

City of Albany
Planning and Zoning Commission
Minutes July 24, 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 7:30 p.m. on Tuesday, July 24, 2007.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Maass, Moss, Panian
Absent: Hitchcock
Staff present: Planning & Building Manager Jeff Bond, Assistant Planner Amber Curl,
Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the June 26, 2007 and July 10, 2007 meetings.

Staff recommendation: approve.

b. 1230 Solano. Planning Application 07-031. Conditional Use Permit. Parking

Exception. Request for a conditional use permit to allow knitting-related classes to be conducted at an existing store. A parking exception is requested to allow zero parking spaces where one parking space is required.

Staff recommendation: approve.

Chair Arkin pulled item **4b** for discussion at the request of the absent Commissioner Hitchcock. Commissioner Moss corrected page nine of the July 10 minutes—Commissioner Moss (not Maass) was the acting Chair. Item **4a** as amended was approved unanimously.

Item **4b**: Assistant Planner Curl delivered the staff report. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Ellen Graves, the project applicant, spoke in favor of the application. She stated she would prefer to hold classes from 3:00 to 5:30 p.m. and 6:00 to 8:00 p.m., and another class on Sunday morning. She would like the option to be open and hold class from 9:00 a.m. to 9:00 p.m. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss preferred limiting Sunday hours to 11:00 a.m. to 6:00 p.m. Chair Arkin noted that the Y has classes at 8:00 a.m. or earlier, and the school had people coming at 7:00 a.m., and that the goal is to draw people to Solano.

Commissioner Panian moved approval with hours 9:00 a.m. to 9:00 p.m. Monday through Saturday, 11:00 a.m. to 9:00 p.m. Sundays. He added condition 2 requiring 30 minutes between classes. Commissioner Maass seconded. Chair Arkin also seconded, striking condition 2.

Commissioner Panian accepted the amendment. Commissioner Maass accepted the amendment.

Vote to approve item **4b** as amended:

Ayes: Arkin, Maass, Panian

Nays: None

Abstentions: Moss

Motion passed, 3-0.

Findings. 1230 Solano

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 commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing retail space and the classes will add to the variety and services in the community.</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"> 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</i> 	<ul style="list-style-type: none"> a. <i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</i> b. <i>Staff conducted a parking count throughout a regular business day and found a vacancy rate of 44%. Staff believes the traffic patterns should be unaffected by the granting of the conditional use permit since the additional vehicle trips as a result of the knitting classes will be few. Parking will be minimally affected by the allowance of instructional knitting classes to be conducted only twice a day.</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</i>

<p>loading areas, service areas, lighting and signs;</p>	<p>approval and a building permit for signage has already been obtained by the property owner.</p>
<p>3. Consistency with Zoning Ordinance, General Plan and Specific Plan. 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.</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>

Parking Exception

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

Required Finding	Explanation
<p>1. 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.</p>	<p>Many of the commercial and retail services along Solano Avenue do not provide off-street parking. Many of the stores are much larger than the knitting store and have a higher volume of patrons. The proposed knitting classes should produce a parking demand similar to or less than larger businesses along Solano Avenue; however, the knitting store itself is small in size and nature; therefore, produces a parking demand less than many businesses along Solano Avenue.</p>
<p>2. The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</p>	<p>The site is a developed site with a building with five commercial units. The subject unit is the smallest of the five units. The knitting classes should not generate substantial additional parking demand.</p>
<p>3. 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.</p>	<p>A parking count was conducted within a 500' radius of the site on Friday July 13, 2007 staff found that at 12:00pm the occupancy rate for 256 parking spaces was 65%. At 3:30pm it was 54% and on Monday, July 16, 2007 at 5:00pm it was 50%. An average vacancy rate of 44% should be adequate to accommodate a one parking space parking exception.</p>

5. Public Comment on Non-Agenda Items

There was no public comment.

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

- a. 1000 San Pablo Avenue. Planning Application 06-065. Design Review.** Remodel and addition to the City of Albany Civic Center Measure F Safety Project.

Staff recommendation: information only.

Janet Tam, project architect, and Barry Whitaker, Public Works Manager, delivered the staff report. Chair Arkin opened the public hearing. No one from the audience wished to speak. Chair Arkin closed the public hearing.

Commissioners Panian and Moss were disappointed in the lack of landscaping and monument sign. Commissioner Maass wanted to know about LEED certification. Mr. Whitaker explained that both were impacted by budget constraints. Chair Arkin felt the choice of colors should be up to the architect. He asked about the round element in the screen. Ms. Tam explained it was a design element, not any particular symbol.

