

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes October 11, 2005, 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 Flavell, in the City Council Chambers at 7:30 p.m. on Tuesday, October 11, 2005.

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

#### **3. Roll Call**

Present: Arkin, Flavell, Moss, Panian

Absent: Donaldson<sup>1</sup>

Staff present: Community Development Director Ann Chaney, Associate Planner Billy Gross, Planning Clerk Amanda Bennett

#### **4. Public Comment on non-agenda items**

Commissioner Arkin reported he had been invited by Caruso Affiliated to visit the display of the proposal at Golden Gate Fields.

#### **5. Consent**

**a. 1037 Kains. Planning Application 05-061. Design Review.** A request for Design Review approval to allow an accessory building of approximately 234 square feet in the rear yard.

*Staff recommendation: approve.*

**b. 843 San Pablo. Planning Application 05-053. Sign Permit.** A request for approval of a new awning sign for a ground floor tenant.

*Staff recommendation: approve.*

**c. Minutes of the September 27, 2005 meeting.**

*Staff recommendation: approve.*

Chair Flavell pulled items 5a and 5b.

#### **Item 5a**

Commissioner Arkin recused himself due to proximity to his residence. Chair Flavell asked whether the hot tub on the site plan was existing. Associate Planner Gross reported that it was. Chair Flavell noted the hot tub is in the location designated as "garage" on the Sanborn map.

Heike Abeck, the property owner, stated there was no garage when she purchased the property four years ago. Jim Sanetra, joint owner, also spoke in favor of the application. Chair Flavell

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<sup>1</sup> Commissioner Donaldson was expected to arrive later, and did arrive during the public comment portion of item 6b.

wanted at least one conforming parking space. Commissioner Moss would prefer an addition to the house over an accessory structure at the rear of the lot.

Commissioner Panian moved approval with a deed restriction that the accessory building is not a secondary unit, and that the hot tub is not a permanent structure, and the space would revert to parking at such time as the hot tub was removed. Commissioner Moss seconded. He recommended moving the laundry door inside. Commissioner Panian added that the applicant should work with staff on providing conforming access to the parking in the rear (re: gate across driveway). Commissioner Moss accepted the amendment to the motion.

Vote to approve item 5a as amended:

Ayes: Flavell, Moss, Panian

Nays: None

Motion carried, 3-0.

### **Findings. 1037 Kains**

#### **Design Review approval**

*Section 20.100.050.E, applicable to all projects:*

- 1. 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. The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
- 2. 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." The proposal is in scale with existing development in the vicinity of the site. The architecture is consistent with the existing dwelling and with the City's Residential Design Guidelines. Subject to the conditions of approval, the project will not cause an adverse impact to the visual character, quality or appearance of the neighborhood and City.*
- 3. Approval of the project is in the interest of public health, safety and general welfare. 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.*
- 4. The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. The project as designed is in substantial compliance with the standards as stated, including Access, Architecture, Landscape design, Coordination of design details and Privacy.*

**Item 5b**

Chair Flavell pulled this item because the window lettering exceeded the allowable signage. It was confirmed that the window lettering was from the previous use and had already been removed. Commissioner Moss moved approval of the awning sign and no additional window signage. Commissioner Arkin seconded.

Vote to approve item **5b** as amended:

Ayes: Arkin, Flavell, Moss, Panian

Nays: None

Motion carried, 4-0.

**Findings. 843 San Pablo**

**Design Review approval**

*Section 20.100.050.E, applicable to all projects:*

1. *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. With the conditions of approval, the sign plan is in scale and is harmonious with the existing development. The total sign area is appropriate for the building and will be harmonious with the surrounding neighborhood.*
2. *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." The sign plan will not unnecessarily remove trees or natural vegetation and will not in any way adversely affect the visual character, quality, or appearance of the neighborhood and the City.*
3. *Approval of the project is in the interest of public health, safety and general welfare. 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.*
4. *The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. The project as designed is in substantial compliance with the standards as stated, including Architecture and Coordination of design details.*

**Item 5c**

The minutes were approved by unanimous consent.

