

# City of Albany

## Planning and Zoning Commission Minutes February 12, 2014 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

- CALL TO ORDER-** The meeting of the Planning and Zoning Commission was called to order by Chair Donaldson in the City Council Chambers at 6:30 p.m. on Wednesday, February 12, 2014.

### CLOSED SESSION

*CONFERENCE WITH LEGAL COUNSEL*—to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1)

Name of Case: Albany Housing Advocates; Amber Whitson; Betty Stephenson v. City of Albany. Alameda County Superior Court Case #RG13-697761

### 2. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

Chair Donaldson stated the closed session was only used for discussion and no decisions were made.

### 3. PLEDGE OF ALLEGIANCE

### 4. ROLL CALL

Present: Donaldson, Eisenmann, Moss, Pilch

Absent: Arkin

Staff present: Community Development Director Jeff Bond  
City Planner Anne Hersch

### 5. CONSENT CALENDAR

(Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a Commission Member or a member of the audience requests removal of the items from the Consent Calendar.)

A member of the audience wished to pull Item 5B- 833 Solano for discussion.

**Motion to approve Consent Calendar items 5A and 5C:** Eisenmann

**Seconded by:** Pilch

Ayes: Donaldson, Eisenmann, Moss, Pilch

Nayes: None

Abstain: Moss (recused for himself for Item 5C)

1 **Motion passes, 4-0 (Item 5A); 3-0 (Item 5C- Commissioner Moss recused himself)**

2  
3 **A. Planning & Zoning Commission Meeting Minutes of October 9, 2013**

4  
5 **B. PA 13-040 833 Solano Ave New Single-Family Construction Study Session-** The  
6 applicant is seeking preliminary Design Review feedback for a new three-  
7 story single family home at 833 Solano Avenue. The Planning & Zoning  
8 Commission provided feedback to the applicant on September 11, 2013. The  
9 lot is 3,750 sq. ft. with an existing 1,000 sq. ft. single story home which is  
10 proposed to be demolished. The proposed home will include three  
11 bedrooms, two and a half bathrooms, two car garage, and roof decks on  
12 the second and third levels. The new home will be 2,053 sq. ft. and 25' in  
13 height. Two off-street parking spaces will be provided in the attached  
14 garage.

15 ***Recommendation: Approve subject to the findings and conditions.***

16  
17 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***  
18 ***Conversion of Small Structures" of the CEQA Guidelines***

19  
20 Anne Hersch presented the staff report. She noted the house had been moved back a  
21 foot and rose to a height of 27 feet to mitigate issues regarding driveway slope.

22  
23 **Daniel Gregory**, 831 Solano- asked how close the proposed project would be to his  
24 property and how his views would be impacted. The Commission noted the project met  
25 side yard requirements and suggested Gregory check the City website for the projects'  
26 plans. In regards to views, Anne Hersch replied the project is to be built further back to  
27 mitigate view issues.

28  
29 **Motion to approve Item 5B: Eisenmann**

30 Seconded by: Pilch

31 Ayes: Donaldson, Eisenmann, Moss, Pilch

32 Nays: None.

33 **Motion Passes, 4-0.**

34  
35 **C. PA13-087 920 Carmel 2<sup>nd</sup> Story Addition-** The applicant is seeking Design  
36 Review approval for a second story addition at 920 Carmel. The existing  
37 home is 1,115 sq. ft. with three bedrooms and on bathroom on a 4,400 sq. ft.  
38 lot. The home was built in 1926 and also contains a detached single-car  
39 garage. The applicant is proposing to add a new 648 sq. ft. second story  
40 which will include a master suite with study area and upstairs laundry. The  
41 ground floor is also proposed to be converted to living space and will include  
42 a new family room and guest suite and will be 519 sq. ft. in area. A small  
43 addition 167 sq. ft. in area is proposed for the main floor and will expand the  
44 kitchen and existing bathroom. The total building area added is 1,334 sq. ft.  
45 Two off-street parking spaces will be provided in the driveway.

46 ***Recommendation: Approve subject to the project conditions and findings.***

1  
2 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*  
3 *Conversion of Small Structures" of the CEQA Guidelines*

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5  
6 **6. PUBLIC COMMENT**

7 For persons desiring to address the Commission on an item that is not on the agenda  
8 please note that each speaker is limited to three (3) minutes. The Brown Act limits the  
9 Commission ability to take and/or discuss items that are not on the agenda; therefore,  
10 such items are normally referred to staff for comment or to a future agenda.

