

*City of Albany*  
**Planning & Zoning Commission**  
**Minutes December 9, 2015 Meeting**

1 Note: These minutes are subject to Planning and Zoning Commission approval. The minutes  
2 are not verbatim. An audiotape of the meeting is available for public review.

3  
4 **Regular Meeting**

5  
6 1. **CALL TO ORDER:** The regular meeting of the Planning & Zoning Commission was  
7 called to order by Chair Donaldson in the City Council Chambers at 7:00 P.M. on  
8 Wednesday, December 9, 2015.

9  
10 2. **PLEDGE OF ALLEGIANCE**

11  
12 3. **ROLL CALL**

13  
14 Present: Friedland, Giesen-Fields, Kent, Menotti, Donaldson  
15 Absent: None  
16 Staff Present: City Planner Anne Hersch

17  
18 4. **CONSENT CALENDAR**  
19 (Consent Calendar items are considered routine and will be enacted by one  
20 motion. By approval of the Consent Calendar, the staff recommendations will  
21 be adopted unless otherwise modified by the Commission. There will be no  
22 separate discussion on these items unless a Commission Member or a member of  
23 the audience requests removal of the items from the Consent Calendar.)

24  
25 A. **PA 15-057 Design Review, Conditional Use Permit and Parking Exception**  
26 **for 939 Evelyn Avenue.** The applicant is seeking Design Review,  
27 Conditional Use Permit, and Parking Exception approval for first and  
28 second story additions at 939 Evelyn Avenue. The subject site is 2,500  
29 square feet with an existing 658 square foot one bedroom, one bathroom  
30 home built in 1935. The applicant would like to add a 604 square foot  
31 second story addition that will include three bedrooms and two  
32 bathrooms. The first floor addition includes 155 square feet at the rear to  
33 provide an expanded kitchen space, dining room, and new deck. This  
34 will result in a four bedroom, three bathroom home 1,435 square feet in  
35 area, 26 feet 3 inches in height. The existing garage space is proposed to  
36 be removed and a 7 foot 6 inch by 16 foot parking space is proposed in  
37 the rear yard.

1 A second off-street parking space 7 feet by 18 feet is proposed in the front  
2 yard setback. A Parking Exception is required to allow the second space  
3 in the front yard setback area. A Conditional Use Permit is required to  
4 extend the existing nonconforming north wall vertically.  
5 **Recommendation: Continue the matter to a date uncertain. The**  
6 **applicant has requested additional time to revise the project plans and**  
7 **scope and will submit new plans at a future date. Any future discussion of**  
8 **this application will be re-noticed.**

9  
10 *CEQA: The project is Categorically exempt pursuant to Section 15303*  
11 *"New Construction or Conversion of Small Structures."*

12  
13 **B. PA 15-087 Design Review & Parking Exception for 724 Curtis Street.** The  
14 applicant is seeking Design Review and Parking Exception approval for  
15 interior renovation of existing lower floor of residence at 724 Curtis Street.  
16 The subject lot is 3,750 square feet with an existing 1,262 square foot three  
17 bedroom, two bathroom home built in 1926. The applicant is proposing to  
18 convert 399 square feet of the existing lower level to a new family room,  
19 bathroom, and laundry room. This will result in a 1,661 square foot three  
20 bedroom, three bathroom home, with a maximum height of 18 feet 10  
21 inches. The home will maintain a Minimal Traditional appearance and the  
22 footprint is not proposed to expand. The applicant is seeking a Parking  
23 Exception to allow the second off-street parking space in the front yard  
24 setback. One parking space is provided in the attached garage.  
25 **Recommendation: Review and approve subject to the findings and**  
26 **Conditions of Approval attached to the staff report dated December 9,**  
27 **2015.**

28  
29 *CEQA: The project is Categorically exempt pursuant to Section 15303*  
30 *"New Construction or Conversion of Small Structures."*

