

City of Albany
Planning and Zoning Commission
Minutes October 25, 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 25, 2005.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Donaldson, Flavell, Moss, Panian

Absent: None

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

4. Public Comment on non-agenda items

There was no public comment.

5. Consent

- a. 818 San Pablo. Planning Application 05-071. Design Review.** A request for Design Review approval to remove the un-reinforced decorative masonry on the front wall and replace it with Hardipanel vertical siding.

Staff recommendation: approve.

- b. 933 Key Route. Planning Application 05-071. Design Review.** A request for Design Review approval to remove the un-reinforced decorative masonry on the front wall and replace it with Hardipanel vertical siding.

Staff recommendation: no action required, as the owner has asked that this item be continued to a date uncertain.

Commissioner Arkin pulled item **5a**.

Commissioner Moss noted the description on item **5b** was copied from item 5a and was therefore incorrect. There was unanimous consent to continue item **5b** to a date uncertain.

Item 5a

C.C. Lo, the property owner, and E. Louie, the store proprietor, spoke in favor of the application. There was a lengthy discussion with the Commissioners. Issues included: finding the proposed materials and design unattractive; finding the brick attractive and in character and possible to be stabilized; concern over whether new windows should be required when this use will steam up the windows and is negatively impacted by exposure to sunlight; the necessity and cost of this application; and relative costs of reinforcing versus replacing the brick.

Maureen Crowley, Kains Avenue, opined that small business owners do not have the money for this program, and there ought to be a subsidy (staff noted there is an offset of part of the application fee). She also stated that there were brick buildings all over England older than this that were not falling down.

Commissioner Donaldson moved continuation to a date uncertain so that the applicant can explore options raised in the discussion. Commissioner Arkin seconded.

Vote to continue item 5a:

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

6. Old Business

- a. **720 Jackson. Planning Application 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: approve.

Associate Planner Gross delivered the staff report. Anthony Wang, Principal of Albany Berkeley Chinese (ABC) School, spoke in favor of the application. Swarna Matz, Director of Bright Star Montessori School, which shares the site, noted that the garbage trucks used to be able to turn around at the site. She had not been included in the trash resolution. She was not in favor of wheeled bins her staff would have to pull up the hill. She stated she has repeatedly asked the ABC School to work together, but they will not help her.

Steffan Human, an ABC School parent, said the parents are working to resolve the issues raised, and want to cooperate with Bright Star. Chair Flavell noted he had spoken about this item on the telephone with Jim Cleveland. Mr. Cleveland, Albany resident, reported that the ABC School does not adhere to the conditions of approval. He was concerned about reports he had heard about the teacher to student ratio being too low, children left unattended, and a child being found wandering alone on the street. He was also concerned garbage trucks entering or leaving the site might tip over. He hoped that the item would be continued so that he could submit written material for review.

Maureen Crowley, Kains Avenue, felt there was racism and/or classism involved in the handling of this application and the 818 San Pablo application. Charlotte Rubens, ABC School parent, would be happy to work with Bright Star. She also asked for a copy of the conditions of approval.

Linda Koenig, who lives across the street, reported that Charles Blanchard from AUSD had come out to the site to meet with the neighbors. Jenna Han, the new Director of the ABC School, felt that the children should be allowed to play outdoors more than they were allowed to now. An unidentified woman, who was probably Jim Cleveland's wife, but never identified herself

for the record, thought it was silly to suggest there might be racism in Albany. She asked Mr. Wang to follow the rules, not try to get around them.

Hai Tsing Tsui, ABC School parent, said the parents would work harder. Michael Jung, ABC School parent, hoped parents from both schools would work together and share responsibility. Chris Wang, son of Anthony Wang, and former ABC School student, stated that the garbage trucks have to back out at his current school in El Cerrito, too. Xiao Peng Tao, ABC School parent, stated that the teachers are careful to watch the children. Jei Mao, Taft Street, reported that the garbage truck comes around 9:00 a.m. and is not very noisy. No one else wished to speak.

Commissioner Arkin thanked staff for the CUP analysis. After a lengthy discussion of the various issues, Commissioner Donaldson moved approval with condition J-7 amended to the effect that trash from both schools shall be packaged so the garbage truck does not have to back out up the hill, and that this shall be the responsibility of the ABC School because they benefit from the use of the portable building that is in the way of the garbage trucks turning around. Commissioner Panian seconded. He added a recommendation that the school directors appoint a joint parent committee to meet monthly and report to the city.

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

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

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; and,*
 - 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.*

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

There was a brief recess. Staff advised the applicant for item **8a** that the item would not be heard this evening, and would be rescheduled.

- b. 1049 Neilson. Planning Application 05-063. Design Review, Parking Exception, and Conditional Use Permit.** 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;
 2. a Front Yard Parking Exception to allow the second required parking space to be located in the front yard setback; and
 3. a Conditional Use Permit to allow the vertical extension of the non-conforming south side yard setback

Staff recommendation: approve.

Associate Planner Gross delivered the staff report. No one wished to speak on this item.

Commissioner Arkin complimented the applicants on responding to the Commissioners' concerns and moved approval of this item. Commissioner Donaldson seconded.