11  
12 No one wished to speak.

13  
14 **7. NEW BUSINESS**

15 **A. General Plan Housing Element Update Review** – The City of Albany Planning &  
16 Zoning Commission will hold a public hearing to consider a recommendation to the  
17 Albany City Council for a proposed General Plan Amendment that would update  
18 the Housing Element of the Albany General Plan pursuant to State law. The Housing  
19 Element Update includes a needs assessment, identification of opportunity sites for  
20 development of housing, an analysis of potential constraints to housing, and policies  
21 and programs to achieve housing goals. The Commission will also discuss and  
22 receive public comment on the draft Initial Study/Mitigated Negative Declaration  
23 prepared for the Housing Element.

24  
25 *Recommendation: The Planning & Zoning Commission approve the following*  
26 *resolutions:*

- 27  
28
  - 29 • *Resolution 2014-01 recommending that the City Council adopt the Initial*  
30 *Study/Mitigated Negative Declaration for the Housing Element for the*  
31 *2007-2014 planning period*
  - 32 • *Resolution 2014-02 recommending that the City Council adopt the*  
33 *Housing Element for the 2007-2014 planning period.*

34 **Barry Miller**, General Plan consultant- gave a quick summary of the context and  
35 contents of the Housing Element. He also went over a timeline of work that has already  
36 been done including comments given by HCD and edits made since the January 22  
37 meeting. He noted there were no land use or zoning map changes and the Housing  
38 Element project is under CEQA. Tonight's requested actions would be to accept public  
39 comment on current draft as well as to consider two resolutions to forward to City  
40 Council- one that recommends approval of MND for Housing Element and another that  
41 considers adoption of the 2007-2014 Housing Element.

42  
43 PUBLIC HEARING OPENED.

44  
45 **Ed Fields**- wanted the language of the Housing Element to be closely looked at  
46 particularly in regards to the vision for having residential uses on San Pablo Avenue. He

1 noted there are parts of the recommendation that are not included in the written text  
2 particularly regarding the location of emergency shelters.

3  
4 The Commission did not have additional comments.

5  
6 Chair Donaldson mentioned that dust control measures did not directly require the  
7 Housing Element and felt it was not appropriate. He said suggested edits in the  
8 language used.

9  
10 **Motion to approve recommended Resolution *Resolution 2014-01*: Moss**

11 Seconded by: Pilch

12 Ayes: Donaldson, Eisenmann, Moss, Pilch

13 Nays: None

14 **Motion Passes, 4-0.**

15  
16 **Motion to approve recommended Resolution *Resolution 2014-02*: Moss**

17 Seconded by: Pilch

18 Ayes: Donaldson, Eisenmann, Moss, Pilch

19 Nays: None

20 **Motion Passes, 4-0.**

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22  
23 **8. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

24  
25 **A. PA 13-076 714 Gateview Addition-** The applicant is seeking Design Review and  
26 Parking Reduction approval for an addition at 714 Gateview Avenue. The  
27 existing home is 1,074 sq. ft. with two bedrooms and one bathroom on a 3,688 sq.  
28 ft. lot. The applicant is proposing to add 988 sq. ft of new living area. The lower  
29 level addition includes 494 sq. ft. to accommodate four bedrooms, one  
30 bathroom, laundry, and storage room. The applicant is proposing to add 494 sq.  
31 ft. on the upper level and expand the kitchen and create a new master suite  
32 addition. This will result in a five bedroom, two and a half bathroom home, 1,919  
33 sq. ft. in area, with a maximum height of 24'. A two level deck is also proposed at  
34 the rear of the home. The existing garage is 268 sq. ft. and is proposed to remain.  
35 The applicant is seeking a Parking Reduction for one off-street parking space.

36  
37 *Recommendation: Approved subject to the attached findings and Conditions of*  
38 *Approval.*

39  
40 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***  
41 ***Conversion of Small Structures" of the CEQA Guidelines***

42  
43 Anne Hersch presented the staff report. She said the applicant has the footprint at 1400  
44 square feet.

45

1 **Ben Tarcher**- clarified various details regarding the size of the house and other details.  
2 Chair Donaldson noted this design was very straight forward and lacked the  
3 exceptional design requirement that was set off by its relatively high FAR. The applicant  
4 said they hoped to keep the project in line with its current cottage feel. He noted all the  
5 windows would be changed.

6  
7 PUBLIC HEARING OPENED.

8  
9 **Christine Sealy**, 710 Gateview- was concerned about parking and view impacts that  
10 would result from this application.