31  
32 **C. PA 15-073 Design Review for a Two Level Addition and Accessory Structure**  
33 **at 904 Santa Fe Avenue.** The applicant is seeking Design Review approval  
34 for a two level addition located at the rear of the home at 904 Santa Fe  
35 Avenue. He subject site is 4,180 square feet with an existing 1,274 square  
36 foot two bedroom, one bathroom home built in 1929. The applicant is  
37 proposing to add 445 square feet at the lower level creating a new  
38 bedroom and family room. A 250 square foot addition is proposed for the  
39 upper level and includes a new master suite. A new 225 square foot  
40 accessory structure is proposed in the rear yard. This will result in a three  
41 bedroom, three bathroom house, 1,909 square feet in area with a  
42 maximum height of 20 feet 6 inches. The existing home is Spanish Revival  
43 in appearance and is proposed to remain. Two off-street parking spaces  
44 are provided in the driveway.

1 Recommendation: Review and approve subject to the findings and  
2 Conditions of Approval attached to the staff report dated December 9,  
3 2015.

4  
5 *CEQA: The project is Categorically exempt pursuant to Section 15303*  
6 *"New Construction or Conversion of Small Structures."*

7  
8 D. Planning & Zoning Commission Meeting Minutes from October 28, 2015

9  
10 E. Planning & Zoning Commission Meeting Minutes from November 17, 2015

11  
12 **Motion to adopt the Consent Calendar, as submitted, continuing PA 15-**  
13 **057 for 939 Evelyn Avenue, approving PA 15-087 for 724 Curtis Street, and**  
14 **approving PA 15-073 for 904 Santa Fe Avenue, pursuant to the staff reports**  
15 **dated December 9, 2015; approving the minutes from the November 17,**  
16 **2015 meeting, as submitted, and removing the minutes from the October**  
17 **28, 2015 meeting:** Friedland

18 Seconded by: Kent

19 AYES: Friedland, Giesen-Fields, Kent, Menotti, Donaldson

20 NAYES: None

21 **Motion passed, 5-0**

22  
23 Chair Donaldson identified the 14-day appeal period.

24  
25 **Motion to approve the minutes of the October 28, 2015 meeting, as**  
26 **submitted:** Giesen-Fields

27 Seconded by: Kent

28 AYES: Friedland, Giesen-Fields, Kent, Donaldson

29 NAYES: None

30 ABSTAIN: Menotti

31 **Motion passed, 4-1-0**

32  
33 **5. PUBLIC COMMENT**

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

39  
40 **Alexa Hauser**, Albany, reminded the Commission of the Diverse Housing Working  
41 Group's sponsorship of the fundraiser for YEAH, Youth Engagement, Advocacy  
42 and Housing, at St. Albans. She urged Commissioners to attend.

43  
44  
45 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

1           **A. PA 15-089 Design Review for a Second Story Addition at 916 Ramona**  
2           **Avenue.** The applicant is seeking Design Review approval for a second  
3           story addition at 916 Ramona Avenue. The subject lot is 6,000 square feet  
4           with an existing 1,679 square foot two bedroom, one bathroom home built  
5           in 1926. The applicant is to reconfigure the first floor and construct three  
6           bedrooms and two bathrooms on the second floor. This will result in a four  
7           bedroom, three bathroom home, 2,962 square feet in area with a  
8           maximum height of 26 feet 6 ½ inches. The home will have more of a  
9           contemporary appearance with a blend of larger window openings,  
10          contrasting siding, and new skylights. One parking space is provided in  
11          the detached garage and a second parking space is located in the  
12          driveway. **Recommendation: Review and approve subject to the findings**  
13          **and Conditions of Approval attached to the staff report dated December**  
14          **9, 2015.**

15  
16                   **CEQA: The project is Categorically exempt pursuant to Section 15303**  
17                   **“New Construction or Conversion of Small Structures.”**

18  
19          Ms. Hersch presented the staff report dated December 9, 2015.

20  
21          **Stacy Eisenmann**, the Architect, explained that the client was driving a more modern  
22          design which was appropriate in this case given its relationship to the large apartment  
23          building to the right and the less attractive building to the left. She described the intent  
24          to provide variation in the siding and stated that areas of the existing siding would be  
25          carried all the way up to introduce a different rhythm in other areas. The focus would be  
26          on the back of the house where a shroud had been created around a deck off the  
27          bedroom to offer some privacy from the apartment building.

