

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes June 26, 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, June 26, 2007.

**2. Pledge of Allegiance**

**3. Roll Call**

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

**4. Consent Calendar**

- a. **711 Curtis. Continuation of Planning Application 07-026. Design Review.** Request for Design Review approval of an 892sq.ft., second-story addition to an existing single-family home.  
*Staff recommendation: approve.*
- b. **936 Kains. Planning Application 07-042. Subdivision.** Request for Subdivision approval to allow 3 previously approved apartment units to be individually sold as condominiums.  
*Staff recommendation: approve.*
- c. **1259 Brighton. 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.*

Commissioner Hitchcock pulled item **4c**. Commissioner Maass moved the staff recommendation on the remainder of the consent calendar. Commissioner Moss seconded.

Items **4a** and **4b** were approved unanimously.

**Findings. 711 Curtis**

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

<b>Required Finding</b>	<b>Explanation</b>
1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of</i>	<i>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for</i>

<i>Albany, and all applicable provisions of this Chapter.</i>	<i>location, intensity and type of development.</i>
<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 applicant has made a conscience effort to meet all development requirements. The proposed second-story addition is large in size but has pop outs and new windows added that create a more aesthetically pleasing home. It is also well proportioned, well integrated and architecturally consistent with the existing home.</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 those in the area and would not adversely impact property, improvements or potential future development in the area. The project will not increase the footprint is an aesthetic improvement to the home.</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>

**Findings. 936 Kains**

**Findings for Tentative Parcel Map approval (Per section 20.100.050.E of the AMC)**

<b><u>Required Finding</u></b>	<b><u>Explanation</u></b>
<p>1. The proposed map is consistent with the General Plan and any applicable specific plan or the Zoning Ordinance of the City.</p>	<p>The map is consistent with the General Plan and zoning ordinance in the project density is consistent with General Plan designation. The map also increases the number of units</p>

	available for ownership in the City. The project was originally approved for rental units on October 10, 2006 where it was and still is consistent the General Plan and zoning ordinance.
2. The design or improvements of the proposed subdivision are consistent with the General Plan or any applicable specific plans, or the Zoning Ordinance of the City.	The project received Design Review approval on October 10, 2006. The condominium subdivision will not alter the design of the project or required improvements.
3. The site is physically suitable for the type of development.	The project is in conformance with both the general plan and zoning. The condominium subdivision will not alter the site or previous approval.
4. The site is physically suitable for the proposed density of development.	The project is in conformance with both the general plan and zoning. The condominium subdivision will not alter the site or previous approval.
5. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The project site is a vacant lot in an urbanized area. There will not be any environmental damage, injured fish or wildlife or habitat. The condominium subdivision will not alter the environmental state of the site or approval of the project.
6. The design of the subdivision or the type of improvements will not cause serious public health problems.	The project improves public health in that it increases the availability of new housing.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	No such easements exist on the property.

Item 4c: Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing. Andrew Hays, 616 Spokane, recommended against approval, because: the site was congested; the school use would be private, not public; and there would be increased traffic and noise problems. He was also concerned about the Adult School site being used, because of the danger to the children crossing the street between the sites.

Doug Donaldson, Albany resident, recommended against approval, because: this would be a commercial use in a single-family residential zone; passenger drop-off would be dangerous; and the impacts of the middle school were already too great. He suggested the school district should have been present at the hearing to support/defend the proposed use.

Wei Wen Ou, Chief Administrator of the Chinese language and culture school, noted the school was not commercial—it was run by volunteer parents, and was a community service that had already been in temporary operation for some time without the neighbors noticing or

commenting. He indicated other tenants were already using the Adult School on the weekends. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Hitchcock noted the neighbors had contacted her. She felt the school was a great resource but felt the location was not feasible due to the dead-end streets. She recommended Ocean View School instead. She was also concerned about increasing the intensity of use of the site, and the safety of unmonitored children at play.

Commissioner Maass was inclined to approve the application but for the opposition being raised. He wanted to hear from a school district or board representative. Commissioner Moss felt there could be a better location for the use. Chair Arkin would support the use, perhaps at another location.

Commissioner Hitchcock moved continuation of this item Commissioner Moss seconded.

Vote to continue item **4c**:

Ayes: Arkin, Hitchcock, Maass, Moss

Nays: None

Motion passed, 4-0.

## **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. Waterfront Planning Process** – Discussion with Don Neuwirth regarding developing a work program for waterfront planning.

*No staff report included.*

Planning Manager Bond introduced Don Neuwirth. Chair Arkin noted that this portion of the meeting was being televised. Mr. Neuwirth felt there were three issues for him to focus on: policy, resource, and community participation. He expounded on each of these.

Chair Arkin opened the public hearing. Carol O'Keefe, Albany resident, suggested a survey of resident voters to find out what they know/understand about the waterfront, and what they want. Nan Wishner, San Carlos Avenue, recommended a specific plan for the entire waterfront. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin wanted an open, broad process addressing specifics of resources, exploration of options (with and without the racetrack), design, economics, and possibly instant runoff voting. Commissioner Moss recommended a specific plan for Golden Gate Fields and a General Plan for the surrounding area. All meetings should be publicly noticed (Albany Journal) in advance. Commissioner Hitchcock stated the public wanted open space and the Bay trail. The economic analysis would need to be easy to understand. It would be helpful to see what had worked in other communities. Traffic and environmental issues must be addressed. Commissioner Maass recommended including attention to global warming and rising sea level.

- b. 902 Santa Fe. Discussion of Planning Application 06-033. Design Review.** A request for Design Review approval of a new 7,361 sq.ft. (including parking) mixed use building where there is currently a one-story office building.

