

City of Albany
Planning and Zoning Commission
Minutes October 9, 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 7:40 p.m. on Tuesday, October 9, 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, Planning Clerk Amanda Bennett

5. Consent Calendar

a. Minutes from the July 24, 2007 and September 25, 2007 meetings.

Staff recommendation: approve.

Chair Arkin noted the July 24 minutes had been approved at the previous meeting. He had amendments to the September 25 minutes, page 4, item c: change "leach" to "contain;" change "direct" to "and is in;" remove "other" from "wood;" and end the sentence after "affordable." Commissioner Moss noted his name was misspelled on page 5. The minutes were unanimously approved as amended.

5. Public Comment on Non-Agenda Items

Alan Maris, Albany resident, stated his concerns that 727 San Pablo Avenue going condominium rather than being rental units might jeopardize retention of low-income housing.

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

- a. 1600 Posen Avenue, Albany*. Planning Application 06-091. Design Review.**
Continuation of Public Hearing on a request for Design Review of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project. Mitigated Negative Declaration approved by the Planning and Zoning Commission on September 25, 2007.

*The site is also known by the mailing address of 1294 Albina Avenue, Berkeley.

Staff recommendation: approve design review subject to findings, applicable mitigation measures, and additional design conditions recommended by staff.

Planning Manager Bond delivered an update to the staff report. He distributed a copy of the appeal of the Mitigated Negative Declaration approval. He distributed other documents, which included a revised landscape plan and bleacher elevations. He recommended continuing the hearing to a date certain for preparation of documents to reflect the nearly ironed out agreement between the neighbors and the school.

Chair Arkin opened the public hearing and asked for one representative from each group to give a brief summary of the progress of the negotiations. The following people spoke from the applicant side: Brother Edmond, St. Mary's President; Pete Imperial, St. Mary's Principal; Bill Drulius, landscape architect; Hal Brandes, project architect; and Manny Nodar. The applicant asked for the project to be approved and stated continuing willingness to work with the neighbors.

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

Commissioner Panian wanted to see eaves on the storage building. He also had concerns that the agreement would not be enforceable. Commissioner Hitchcock wanted to be sure that the field use start times included set-up.

Commissioner Panian moved continuation to the October 16, 2007, special meeting. There was a discussion about whether that date or the October 23, 2007, regular meeting date would be more reasonable. The applicant and staff indicated that the special meeting was preferred. Planning Manager Bond noted the plans would be posted on the Web site and available at the Community Development Department and the library the Friday before the meeting. Chair Arkin seconded, adding an 8:30 p.m. start time for the hearing on this item. Commissioner Panian accepted the amendment. Continuation was unanimously approved.

- b. 919 Adams. Planning Application 07-052. Design Review.** Request for approval to allow a construction of a new 490sq.ft. two-story addition to the rear of an existing home and to demolish an existing detached structure and rebuild a 188sq.ft. detached garage in a similar location.

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing and invited the applicant to speak first. Sergio Casanova, the project designer, was available to answer questions. Chair Arkin asked what the existing siding was and what the proposed siding for the addition would be. Mr. Casanova reported the existing was aluminum and the proposed would be cement board. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Panian suggested more windows on the front, gable vents to match existing, re-proportioning of the dormers, and not applying the trim. Chair Arkin asked whether the dormers opened on to rooms. Mr. Casanova reported they opened to the attic. Commissioner Moss also wanted more windows.

Commissioner Panian moved approval with no dormers, no design made of trim, windows added front and sides to be approved by staff, window details to match existing, gable vent to

match existing, and correction of the description of the siding in the staff report. Commissioner Hitchcock seconded.

Vote to approve item 6c as amended:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 919 Adams

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

<u>Required Finding</u>	<u>Explanation</u>
<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. The property is located next to a three-story, multi-family building and two commercial properties, which makes it unique compared to most single-family homes in the city. The addition is located at the rear of the home and meets all development requirements so should have little to no impact on adjacent neighbors. Matching windows, trim and building materials will finish the addition. The home appears as more of a contemporary style home than a bungalow style but is attractive and appropriate for the existing home and location.</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</i></p>

	<p><i>those in the area and would not adversely impact property, improvements or potential future development in the area. The property is located next to a three-story, multi-family building and two commercial properties, which makes it unique compared to most single-family homes in the city. The addition is located at the rear of the home and meets all development requirements so should have little to no impact on adjacent neighbors.</i></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><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. **600 San Pablo. Planning Application 07-059. Conditional Use Permit.** Request for Conditional Use Permit approval to allow a massage and acupuncture therapist to operate at the site.