**6. Old Business**

- a. **720 Jackson. Planning Applications 05-065 - Conditional Use Permit for Bright Star Montessori School.** Applicant proposes to continue to operate a private school within existing structures at a site previously occupied by a public school.

*Staff recommendation: approve.*

Associate Planner Gross delivered the staff report. Swarna Matz, Director of Bright Star Montessori School, spoke in favor of the application. Richard Jackson, who lives across the street, had concerns about maintenance, overgrown shrubs, and parents parking across his driveway. He also had concerns about honking horns, car alarms, kids being dropped off in the middle of the street, and cars parking on the wrong side of the street. Mr. Jackson's wife repeated his concerns, and noted the shrubs had been pruned about one and one half weeks ago and insinuated it was in preparation for this meeting. Ms. Matz noted they have a "work day" where they perform site maintenance each March and each September, and that is when the shrubs were pruned.

Community Development Director Chaney suggested having the schools pay for installation of a pick-up/drop-off zone and education flyers for parents. The Commission could also ask the Traffic & Safety Commission to make recommendations as they have been for all of the public schools. Commissioner Moss recommended that the private schools be required to maintain lists of parents' license plate numbers. Chair Flavell asked whether the applicant was amenable to Director Chaney's recommendations. Ms. Matz indicated she was.

Commissioner Panian moved approval with the condition that the school work with staff and the Traffic & Safety Commission on a joint traffic management plan, to come back as an informational item. Commissioner Arkin seconded, noting that the use permit runs with the Albany Unified School District's use agreement with the school; that condition E-1 refer to parking and traffic management, and that the plan come back within four months.

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

Ayes: Arkin, Flavell, Moss, Panian

Nays: None

Motion carried, 4-0.

### **Findings. 720 Jackson**

#### **Conditional Use Permit approval**

1. *The size, location and intensity of the project are desirable and compatible with the neighborhood and community. The location has been used as a school for young children for the last 50 years and is thus established in the neighborhood; the number of students and staff members will not significantly exceed levels maintained by the previous user of the site; and the use will allow the Albany Unified School District to utilize and lease an unneeded property*
2. *The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*
  - a. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures; in that the site is already configured for use as a school and the applicants plan to use the existing structures without modifications;*

- b. *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; in that parking demand for the site is expected to be similar or less than the demand for the previous use at the site; and that a condition of approval of this project is that the Albany Berkeley Chinese School enter into a Joint Traffic Management Plan with Bright Star Montessori School to improve the drop-off and pick-up processes at the school site;*
  - c. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; in that the Commission finds that the proposed use will not foreseeably produce any unreasonable glare, dust, or odor; noise produced at the site will be generated primarily during recess hours, which will occur after 8:00 a.m. and not extend beyond 5:00 p.m. on weekdays;*
  - d. *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; in that the site is fully landscaped and is already well screened from residential development in the vicinity and in that a condition of approval requires the school to have professional maintenance and upkeep services for the outside areas of the site.*
3. *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 in that with the Conditions of Approval below, the uses will meet all applicable sections of the Zoning Ordinance; allowing the uses will assist and support the Albany Unified School District by enabling it to gain economic use from an unneeded site.*

**b. 720 Jackson. Planning Applications 05-067 - Conditional Use Permit for Albany Berkeley Chinese School.** Applicant proposes to continue to operate a private school within existing structures at a site previously occupied by a public school.

*Staff recommendation: Take public testimony and continue to October 25, 2005.*

Associate Planner Gross delivered the staff report. Anthony Wang, Principal of Albany Berkeley Chinese (ABC) School, spoke in favor of the application. He submitted parental parking agreements and parental signatures supporting the school. Linda Koenig, who lives across the street, submitted photos and a statement. She had concerns about the chain link fence, the portable building, the location of the dumpsters, the vans and staff cars parked on the lot and on the street, and the waste management trucks backing out.

