioner Panian stated that the report provided a simple, easy roadmap, which provided helpful recommendations, which was exactly what was wanted.

Commissioner Maas believes that the report provided a good opportunity for everyone to be educated on potential options at the waterfront. He added that local input should be provided before a competition is considered.

Commissioner Arkin is not positive that a competition is the best tool but believes it has potential to bring in creative options. He reminded everyone that Magna has not expressed a willingness to participate in planning.

Commissioner Hitchcock believes that a competition is a good tool and that most attendants reviewing the designs are not design professionals. She also stated that a competition makes a statement.

Commissioner Moss stated that a design competition gives everyone a "what could be," which is exciting. He believes that to stimulate interest, the competition should not have a limit on the number of entries.

The Commission did not make a motion on the item but overall were optimistic and enthusiastic about next steps described in the report.

8. ANNOUNCEMENTS/COMMUNICATIONS:

- a. Design Review Guideline Update Work Session: November 20, 2007
- b. October 29, 2007 Commission Training

9. Future Planning And Zoning Commission Meeting Agenda Items

10. Adjournment

The meeting was adjourned at 12:17 a.m.

Next regular meeting: Tuesday, November 13, 2007, 7:30 p.m.

Submitted by:

Amber Curl
Assistant Planner