

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes March 10, 2009, 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 Maass, in the Albany Community Center at 7:30 p.m. on Tuesday, March 10, 2009.

### **2. Pledge of Allegiance**

### **3. Roll Call**

Present: Arkin, Gardner, Maass, Panian

Absent: Moss

Staff present: Planning & Building Manager Jeff Bond, Associate Planner Amber Curl,  
Planning Clerk Amanda Bennett

### **4. Consent Calendar**

There were no consent items.

### **5. Public Comment on Non-Agenda Items**

Michael Wallace, 715 Hillside, hoped the letter to the owner of 701-705 Hillside and follow-up with the City Attorney had happened. Planning Manager Bond indicated staff had been working with the City Attorney on the code enforcement ordinance and that City Council had passed it a month ago.

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

- a. **1382 Solano. Planning Application 09-002. Design Review.** Request for Design Review approval to allow new and replacement signage to an existing commercial building.

*Staff recommendation: approve, subject to minor revisions.*

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. David Ford, the agent for Image National, the applicant, was available to answer questions. Commissioner Arkin asked whether the mortar and pestle image was going to be removed. It was. Cynthia Hegedus, 925, wanted the new signs to be smaller, like the existing signs. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Panian agreed with the staff recommendation on size and scale. He wanted the mortar and pestle to remain. Commissioner Arkin agreed, and offered an alternate proposal where the letters arched over the mortar and pestle. Commissioner Gardner noted the mortar and pestle were part of the Longs branding. She suggested different lettering for the center sign so they were not all identical. She stated that condition eleven referred to an incorrect elevation. She and Chair Maass agreed the signs should be smaller.

Commissioner Gardner moved approval including the staff recommendations, including the lettering as a sign, and modifying the corner sign to maintain the mortar and pestle (smaller lettering). There was no second. Commissioner Arkin moved approval of the north and west facades, with the signs not to exceed the size of the existing signs, with no signage on the corner and the mortar and pestle to remain. Commissioner Gardner seconded. 4-0

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

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

**Findings. 1382 Solano**

**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 Albany, and all applicable provisions of this Chapter.</i>	<i>The General Plan designates this area commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The property has an existing commercial building that will not change in size, footprint or height as a result of the project.</i>
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>	<i>The subject property has an existing commercial building that will not change in size, footprint or height as a result of the project. The proposed signage is only slightly larger in size and quantity. The type/model of signage will remain to be internally lit channel lettering thus will have little no change in aesthetic impact.</i>
3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	<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 subject property is an existing building and will not increase in size, footprint or height.</i>
4. <i>The project is in substantial compliance</i>	<i>The project as designed is in substantial</i>

<p><i>with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p><i>compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</i></p>
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**b. 842 Masonic. Discussion and Recommendation to the City Council Regarding Acquisition of Property at 842 Masonic Avenue for Expansion of the Senior Center.**

*Staff recommendation: provide recommendation to the City Council.*

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Julia Lee, President of Friends of Albany Seniors; Linda Ball, a Senior Center volunteer; Al Windsor, a Senior Center user; and Xian Lee, a Senior Center user, spoke in favor of the application. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner liked the idea, and recommended planning some useable outdoor space. Commissioner Arkin opined the Senior Center was a good neighbor and a public facility compatible with the neighborhood. Commissioner Panian agreed. He wanted to see a massing study to be sure the structure's impact to the neighbors would be low. He did not want additional parking required.

**c. 804 Curtis. Planning Application 09-006. Design Review.** Request for Design Review approval to allow a 134sq.ft., two-story addition to the rear of an existing single-family home.

*Staff recommendation: provide direction to staff on design review and the parking exception, and continue the application to the next public hearing on March 24, 2009.*

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Kathy Rogers, the project architect, was available to answer questions. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin found the project lovely and appropriate, but noted it would need a parking exception. Commissioner Gardner agreed with staff about the rear of the building having a lot of glass. Commissioner Panian stated it was a great project. Chair Maass found it appropriate and small.

Commissioner Panian moved continuation to the March 24, 2009, meeting, so the findings and conditions could be modified for the parking exception. Commissioner Gardner seconded.

Vote to continue item 6c:

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

**d. General Plan Annual Report**

*Staff recommendation: Discuss and direct staff to make any appropriate revisions.*

Item **6d** was postponed so that **6e** could be heard first.