28  
29          PUBLIC HEARING OPENED

30  
31          There was no one to speak.

32  
33          PUBLIC HEARING CLOSED

34  
35          Commissioner Kent characterized the original building as very modest and the proposal  
36          as an expansion of that modest look. He asked about the landscaping.

37  
38          **Ms. Eisenmann** explained that the landscape elements had been focused in the  
39          generous backyard where some sail cloth would be introduced to provide some privacy  
40          from the apartment building. The backyard landscaping would remain as is. There could  
41          be a planting scheme for the front yard where she commented there was a need for a  
42          tree.

43  
44          **Amber Baker** clarified in response to the Commission that the client wanted to abandon  
45          the front living room firebox and the chimney would be eliminated. A gas insert would

1 replace that firebox in the future and there would be two vertically exhausting gas inserts  
2 eventually provided in the home, with zero clearance venting out the back.

3  
4 Commissioner Friedland complimented the design in great scale with the neighborhood  
5 and a nod to the charming original house.

6  
7 Commissioner Menotti liked the variation of the massing and texture, and asked about  
8 the picture window given the apartment building next door.

9  
10 Ms. Eisenmann explained that a shade system would likely be introduced to provide  
11 privacy.

12  
13 Chair Donaldson liked the window treatments on the south side of the property, liked the  
14 project, and suggested it would be a great addition to the City.

15  
16 **Motion to approve PA 15-089 for 916 Ramona Avenue, pursuant to the staff**  
17 **report dated December 9, 2015:** Giesen-Fields

18 Seconded by: Friedland

19 AYES: Friedland, Giesen-Fields, Kent, Menotti, Donaldson

20 NAYES: None

21 **Motion passed, 5-0**

22  
23 Chair Donaldson identified the 14-day appeal period.

24  
25 **B. PA 15-054 Design Review, Parking Exception, and Conditional Use Permit**  
26 **for 505 Carmel Avenue.** The applicant is seeking Design Review, Parking  
27 Exception, and Conditional Use Permit approval for a second story  
28 addition at 505 Carmel Avenue. The subject lot is 3,276 square feet with  
29 an existing 1,282 square foot two bedroom, one bathroom home built in  
30 1935. The applicant is proposing a 464 square foot second story addition  
31 centered over the main residence. There is an existing second story which  
32 will be expanded and include a new master suite. This will result in a three  
33 bedroom, two and a half bathroom home 1,746 square feet in area with a  
34 maximum height of 25 feet 6 inches. A Parking Exception is required to  
35 provide one off-street parking space in the front yard setback. A  
36 Conditional Use Permit is required to extend the non-conforming south  
37 wall vertically. No changes are proposed to the north wall.  
38 **Recommendation: Review the proposed project and provide feedback to**  
39 **the applicant and staff. Draft findings and Conditions of Approval had**  
40 **been included in the staff report dated December 9, 2015 should the**  
41 **Commission decide to take action.**

42  
43 **CEQA: The project is Categorically exempt pursuant to Section 15303**  
44 **"New Construction or Conversion of Small Structures."**  
45

1 Ms. Hersch presented the staff report dated December 9, 2015, and clarified that the last  
2 remaining issue was the calculation of the Floor Area Ratio (FAR) where the architect had  
3 interpreted the code with a calculation that was inconsistent with the staff determination  
4 according to the code. She advised that the neighbor to the north, who was the party  
5 most affected by the nonconforming north wall, had indicated support for the project  
6 and liked the design but had a concern for an easement to recognize the  
7 encroachment on her property. She reported that neighbor and the property owner had  
8 now agreed to record an easement on both properties to reflect the condition.

9  
10 **Sandy Reek**, the applicant, explained that there had been a contentious presentation at  
11 the last hearing in October, and the upper level of the addition had since been  
12 redesigned to address all the concerns to accommodate privacy on the one side and  
13 daylight on the other side.