*Staff recommendation: Discuss, no action is taken.*

Commissioner Moss recused himself due to proximity to his residence. Planning Manager Bond and Assistant Planner Curl delivered the staff report. Chair Arkin opened the hearing for public comment and invited the applicant to speak. Errol Gelner, the project architect, asked whether the garage should really be included in the FAR calculation. Wei-in Chen spoke in favor of the application.

Erica Berman, owner of the property to the north, was concerned that the windows would look down into her tenant's kitchen, and that the building would block light to her property. She was also concerned about the lack of a yard to absorb rainwater. John Shaku, 900 Santa Fe, had the same concerns and wondered how a zero lot line building could be maintained. Jenna Allison opined the building was out of character with the neighborhood because it was five times as large as the existing. Barbara Weselman noted she had submitted a letter, and that she and other neighbors were opposed to the application. No one else wished to speak. Chair Arkin closed the public hearing.

Chair Arkin recommended the Commission revise the Zoning Ordinance so that mixed-use projects could be feasible and approved. He asked staff to agendize a discussion on the topic. Commissioner Hitchcock stated it was a nice project and she would like to approve it but it would have to meet code and there would have to be sensitivity to the neighbors.

- c. Resolution of Intention to Consider Amendment to the Planning and Zoning Code regarding Art in Public Places.** A request from the Arts Committee to consider establishment of an Art in Public Places ordinance.

*Staff recommendation: approve resolution of intention and provide direction to staff on draft ordinance.*

Planning Manager Bond delivered the staff report. Chair Arkin opened the public hearing. Nan Wishner, Arts Committee member, was available to answer questions. Carol O'Keefe, Albany resident, felt this was a tax and that most cities used approximately 1% as the figure for it. She also stressed that the planning approval process should not be slowed for applicants. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Hitchcock raised the idea of the public art being located remotely rather than always at the project site, or the funds for it could go into a city arts fund rather than art at the site. She also had vandalism concerns. There was a discussion about some of the definitions being redundant.

Commissioner Moss moved approval of the resolution of intent. Commissioner Maass seconded.

Vote to approve item **6c**:

Ayes: Arkin, Hitchcock, Maass, Moss

Nays: None

Motion passed, 4-0.

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

**d. 1509 Marin. Planning Application 07-041. Design Review.** Request for a Design Review approval to allow excavation of a 757sq.ft. basement.

*Staff recommendation: approve.*

Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing. Chris Fogliatti, the property owner, was willing to change the columns. No one else wished to speak. Chair Arkin closed the public hearing.

Commissioner Maass complimented the design. Commissioner Moss recommended more craftsman details. Chair Arkin suggested adding a base to the columns the width of the cap.

Commissioner Moss moved approval with the added condition regarding the columns. Commissioner Maass seconded.

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

Ayes: Arkin, Hitchcock, Maass, Moss

Nays: None

Motion passed, 4-0.

**Findings. 1509 Marin**

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

<b>Required Finding</b>	<b>Explanation</b>
5. <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>
6. <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</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 City's Residential Design Guidelines. The proposed project will provide safe and convenient access</i>

<p><i>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>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 home will aesthetically remain virtually the same with the addition of 2' in height and new slider windows on the first floor. The applicant has chosen to expand the home but excavating a basement, which will have minimal to no impact on neighbors.</i></p>
<p><i>7. 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 new basement should have little to no impact on neighbors.</i></p>
<p><i>8. 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>

- e. 1020 Curtis. Planning Application 07-042. Design Review.** Request for a Design Review approval to allow construction of a new 500sq.ft., two-story addition to the rear of an existing single-family home.

*Staff recommendation: approve.*

Commissioner Maass recused himself. Assistant Planner Curl delivered the staff report. Chair Arkin opened the public hearing. Leticia Estrada, the project designer, was available to answer questions. Debra Coffin, 1018 Curtis Street, opposed the addition because it would be further to the rear than the rest of the homes in the neighborhood and would be tall, potentially blocking light, and views and reducing her and other neighbors' privacy. No one wished to speak. Chair Arkin closed the public hearing.

The Commissioners noted this would require a side yard parking exception or recessing the garage door.

Noting the lateness of the hour, the Commissioners approved by unanimous consent an extension to 11:40.

Commissioner Moss moved approval with a side yard exception and a condition requiring a trellis to break up the massing of the north wall, with the design to be approved by staff. Chair

Arkin recommended amendments: adding a requirement for a carriage style garage door and relocating the north bedroom window further east to line up with the door and give more privacy to the neighbor. He also wanted a transom above the door. Commissioner Moss accepted the amendments. Commissioner Hitchcock seconded. Planning Manager Bond noted staff would bring the parking exception back on consent.

Vote to approve item 6e as amended:

Ayes: Arkin, Hitchcock, Moss

Nays: None

Motion passed, 3-0.

**Findings. 1020 Curtis**

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

<b>Required Finding</b>	<b>Explanation</b>
<p>9. <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>10. <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 applicant has made a conscience effort to meet all development requirements. The two-story addition has an echoing parapet roof, tile details and other architectural details that make the home appear aesthetically appealing.</i></p>
<p>11. <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 project</i></p>

	<i>will is well integrated into the existing home and will should have minimal, if any impact, on adjacent neighbors.</i>
12. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	<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>

**7. Announcements/Communications**

**a. Brief status report on the Golden Gate Fields Track Resurfacing application.**

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

**c. Future Agenda Items**

**8. Future Planning And Zoning Commission Meeting Agenda Items**

**9. Adjournment**

The meeting was adjourned at 12:00 a.m.

Next regular meeting: Tuesday, July 10, 2007, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Assistant Planner*