**e. Design Review Guidelines**

*Staff recommendation: discuss, direct staff to make any final revisions, and recommend approval of revisions to City Council.*

Associate Planner Curl delivered the staff report. Chair Maass opened the public hearing. Gary Samonsky, Albany architect, thought the use of photos was great and that there could be more in the green building section. Doug Donaldson, Albany resident, suggested staff might look at using a different photo on page seventeen (the weight and finish example). Ms. Hegedus had enjoyed the experience of working on the project. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin wanted a single-story project photo in section four. He would like to see a tilt-up carriage-style garage door photo, too. He noted Ed Fields's name should be added to the subcommittee list. Commissioner Panian had formatting suggestions: remove the borders, lighten up the shaded boxes with text inside, standardize the font size and style, and make the photos larger and line them up. Commissioner Gardner wanted prominent photos. She noted the titles for sections nine and ten were not consistent with the previous titles (not statements).

Commissioner Gardner moved staff to proceed with wrapping it up. Commissioner Arkin seconded. Mr. Donaldson did not want the photos enlarged—the text was what's important. Maureen Crowley, Albany resident, asked that it not be made monotonous.

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

Ayes: Arkin, Gardner, Maass, Panian

Nays: None

Motion passed, 4-0.

There was a brief recess.

**d. General Plan Annual Report**

*Staff recommendation: discuss and direct staff to make any appropriate revisions.*

Planning Manager Bond delivered the staff report.

**f. Discussion of Format for Community Discussion of Draft 2009 Housing Element.**

*Staff recommendation: discuss, direct staff to make any appropriate revisions, and recommend approval of revisions to City Council.*

Associate Planner Curl and Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Ed Fields, Albany resident, wanted the public noticing to be more in advance. No one else wished to speak. Chair Maass closed the public hearing. Commissioner Arkin noted this would not be the last session. He introduced the idea of a special meeting on March 31, 2009.

**7. Announcements/Communications:**

**a. Correspondence from Marci Nolan regarding medical marijuana dispensary**

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Marcy Nolin asked for help in getting this before the City Council. Clay Larson, Albany resident, opined the ordinance was a good one. He noted that the Albany Bowl, Mrs. G's tutoring, and fast food restaurants, were all in proximity of the proposed site, and were frequented by minors. Mr. Fields stated the name was a bad choice. He wanted to know if sales tax would be collected; sales would be limited to Alameda County residents; consumption prohibited on-site; no cooking on-site; and whether they could prohibit access to minors. Ms. Crowley was strongly opposed. She opined the business was not a legitimate one for people who are really ill, and that caregivers could deliver to patients.

Katia Murphy spoke in support of the proposal, stating that medical marijuana was safer than alcoholic beverages. Steve Pachevski asked how you could regulate where people would consume the marijuana once outside the dispensary. He did not oppose medicine, but supported keeping San Pablo Avenue friendly for families. He asked had the need been established, and could Albany residents use the dispensaries in Berkeley and Richmond. Ruth Gjerde, Albany resident (and rear neighbor), was concerned about a business that would require neighborhood sweeps to monitor patrons. It did not sound safe and compatible with a residential neighborhood. Maureen Sandage, Albany resident, had the same concerns. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Arkin wanted this to be heard by the City Council, since that body had established the 1,000-foot radius. Commissioner Gardner thought the need might be important. Commissioner Panian recommended a mock application for Council to review. Commissioner Maass opined the name would not be acceptable in this neighborhood.

**b. Potential amendment to Target project approvals to accommodate an AC Transit Service bus turnaround in the parking lot**

Planning Manager Bond delivered the staff report.

Commissioner Arkin supported the idea. Commissioner Maass inquired about increased landscaping being provided in the turnaround area. Overall the Commissioner liked the concept and looked forward to seeing it as a regular item.

**c. City organizational and staffing analysis contract**

**d. Pierce Street Pavement Rehabilitation and Bicycle/Pedestrian Path**

**e. Update on the Federal Stimulus Package and the California State Budget**

**8. Future Planning and Zoning Commission Meeting Agenda Items:**

**a. Next regular meeting: Tuesday, March 24, 2009, 7:30 p.m.**

**9. Adjournment**

The meeting was adjourned at 11:05p.m.

Next regular meeting: Tuesday, March 24, 2009, 7:30 p.m.

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Submitted by:

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*Amber Curl*  
*Associate Planner*