

*City of Albany*  
**Planning and Zoning Commission**  
**Minutes November 22, 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, November 22, 2005.

**2. Pledge of Allegiance**

**3. Roll Call**

Present: Arkin, Donaldson, Flavell, Moss

Absent: Panian

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. Minutes of the October 11, 2005 meeting.**

*Staff recommendation: approve.*

**b. Minutes of the October 25, 2005 meeting.**

*Staff recommendation: approve.*

**c. Minutes of the November 11, 2005 meeting.**

*Staff recommendation: approve.*

Items 5a, 5b, and 5c were approved by unanimous consent.

**6. Old Business**

**a. 720 Jackson (Albany Berkeley Chinese School). Amendment to Notice of Action for Planning Application 05-067.** Planning staff is recommending that the Planning and Zoning Commission amend the Notice of Action, approved on October 25, 2005, to include a condition of approval related to Fire Department requirements.

*Staff recommendation: approve.*

Associate Planner Gross delivered the staff report; including noting receipt by the Commissioners of a letter from Anthony Wang dated November 18, 2005.

Commissioner Moss wondered if this should be on the agenda when the item has already been appealed. Community Development Director Chaney explained it should be, because the fire

review was inadvertently missed. Commissioner Moss opined these actions could be taken by the Fire Marshal at any time, and the conditions were not necessary. He asked whether Mr. Wang had agreed to the conditions. Associate Planner Gross reported Mr. Wang had signed off on November 8. Commissioner Donaldson also had concerns about adding these. His greater concern was that the City Council be provided information such as a site plan showing what is Albany Unified School District responsibility and what is ABC School responsibility and what is Bright Star Montessori School responsibility, as well as what are the lease terms.

Chair Flavell opened the public hearing. Jim Cleveland, Albany resident, reported he was the one who went to the fire department about this site. He asked what "operate within existing structures" meant. Director Chaney went into some of the history of the use. Mr. Cleveland started to counter with his recollection. Director Chaney stated she had made every effort to be factual, and would check the records again. Chair Flavell asked that speakers limit their discussion to the item as agendized. Commissioner Moss asked Mr. Cleveland whether action on this item would affect his appeal. Mr. Cleveland stated it would not.

Duane Johnson, who lives on a nearby street, reported that in the afternoons he avoids trying to navigate Jackson Street because of all of the ABC School parents' vehicles. He was concerned about this affecting fire department response times.

Commissioner Moss would rather the school close than be fined if in violation, because these are life-safety issues. Commissioner Arkin thanked staff. He stated he was inclined to approve the item. Chair Flavell asked if he could consider that a motion. Commissioner Arkin assented. Commissioner Donaldson stated he would not second or support the motion. Chair Flavell opined there should always be a condition supporting the Fire Marshal. He seconded the motion. Commissioner Moss agreed there should be conditions but not like this. He would vote to support, however. Commissioner Arkin noted it would be good to set a precedent that the fire department will review any conditional use permit coming up for renewal.

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

Ayes: Arkin, Flavell, Moss

Nays: Donaldson

Motion carried, 3-1.

- b. 933 Key Route Blvd. Planning Application 05-003. Design Review.** A request for Design Review approval of an 820 square foot two-story addition and a 536 square foot two-car garage.

*Staff recommendation: approve.*

Commissioner Moss recused himself due to a possible financial conflict. Associate Planner Gross delivered the staff report. Chair Flavell opened the public hearing. Marcelo Mayorga, the property owner, spoke in favor of the application. Commissioner Arkin asked for the sills to be shown on the elevations; a detail of the eyebrows; a clearer understanding of the porch; and clarity on shades and awnings.

Chair Flavell had a problem with inconsistency of the size of the garage on the plans. Associate Planner Gross stated that sheet 11 shows the correct dimensions. Chair Flavell stated the porch blocks access to the second space, and asked whether a conforming space could be located in front of the garage. He noted that this is another example of the "shoe" style of second story additions.

Commissioner Arkin noted he could approve the application with the following conditions: the garage door to match the floor plan; the porch roof to feature tile in some way (match existing; slope to street; or pergola); the stepped parapets to remain on the existing and something similar be included on the addition (to staff's satisfaction); parking at legal width in garage or tandem w/ garage in side yard; window at front of house to remain (even if blocked on the inside); and the eyebrows be detailed (to staff's satisfaction). Also, it is understood that recessed windows with sills are to be used throughout. Mr. Mayorga assented to these amendments. Commissioner Donaldson seconded.