11  
12 **Chad Sheppard**- representing the owner of 716 Gateview- voiced concerns regarding  
13 drainage, erosion control, and view impacts.

14  
15 Commissioner Moss said a drainage plan was to be included with the project and  
16 Albany does not have a view ordinance.

17  
18 Commissioner Pilch- wanted to know if the applicants had tried to address the  
19 neighbors' concerns. He felt the design was fine.

20  
21 Commissioner Eisenmann- agreed it would be in the applicant's best interest to address  
22 the neighbors' concerns. She felt the current design was appropriate for this specific  
23 project. She was concerned about the vinyl windows and suggested aluminum or fiber  
24 glass clad alternatives. She noted this lot was hard to put in an additional spot and was  
25 willing to approve it with the parking exception.

26  
27 Commissioner Moss-had no comments to add.

28  
29 Chair Donaldson- felt the street presence of the house should be improved and agreed  
30 the applicants should talk with their neighbors to address their concerns.

31  
32 Commissioner Pilch- suggested asking the applicant to return with better street view  
33 plans and a required landscape plan.

34  
35 **Ying Shao**, property owner - said it was their intention to rebuild the front of the house,  
36 add and new fence, and prune the trees.

37  
38 Commissioner Moss- disagreed with the landscape plan requirement.

39  
40 Anne Hersch noted some of the changes the Commission proposes would require an  
41 administrative hearing. She suggested bringing this item back as a consent calendar  
42 item. She suggested the Commission approve the application with the condition that  
43 front façade changes, including, but not limited to, the fence and potential arbor  
44 details come back to the Planning and Zoning Commission as a Consent Calendar  
45 Item. Commissioner Moss added this should be done prior to issuance of Certificate of  
46 Occupancy.

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**Motion to approve Item 8A with amendments suggested by staff and that these changes be made prior to Certificate of Occupancy:** Pilch

Seconded by: Eisenmann

AYES: Donaldson, Eisenmann, Moss, Pilch.

NAYES: None.

**Motion Passes, 4-0.**

**B. PA13-086 1502 Posen Design Review Addition & Roof Deck-** The applicant is seeking Design Review approval for a new master bedroom and closet located at the rear of the home. The existing home contains three bedrooms and one bathroom, is single story, and 1,382 sq. ft. in area. The addition will be 190 sq. ft. in area and will be 12'5.5" in height. A new roof deck is proposed and will be accessed from a spiral staircase located at the rear of the home. The deck will have a wood and cable guardrail. The overall height from grade to top of handrail is 16'2.5" .

***Recommendation: Approve subject to the attached findings and Conditions of Approval.***

***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines***

Anne Hersch presented the staff report.

**Doug Coe**, applicant- commented on the various green aspects of the house and noted he had spoken to his neighbors about any conditions they might have opposed. He showed pictures of the existing views.

PUBLIC HEARING OPENED. No one wished to speak. PUBLIC HEARING CLOSED.

Commissioner Eisenmann- had concerns about the consistency of the window arrangements on the back of the house in relation to the rest of the house. Commissioner Moss and Commissioner Eisenmann discussed the glass block that was proposed. Chair Donaldson did not have problems with the blocks being used but was concerned approval of this may make roof decks a trend in Albany. He did not think the octagon window worked for the house.

**Motion to approve Item 8B:** Pilch

Secondd by: Moss

AYES: Donaldson, Eisenmann, Moss, Pilch

NAYES: None.

**Motion Passes, 4-0.**

**C. PA 13-084 638 Evelyn Avenue 2nd Story Addition-** The applicant is seeking Design Review, Conditional Use Permit, and Parking Exception approval for a second story addition at 638 Evelyn. The existing home is 851.5 sq. ft. on a 2,500 sq. ft. lot.

1 The applicant is proposing to remove a previously unpermitted addition,  
2 reconfigure the existing first floor area to include one bedroom and one  
3 bathroom, create new stairs and build a 705 sq. ft. second story. The applicant is  
4 proposing to frame the 705 sq. ft. second story addition and will finish the interior  
5 space at a later date. This will result in a one bedroom, one bathroom home  
6 1,467 sq. ft. in area with a height of 26 ft. The applicant is seeking a Conditional  
7 Use Permit to extend the non-conforming north wall which is 2'10" off of the  
8 property line and a Parking Exception to allow for one off-street parking space in  
9 the front yard setback.