Charlotte Rubens, Albany resident and ABC school parent, reported that there was a new parent group formed four months ago. Swarna Matz noted that there had been parent groups in the past, but no consistent group. She stated she has repeatedly asked the ABC School for help with maintenance, but they will not help her. Mr. Jackson from across the street stated that to keep Albany a beautiful city takes work on everyone's part.

Commissioner Donaldson arrived.

Mr. Jackson opposed the proposed 7:30 a.m. start time (expansion of hours) before the existing problems with maintenance, traffic, and parking were addressed. Commissioner Moss felt that under condition J-2, the ABC School should have come back to the Commission before moving into the newly sited portable classroom. There was a desire among the Commissioners to hear from a representative of the Albany Unified School District (AUSD). Associate Planner Gross noted that the AUSD Board meets on the same night as the Commission, so an alternate meeting night might be needed in order to make that happen.

Chair Flavell stated that any new condition must be enforceable, whereas the current requirement for a maintenance agreement has not been sufficient. Commissioner Moss wants both private schools at the site to work together on the maintenance. He would like to see a drawing from ABC school showing the portable classroom, the trash receptacles, the play structure(s), etc.

Commissioner Moss moved continuation of this item to the next meeting, while sending the request to Traffic & Safety simultaneously with the request on item 6a. Commissioner Arkin seconded, asking staff to communicate to AUSD that they have a tenant in danger of losing their CUP due to environmental safety issues (specifically, rats on site), and also due to aesthetic and parking and traffic issues.

Commissioner Donaldson noted he would abstain from this item because he was not present for the entire hearing. Commissioner Moss wanted an AUSD representative and the City Attorney present at the next hearing on this item.

Vote to continue item **6b**:

Ayes: Arkin, Flavell, Moss, Panian

Nays: None

Abstentions: Donaldson

Motion carried, 4-0.

There was a brief recess.

## 7. New Business

### a. 1456 Portland. Planning Application 05-055. Design Review, Parking Exception and Parking Reduction. A request for:

1. Design Review approval to allow a basement addition of approximately 358 square feet to an existing 1,749 square foot one and one-half story residence; and
2. a Parking Reduction to allow the second required parking space to be waived.

*Staff recommendation: approve.*

Associate Planner Gross delivered the staff report. Chair Flavell asked for a deed restriction condition. Commissioner Donaldson noted an error in condition A-1, where it referred to three additions. Chair Flavell invited the applicant to speak.

Yehudi Weininger, the property owner, spoke in favor of the application. No one else wished to speak.

Commissioner Donaldson moved approval, correcting condition A-1 to read "basement conversion;" adding condition J-3 with the standard (not a secondary unit) deed restriction; and a front yard parking exception rather than a parking waiver. Commissioner Arkin seconded.

Vote to approve item 7a as amended:

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

### **Findings. 1456 Portland**

#### **Design Review approval**

*Section 20-100.050E, General Findings, applicable to all projects:*

1. *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. The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
2. *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."* The proposal is in scale and harmony with existing development near the site. The architecture is 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.
3. *Approval of the project is in the interest of public health, safety and general welfare. 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.*
4. *The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. 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 protection of privacy.*

**Approval of Front Yard Parking Exception**

**Section 20.28.040A.5**

1. *Parking within a main building, a garage, carport or other structure or in the rear or side yard is not feasible or will be disruptive to landmark trees or will severely restrict outdoor living space on the site because the setback from the garage opening to the house is only 13 feet, which does not allow a car to park in tandem in front of the garage maneuver into the garage or rear yard. The length of the space in front of the existing garage is less than required 18 feet for an open parking space. There is however adequate length to provide an open parking space within the front yard setback subject to the Commission finding that the corner of the house, which projects 2 feet 8 inches into the required length of an open parking space, meets the definition of a local obstruction.*

**b. 1049 Neilson. Planning Application 05-063. Design Review and Parking Exception. A request for:**

1. Design Review approval to allow a second story addition of approximately 787 square feet to an existing 1,123 square foot one-story residence; and
2. a Front Yard Parking Exception to allow the second required parking space to be located in the front yard setback.