- b. 1231 Solano. Planning Application 07-051. Conditional Use Permit. Parking**

Exception. Request for a conditional use permit to allow instructional/tutorial program for students between the ages of 11 and 18. A parking exception is also requested to allow 2 off-street parking spaces where 6 on-site spaces are required. .

Staff recommendation: approve.

Assistant Planner Curl delivered the staff report. There was a brief discussion about whether the parking at the theater could be used. It appeared it could be counted as employee parking. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Karen Hobbs and Shary Nunan, the project applicants, spoke in favor of the application, and noted they would prefer the hours of 11:00 a.m. to 5:00 p.m. on weekends.

The following people spoke in favor of the application: Ann Farmer, Albany resident and school parent; Dana Seeley, instructor at the school; Mark O'Tool, instructor at the school, Eileen Sheehan, Albany resident and school parent; Chris Anderson, potential school parent; Tim Perry, school parent; and Robert Cheasty, Albany resident. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss asked whether the applicants would inform the students and parents not to double-park on Solano and the teachers to park at the theater. The applicants agreed. Commissioner Panian would rather not subsidize driving (by requiring the school to pay for more parking spaces). Commissioner Moss recommended additional bicycle parking.

Commissioner Panian moved approval with weekend hours from 11:00 a.m. to 5:00 p.m. and review of the use permit within one year Chair Arkin suggested adding to item 4 "or the five available spots by agreement with the Albany Theater," and adding additional bicycle parking. Commissioner Moss seconded. Commissioner Panian accepted the amendments.

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

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 1231 Solano

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

Required Finding	Explanation
<p>4. 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 site is an existing office space and the tutorial classes will be valuable service to the community.</i></p>
<p>5. 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"> e. <i>The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</i> f. <i>Staff conducted a parking count throughout a regular business day and found a vacancy rate of 45%. Many of the staff and students will be using public transportation and walking or biking to the site.</i> g. <i>No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit. A parking agreement with Albany Twin Theatres has been established to meet the parking requirements.</i> h. <i>It is an existing site without need for additional landscaping, services areas and lighting. Design review approval and a building permit for signage has already been obtained by the property owner.</i>
<p>6. 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</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</i></p>

<i>policies and standards of the General Plan and any applicable specific plan.</i>	<i>development in the area.</i>
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Parking - Municipal Code Section 20.28.020 "N" is met with the parking agreement established with Albany Twin Theatres.

- c. 715 Cornell. Planning Application 07-053. Design Review.** A request for Design Review approval to allow a redesign of a previously approved two-story addition to the rear of an existing single-family home.

Staff recommendation: approve with design revisions.

Assistant Planner Curl delivered the staff report. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Warren Yee, the project architect, spoke in favor of the application. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Moss asked why the addition was offset. It was to not block egress from the son's bedroom window. Chair Arkin asked if the vertical siding detail could be repeated at the gable end. The architect agreed.

Commissioner Moss moved approval with the added wood siding detail. Commissioner Maass seconded.

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

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Findings. 715 Cornell

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 design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i>	<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>
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</i>	<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</i>

<p><i>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>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 addition is well integrated into the home and does not increase the height. It has matching materials and windows and provides the required parking.</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. The addition extends out only slightly further than adjacent homes, it does not increase the height of the home and is aesthetically appealing.</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>

d. Study Session on 635 San Pablo. Planning Application 07-050. Variance. Design Review. Request for Design Review approval to allow the demolition and reconstruction of the existing Taco Bell Restaurant. The project includes drive-through service, which may require a variance to meet drive-through requirements.
Staff recommendation: discussion only, no action is taken.

Commissioner Moss noted for the record that he used to do work for this applicant through this architecture firm. Assistant Planner Curl delivered the staff report. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Bob Huntsberry and Mohit Garg, the project architects, and Dave Fulwiler and Andrew Hennan, agents for the property owner, spoke in favor of the application.

Ed Fields, Albany resident, was in favor of the application but wanted to know the current and proposed hours for the store and the drive-through; he also had concerns about setting precedent in granting variances. Clay Larson, Albany resident, was also concerned about the variances. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Panian thought it would be difficult to make the findings for the variances. Commissioner Maass agreed; he also wanted to see the plans for signage. Commissioner Panian also wanted to see the signs, and more than one option. Commissioner Moss would want to approve because the site would be improved and made ADA compliant. If the project were considered as existing, non-conforming, and that the non-conformity was not being

increased...Chair Arkin was concerned how to make the findings for the variances. It would be easier to approve a renovation than a demolition and new construction. He hoped the building would be close to the sidewalk to make it urban and pedestrian-friendly.