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report and noted receipt by the Commissioners of e-mail messages received after the packets were sent out. Chair Arkin opened the public hearing and invited the applicant to speak first. Walter Wooden and Xin Xing were available to answer questions. Clay Larson, Adams Street, had the following concerns: he believed the municipal code required separate restrooms for women and men; the signage for the existing business already advertised massage; he wanted to be sure all of the municipal code hygiene and licensing rules would be attended to; and the existing non-conforming sandwich-board sign would be removed.

Commissioner Moss asked how many therapists would be on site. There would be one acupuncturist, and Xin Xing, an acupressure and massage therapist. Chair Arkin asked whether the building had restrooms for women and men. There were public restrooms that required a key for entry. Chair Arkin asked staff to review whether the municipal code was aligned with the building code on restroom requirements. Commissioner Panian asked what the signage plans were. The applicant indicated she would want a new sign. Planning Manager Bond noted staff would handle the sign application review. Xin Xing asked to be allowed to remain open until 10:30 p.m. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Panian moved approval with the removal of the word acupuncture from the staff report; modifications to condition 4 regarding signage; staff to verify the applicant secured restroom keys for the use of employees and clients; all municipal code requirements to be addressed; and hours of operation limited to 10:00 a.m. – 10:00 p.m. Commissioner Hitchcock seconded.

Vote to approve item **6c** as amended:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 600 San Pablo Avenue

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

Required Finding	Explanation
<p>5. 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 commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The project is located in a shopping center that has a similar type of business yet provides acupuncture service, which currently is not offered in the shopping center. The business is small in size in that there are only two employees and two therapy room. The required parking spaces are actually exceeded and the applicant has already received clearance from the Police Department.</i></p>
<p>6. 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</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> <ul style="list-style-type: none"> a. <i>The proposed site is an existing shopping center with multiple commercial and service tenants. The proposed business would occupy an existing tenant space.</i> b. <i>There is a parking lot provided for</i>

<p><i>emissions such as noise, glare, dust and odor;</i></p> <p>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>	<p><i>all the commercial tenants. The applicant will have three off-street parking spaces provided, which exceeds the three required off-street parking spaces. There will be two employees on site, which is an indicator of the small nature of the business.</i></p> <p>c. <i>No noxious or offensive emissions should result from approval from of the business.</i></p> <p>d. <i>The site is an existing shopping center; therefore, landscaping, parking areas and lighting are handled by the property owner and typically all tenant spaces are handled equally. Design review is required of any new signage for the commercial space.</i></p>
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- d. 1056 Curtis. Planning Application 07-055. Design Review.** Request for design review approval to allow a 188sq.ft. deck to be constructed at the rear of an existing single-family home. This application was the subject of an Administrative Public Hearing on September 25, 2007. No action was taken at that time and the application has been referred to the Planning and Zoning Commission due to concerns raised by neighboring property owner.

Assistant Planner Curl reported that the applicant and the neighbor had come to an agreement and asked the Commission to approve the application. Chair Arkin opened the public hearing. No one wished to speak on this item. Chair Arkin closed the public hearing. Commissioner Moss moved approval, with staff to handle the details. Commissioner Panian seconded.

Vote to approve item **6d** as amended:

Ayes: Arkin, Hitchcock, Maass, Moss, Panian

Nays: None

Motion passed, 5-0.

Findings. 1056 Curtis

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

Required Finding	Explanation
7. <i>The project conforms to the General Plan, any applicable specific plan, applicable</i>	<i>The General Plan designates this area for residential development. Additionally, the</i>

<p><i>design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p><i>project meets City zoning standards for location, intensity and type of development.</i></p>
<p>8. <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 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. The deck is located at the rear of the home with conforming side yard setbacks. It is constructed of redwood in a classic residential, slat-style design. It has a maximum height of 14’ to the top of the privacy wall so is of an appropriate height for a residential deck.</i></p>
<p>9. <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. There are privacy walls that extend the height of the deck which will provide both the property owners and adjacent neighbors more privacy.</i></p>
<p>10. <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, Retention and maintenance of buildings, and Privacy.</i></p>

8. ANNOUNCEMENTS/COMMUNICATIONS:

a. Design Review Guideline Update Work Session: October 16, 2007

Chair Arkin noted the International Building Code (IBC) would require five-foot setbacks with openings, so the City would need to address that.

9. Future Planning And Zoning Commission Meeting Agenda Items

Planning Manager Bond noted the following upcoming items: mixed-use 934 San Pablo Avenue study session, Chinese language school, 727 San Pablo Avenue final map going to City Council, vinyl siding appeal going to City Council, University Village/Whole Foods study session, Housing Element/Affordable Housing work.

10. Adjournment

The meeting was adjourned at 10:56 p.m.

Next regular meeting: Tuesday, October 23, 2007, 7:30 p.m.

Special meeting: Tuesday, October 16, 2007, 7:00 p.m.

Submitted by:

Amber Curl
Assistant Planner