Vote to approve item **6b**:

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

Findings. 1049 Neilson

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 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.*

For Conditional Use Permit approval of a Vertical Extension of the Nonconforming Side Setback (Per sections 20.24 Table 2A, Note 19(b) and 20.100.030.D AMC)

1. *The 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. The vertical expansion of the non-conforming setback is necessary to allow for adequate development on the lot.*
2. *That such 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:*
 - a. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures because the site has two nonconforming setbacks the Commission determined that allowing the vertical extension of the side setback is necessary to successfully develop the house addition consistent with City zoning standards relating to size and height.*

- 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 because the existing accessibility to the site will not be altered. The project should not have any increased traffic impacts beyond those typical during the initial construction period. Pedestrian access to the site is adequate and will not be impacted by the project proposal.*
 - c. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor because the project will not develop new noxious noise, glare, dust or odor emissions beyond those associated with initial construction activities. The project will remain a residential activity with all such characteristics.*
 - d. *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs because the project is consistent with City residential design review objectives and guidelines and provides appropriate landscape, screening, open yard areas and related design features characteristic of residential uses in the neighborhood.*
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 because the proposed project is otherwise consistent with the City zoning standards and requirements relating to the height, size, location, and bulk for such residential expansions. The maintenance and preservation of the City housing inventory, including reasonable expansions of such residential dwellings, are policy objectives of the City General Plan. The site is both zoned and designated in the General Plan for residential use.*

For Front Yard Parking Exception (Section 20.28.040.A.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 private out-door living space on the site. The narrowest side yard setback dimension is less than 7 feet, and therefore precludes access to the rear yard and a second parking space in the side yard. The garage does not have adequate dimensions to provide 2 parking spaces.*
2. *The area proposed for parking in the front yard will not exceed eight (8') feet six (6") inches in width, and twenty (20') in length. The proposed parking area has dimensions of 8 feet 6 inches in width by 18 feet 5 inches in length.*
3. *The parking space is designed so that no part of any vehicle will extend beyond the property line into the public right-of-way or will come within one (1) foot of the back of the sidewalk, nor permit a parked vehicle to constitute a visual obstruction exceeding three (3') in height within twenty-five (25') feet of the intersection of any two (2) street lines. The Planning and Zoning Commission shall not approve a front yard parking space unless a finding is made that visual obstructions are not a significant safety hazard. The parking space will not extend beyond the property line and is not located within 25 feet of any street intersection.*
4. *Any required off-street parking spaces which are permitted in front yard areas are so located as to minimize aesthetic and noise intrusion upon any adjacent property. The existing front yard*

parking space is setback adequately from the adjacent residence to the north to minimize noise and aesthetic intrusions.

7. New Business

- a. **936 Kains. Planning Application 05-068. Conditional Use Permit and Design Review.** A request for Design Review and conditional use permit approval to authorize a new three-story residential development to include 4 residential apartments units.

Staff recommendation: perform a "preliminary review" of the project plans and give appropriate direction.

Associate Planner Gross delivered the staff report. Chair Flavell invited the applicant to speak.

John Arnold, the project architect, spoke in favor of the application. Commissioner Donaldson hoped the large juniper tree on the next parcel would be saved and incorporated in the landscaping for this project. Commissioner Panian noted the balconies and storage areas were bulky. Commissioner Arkin requested a three-dimensional rendering.

Jay Kantner, who lives on the north side of the project, felt the design was tall and boxy, out of character with the neighborhood. He was concerned about loss of light and privacy, security issues, and traffic. He asked what would happen if the lifts broke down. He was concerned about the noise of the lifts while operating, and car alarms going off inside the garage.

Ed Fields, Kains Avenue, said it still has not been established that parking lifts satisfy Measure D. An unidentified woman from the 1000 block of Kains opposed tearing down a charming home to build a project out of scale for the neighborhood. The plans lack yard space for children to play. She opposed parking lifts because she feels they are dangerous and violate the spirit of Measure D. Her other concerns were parking, congestion, gridlock, speeding, and double parking on Kains. No one else wished to speak.

Commissioner Moss advised the architect that the garage was small enough (<5,000 SF) that all of the openings would not be required. He suggested making the rooms smaller and adding articulation. He noted that the massing of the roofs and the space below were not lining up. He suggested lowering the roof, and using parapets rather than slopes. He was also open to asymmetry.

Commissioner Donaldson stated he found the notch at the front not visually attractive, the windows boring, and the storage closets on the balconies strange. He looked forward to a three-dimensional model. Commissioner Panian opined that the three unrelated masses and the front facade are not pedestrian friendly.

Commissioner Arkin was concerned about the bulk, and loss of light and air. He suggested tandem parking rather than lift tandem, and bringing down the height. He suggested two staircases on the front and porches, giving the look of townhouses. He recommended 1122 Kains and 1101 8th Street, as well as Park Avenue south of Park Street in Alameda.

Chair Flavell was okay with the parking. Commissioner Donaldson agreed, but was intrigued by Commissioner Arkin's idea.

Commissioner Arkin moved continuation. Commissioner Donaldson seconded.

Vote to continue item 7a:

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

8. New Business

- a. **1048 Curtis. Planning Application 05-064. Design Review.** A request for Design Review approval to allow a first- and second-story addition of approximately 810 square feet to an existing 1,515 square foot one and one-half story residence.

Staff recommendation: approve.

Associate Planner Gross sent the applicant for this item home at the recess (near 11:00 p.m.). Commissioner Donaldson moved continuation to the next meeting. Commissioner Arkin seconded.

Vote to continue item 8a:

Ayes: Arkin, Donaldson, Flavell, Moss, Panian

Nays: None

Motion carried, 5-0.

9. Discussion

Commissioner Moss reported he would be meeting with David Levy regarding the Safeway site.

Commissioner Arkin noted he was being approached by many about the waterfront. He stated he asked Director Chaney about what to do, and the consensus was to avoid such contact.

10. Adjournment

The meeting was adjourned at 12:05 a.m.

Next regular meeting: Tuesday, November 8, 2005, 7:30 p.m.

Submitted by:

Billy Gross
Associate Planner