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11 *Recommendation: Approved subject to the attached findings and Conditions of*  
12 *Approval.*

13  
14 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*  
15 *Conversion of Small Structures" of the CEQA Guidelines*

16  
17 Anne Hersch presented the staff report.

18  
19 **Gigi Lorrick, Lorrick Design**, applicant- explained how various aspects of the design  
20 were made to accommodate the homeowner's disability as well as the odd shaped lot.  
21 She explained her phased proposal to demolish the interior, raise the entire house by 10  
22 feet and create the inside so that it is very easy for conversion. The new plans would  
23 increase the plate height from 8' to 9'6".

24  
25 The Commission voiced a number of concerns and suggestions including:

- 26
- 27 • Distorted proportions between the bottom and top massing should be changed
  - 28 accordingly,
  - 29 • The outside of the house should be closed should the project remain unfinished if
  - 30 the owner's finances did not work out according to plan,
  - 31 • The proposed look of the front façade was not as closely in line with design
  - 32 review guidelines as the existing façade,
  - 33 • The house seem to turn away from the street and a door should be added in
  - 34 the front
  - 35 • The fence was too high and did not comply with code.

36  
37 Commissioner Eisenmann suggested to make the trellis more obvious.

38  
39 Commissioner Moss asked to articulate the front wall.

40  
41 **Motion to continue Item 8C to date uncertain:** Pilch

42 Seconded by: Eisenmann

43 AYES: Donaldson, Eisenmann, Moss, Pilch

44 NAYES: None.

45 **Motion Passes, 4-0.**

46

1       **D. PA13-073 423 San Pablo Ave. Verizon Wireless Zoning Clearance-** The applicant  
2       has filed a zoning clearance application for an existing Verizon Wireless facility  
3       located on the monopole at 423 San Pablo Ave. The scope of work includes  
4       removal and replacement of four panel antennas and four coaxial cables on an  
5       existing monopole. The new antennas are comparable in size to the existing  
6       antennas.

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8               *Recommendation: Approved subject to the attached findings and*  
9               *Conditions of Approval.*

10  
11               **CEQA: Categorically exempt pursuant to Section 15303, "New Construction or**  
12               **Conversion of Small Structures" of the CEQA Guidelines**

13  
14       Anne Hersch presented the staff report.

15  
16       **Gary Gochberg** (Crown Castle) for Verizon Wireless, applicant- made himself available  
17       for questions. He clarified that Crown Castle owns and leases ground space and the  
18       assets (towers) such as those that Verizon would use.

19  
20       **Ed Fields-** asked a few questions about the project such as possible issues with  
21       proposed pole heights. He disagreed with having the pole so close to a residential  
22       district. He also mentioned that there are illegal pendant/signs at Good Year.

23  
24       **Thea Kenthia-** voiced her concerns regarding how close she lives to the proposed  
25       antenna. She encouraged the Commission to properly represent the people.

26  
27       **Michael Dussett**, owner of property next to project- noted there are issues that have not  
28       yet been addressed to his satisfaction particularly regarding the land-use and  
29       disruptions from the working crew.

30  
31       Commissioner Moss- noted no one wants to see antenna there, however, he said the  
32       Commission is very limited in its power on this issue. City staff noted emission  
33       measurements had been done before and the measurements were low.

34  
35       **Motion to Approve Item 8D:** Pilch

36       Seconded by: Eisenmann

37       AYES: Donaldson, Eisenmann, Moss, Pilch

38       NAYES: None.

39       **Motion Passes, 4-0.**

40  
41       Commissioner Moss- noted Commissioner Pilch's motion only included some  
42       components of the application. Commissioner Pilch amended his motion.

43  
44       **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

45       **A. Planning & Zoning Commission Work Plan-**scheduled for City Council review on  
46       February 18, 2014



1  
2 Anne Hersch noted there would be a working group meeting on Tuesday that Chair  
3 Donaldson is set to attend. She also mentioned there would be a Parking Measure D  
4 group meeting on Thursday, February 20.

5  
6 Next Planning and Zoning Commission hearing: **Wednesday, February 26, 2014 at 7**  
7 **pm.**

8  
9 **10. ADJOURNMENT**

10  
11 The meeting was adjourned at 10:35 p.m.

12  
13 Next regular meeting: Wednesday, February 26, 2014, 7:00 p.m. at Albany City Hall

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17 \_\_\_\_\_  
18 Submitted by: Anne Hersch, City Planner

19  
20 \_\_\_\_\_  
**Jeff Bond, Community Development Director**