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

Ayes: Arkin, Donaldson

Nays: Flavell

Motion carried, 2-1.

**Findings. 933 Key Route**  
**For 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." Subject to the revisions made based on previous comments from the Planning and Zoning Commission, 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.

## 7. New Business

### a. 1051 Ventura. Planning Application 05-072. Design Review and Conditional Use Permit. A request for:

1. Design Review approval to allow a total addition of approximately 787 square feet (new 740 sq. ft. second story and addition of 47 sq. ft. to first story) to an existing 1,042 square foot one-story residence; and
2. a Conditional Use Permit to allow the vertical extensions of the non-conforming west (Ventura Avenue) wall and east (Posen Avenue) wall.

*Staff recommendation: give direction and continue to a future meeting.*

Interim Planning Manager Phillips delivered the staff report. Commissioner Donaldson recommended that provision E be added to the Zoning Ordinance Revision comments binder. Chair Flavell opened the public hearing. Luis Parras, one of the property owners, spoke in favor of the application.

Chair Flavell suggested a split-level master suite. Commissioner Moss would like to see sections. Commissioner Arkin would like to see an elevation of the Ventura side showing the neighboring properties. He recommended rather than the wide stucco band, continuing the stucco to the sill height, with another material above. He suggested that the porch arch might no longer be in character, and that taller windows might be more in scale at the center section with the higher roof. He liked the prominent overhangs, but would recommend narrower fascia, not wider. Commissioner Donaldson wanted to see an elevation showing the relocation of the stairs. Commissioner Moss liked the entry arch, but not the living room window arch. He recommended the applicant look at Adolph Loos's work from the 1920's. Commissioner Arkin recommended that the applicant look at the building at 1101 8<sup>th</sup> Street in Berkeley.

Commissioner Arkin moved continuation. Commissioner Donaldson seconded.

Vote to continue item 7a:

Ayes: Arkin, Donaldson, Flavell, Moss

Nays: None

Motion carried, 4-0.

**b. 720 Pomona. Planning Application 05-073. Design Review and Parking Reduction.** A request for:

1. Design Review approval to allow a basement- and first-story addition of approximately 857 square feet to an existing 918 square foot split level residence; and
2. a Parking Exception to allow a reduction from two parking spaces to one parking space.

*Staff recommendation: approve.*

Associate Planner Gross delivered the staff report. Chair Flavell opened the public hearing. Jim Beller, one of the property owners, and Mark English, the project designer, spoke in favor of the application.

Commissioner Donaldson moved approval. Commissioner Arkin seconded, with a friendly amendment to allow the applicant to change the front porch to match the changes at the rear, subject to staff approval. Commissioner Donaldson accepted the amendment.

Vote to approve item **7b** as amended:

Ayes: Arkin, Donaldson, Flavell, Moss

Nays: None

Motion carried, 4-0.

**Findings. 720 Pomona**  
**For 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 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 without excavation in the basement level, which would constitute a hardship.*
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.*

**8. Discussion**

Commissioner Arkin noted receipt by the Commissioners of an appeal letter regarding the El Cerrito Plaza housing development by Community Development Director Chaney. He also noted he had distributed his comments on the standard conditions of approval.

Chair Flavell asked that the "Communications" item he suggested for the agenda be added. He also recommended that staff place a description of the meeting process on the overhead projector and/or on the back table at future meetings.

Chair Flavell reported on the requirement for fluorescent lighting, even in projects including solar energy as a significant energy source.

Commissioner Moss reported that City of Santa Cruz had useful reference material about accessory buildings.

Associate Planner Gross reported the City Council upheld an appeal on 824 Ramona by a vote of 4-1.

Associate Planner Gross announced there will be no meeting Tuesday, December 27, 2005.

**9. Adjournment**

The meeting was adjourned at 9:59 p.m.

Next regular meeting:            Tuesday, December 13, 2005, 7:30 p.m.

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Submitted by:

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Billy Gross  
Associate Planner