- e. Public Hearing on an Art in Public Places Program.** An ordinance amending Chapter 20 of the Planning and Zoning Code establishing an Art in Public Places Program.
Staff Recommendation: hold a public hearing and make findings and recommendations to the Albany City Council adopting an ordinance to amend the Planning and Zoning Code for purposes of creating an Art in Public Places Program.

Planning Manager Bond delivered the staff report. Chair Arkin opened the hearing for public comment and invited the Arts Committee to speak. Nan Wishner, Arts Committee, spoke in favor of the ordinance. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Moss did not want the fees to hinder the development of mixed-use projects and proposed a sliding scale fee. He also raised concerns about the difficulty in regulating the artists work and proposed an appraisal process. Commissioner Panian thought it could discourage all development. Commissioner Maass supported the ordinance but had concerns that too high of a scale may affect development. Chair Arkin noted there were no developers at the meeting protesting the fee. He recommended trying it out. Planning Manager Bond recommended that the actual percentage be in a schedule rather than in the ordinance itself, so that it could be more easily adjusted.

Commissioner Panian moved recommending that the fee and threshold be in the implementation language rather than in the ordinance. Commissioner Moss seconded.

Vote on recommending the fee and threshold be located in the language and not in the ordinance:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

Commissioner Moss recommended 1% for commercial and .5% for residential. Commissioner Panian wanted a three-year window (so that jobs could not be piece-mealed to avoid the fee). Chair Arkin wanted 1.75% with a \$500,000 threshold. Commissioners Maass and Panian both wanted 1.75% with a \$300,000 threshold.

Noting the lateness of the hour, the Commissioners agreed unanimously to extend time to 11:15 p.m.

- f. Recommendation to the City Council Regarding Review of Association of Bay Area Government's Regional Housing Needs Allocation.**

Staff recommendation: make recommendation to the City Council not to submit request for revisions to the Association of Bay Area Governments on the proposed Regional Housing Needs Allocation.

Planning Manager Bond delivered the staff report. Chair Arkin opened the hearing for public comment. No one from the audience wished to speak. Chair Arkin closed the public hearing.

Chair Arkin moved the staff recommendation. Commissioner Panian seconded.

Vote on staff recommendation:

Ayes: Arkin, Maass, Moss, Panian

Nays: None

Motion passed, 4-0.

- g. Review of Administrative Design Review Practices Regarding Vinyl Siding.** Review of staff administrative practice discouraging use of vinyl siding except in unique circumstances.

Staff recommendation: discuss and provide direction to staff.

Planning Manager Bond provided a staff report and confirmed that building materials are not addressed in the Design Guidelines or Green Building requirements. Commissioner Panian would like to see some more attention and requirements focused on building materials. Commissioner Arkin would like to see vinyl siding material avoided because of its lack of aesthetic value and because it diminishes over time. Commissioner Arkin also added there are other affordable substitute materials available and perhaps an example palette should be provided for applicants. Staff's direction from the Commission was to discourage the vinyl siding material.

- h. Establishment of Working Groups on (a) Corrections and Updates the Planning and Zoning Code and (b) Revisions to the Single Family Residential Design Guidelines.**

Staff Recommendation: discuss and select subcommittees or working groups to pursue these initiatives.

Noting the lateness of the hour, the Commissioners approved by unanimous consent an extension to 11:30.

Chair Arkin opened the hearing for public comment. Ed Fields, Albany resident, asked whether citizens would be on the subcommittees. He urged the City to invite public participation from the beginning. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin and Commissioners Panian and Moss expressed interest in the Design Guidelines. The possibility of meetings on alternate Tuesdays was discussed. Commissioner Panian suggested agendaizing a discussion at a future meeting.

7. Announcements/Communications

a. Brief status report on St. Mary's College High School

The project is still under review and a public hearing on the project will likely occur shortly after the August recess.

b. Brief status report on Keystone Chinese School

Planning Manager Bond noted the applicants were looking at the Ocean View school site.

c. Future Agenda Items and Meeting Scheduling in November and December 2007

The Commission stated that canceling the December 25, 2007 meeting was acceptable and canceling the November meeting should be determined closer to that date, depending on the workload at the time.

8. Future Planning And Zoning Commission Meeting Agenda Items

A neighbor submitted a letter regarding a previously approved project at 1020 Curtis. The neighbor had concerns about the widened driveway, increase in impervious service and loss of landscaping that will result from the project. The Commission understood the concern and said that such matters would be definitely be considered with future projects.

Commissioner Arkin stated that he'd like to get started on Design Review guideline revisions.

9. Adjournment

The meeting was adjourned at 11:33 p.m.

Next regular meeting: Tuesday, September 11, 2007, 7:30 p.m.

Submitted by:

Amber Curl
Assistant Planner