*Staff recommendation: review the submitted plans and staff report, give appropriate comments and continue to October 25, 2005.*

Associate Planner Gross delivered the staff report. Chair Flavell would prefer not to fall back on the prior ordinance. He invited the applicant to speak.

Corrie Winnacker, the property owner, and Sharon Hawkins, the project designer, spoke in favor of the application. Fred Winnick, 1053 Neilson (next door), opposed the plan for the second story 15 feet from his dining room and kitchen. He did not want light and views blocked. He submitted photos taken from his property. No one else wished to speak.

Commissioner Arkin had the following recommendations: move the porch out one foot; do something with the blank wall above the porch entry; consider a small window into the shower, and another between the nook and the front porch; use a narrow drip ledge with an apron; consider a carriage style garage door; and lower the eave in the southeast corner rather than dealing with the ridge offset. Commissioner Panian liked the design, but would prefer the roof to run straight.

Commissioner Donaldson did not have a problem with a parking waiver or exception. Commissioner Panian did not want a full front garage. Commissioner Arkin felt the storage area behind the garage could be used as part of an interior parking space, and the garage door could be inset to allow a tandem space in front of the garage.

Commissioner Arkin felt this was a reasonable proposal, but light and views are also important. He asked the applicant to consider bringing the back roof down. He moved continuation of this item. Commissioner Panian seconded.

Vote to continue item **7b**:



Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

There was unanimous consent to extend time past 11:00 p.m.

- c. 955 Ventura. Planning Application 05-061. Design Review.** A request for Design Review approval for a second-story addition of approximately 800 square feet to an existing 1,682 square foot one story residence.

*Staff recommendation: review the submitted plans and staff report, give appropriate comments and continue to October 25, 2005.*

Chair Flavell recused himself for personal and possibly an economic conflict. Associate Planner Gross delivered the staff report. Commissioner Panian asked about the appropriate setback for an accessory structure. Vice Chair Moss invited the applicant to speak.

Ernesto Sanchez, the project designer, and Foojan Funk, the property owner, spoke in favor of the application. Susan Tenforty, 959 Ventura, was concerned that her view would be impacted, and asked for the height to be reduced if possible. No one else wished to speak.

Commissioner Arkin felt all of the roofs should have the same pitch (not including the bays). He recommended a row of roof tile to waterproof the top of the lower story where the second story is narrower. He wanted the upper windows to have a more vertical shape to match the existing windows, and urged casement windows (even single casement with a single muntin across—cottage style) rather than sliders.

Commissioners Donaldson and Panian agreed on the roof slopes. Vice Chair Moss agreed on the windows—casement may be more expensive, but are more attractive and in character, and will operate better in the long run. Commissioner Panian recommended a carriage style garage door, and no arch, because the rest of the house is rectilinear.

Commissioner Arkin moved approval, with staff to review and have final approval on the roof slopes; vertical windows, not featuring sliders; some treatment to articulate the step in the wall at the rear; and the garage to have an appropriate setback. Commissioner Panian seconded.

Vote to approve item 7c as amended:

Ayes: Arkin, Donaldson, Moss, Panian

Nays: None

Motion carried, 4-0.

### **Findings. 955 Ventura**

#### **Design Review approval**

*Section 20-100.050E, General Findings, applicable to all projects:*

1. *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. The General Plan*

designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.

2. *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."* The proposal is in scale and harmony with existing development near the site. The architecture is 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.
3. *Approval of the project is in the interest of public health, safety and general welfare.* 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.
4. *The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.* 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 protection of privacy.

## **8. Discussion**

Chair Flavell noted, once again, here was a "shoe" house.

Associate Planner Gross announced that Dave Dowswell was leaving the city for a position with the City of Dixon, CA. He asked the Commissioners about their availability for a farewell dinner in the next week.

## **9. Adjournment**

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

Next regular meeting:            Tuesday, October 25, 2005, 7:30 p.m.

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Submitted by:

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Billy Gross  
Associate Planner