14  
15 **Andrew Woolman**, the Architect, spoke to the FAR and diagrams he had created to  
16 clarify his interpretation of the City's FAR provisions. He affirmed that the Commission had  
17 been provided with those diagrams. He explained that the project had grown in the  
18 process of meeting the neighbors' demands and the FAR had increased as a result. He  
19 referred to the language in the City's code where there would be an exception for  
20 double counting of stairs with no habitable space above or below, which he stated had  
21 taken care of the entire stairs. The code also included language "*and* for a maximum of  
22 60 additional feet," which he had diagrammed to create one of many possible  
23 configurations to reflect how that might be calculated, interpreted, or intended.  
24 Contrary to the staff comment that there had been no projects approved with an  
25 exception greater than 60 square feet for the FAR, he stated that his office had projects  
26 approved by the Commission as recently as 2011 where that had occurred.

27  
28 When asked by the Commission, Mr. Woolman detailed the diagrams he had provided,  
29 which all represented the same hypothetical space he was trying to identify to clarify the  
30 code, and commented that the code seemed to be both flexible and indeterminate as  
31 to the use of the "additional" habitable space. He characterized that section of the  
32 code as a puzzler.

33  
34 Commissioner Friedland agreed with the confusion in the semantics of that section of the  
35 code, but asked why the additional space was exceptional.

36  
37 Mr. Woolman stated there were a number of configurations that could bring up the  
38 exception, and offered several examples of that type of space.

39  
40 Ms. Hersch clarified that staff considered the 60 square feet as a standard deduction,  
41 which was the information provided in the handouts and at the front counter.

42 Ms. Hersch referred to a different project that had been considered in the fall of 2011,  
43 when an architect wanted to double count the stairs, and it had been made clear at  
44 that time by a Commissioner that 60 square feet was hard and fast and could not be  
45 counted twice.

1 With respect to the square footage, Mr. Woolman explained that the entire first floor  
2 including the garage and the front porch, now fully covered, had been fully counted,  
3 and it was only with the second floor calculations that the reductions had been  
4 considered. As to whether he could eliminate 40 square feet to comply with the FAR  
5 requirements, he suggested that a part of a storage shed on the first floor could be  
6 reduced although he preferred to be able to take the reduction that the code  
7 appeared to allow.

8  
9 Commissioner Giesen-Fields referred to the existing foyer on the main level and clarified  
10 that Mr. Woolman had not included an exception on that foyer because it was not part  
11 of a double height space. With respect to the loft space on the second floor, he  
12 suggested the same argument would apply to that space as to why it should not be  
13 included in the exception, and would be included in the FAR. He agreed with Mr.  
14 Woolman's interpretation of the language that the maximum of 60 square feet would be  
15 in addition to the double height; excluding the double height of the stairs, the double  
16 square footage, and the maximum 60 square feet, although he suggested that would  
17 not apply to the 60 square feet that did not meet the double height space.

18  
19 Commissioner Friedland agreed.

20  
21 Commissioner Giesen-Fields referred to Mr. Woolman's detailed diagrams of how the  
22 space would work, spoke to the footprint of the stairs proper and a space directly  
23 adjacent to it, and asked if the "shaded" area had been excluded. When told the  
24 shaded areas had been counted in the square footage, he suggested that it would have  
25 been counted as additional space that could be excluded from the FAR since it was a  
26 two-story space, and whether called an internal atrium or something else, it could be  
27 considered as additional space eligible for the extra square footage.

28  
29 Commissioner Giesen-Fields clarified his recommended interpretation that the applicant  
30 would not have to change the design but would formally consider that the study loft not  
31 be counted as the additional 60 square feet but include the 60 square feet of the main  
32 floor area with the double height space as an internal atrium. This would allow the  
33 applicant to have the double count for the stairs as well as the additional 60 square feet.

34  
35 Ms. Hersch suggested that was defensible with the language of the code.

36  
37 Mr. Woolman suggested that could be one way the exception could be used but did not  
38 believe it was the only way to interpret it. He clarified that the diagram was not his  
39 application but was intended to understand the interpretation of the code. He stated  
40 that idea would not be able to be applied to the project itself because there was no  
41 double high air space without a floor under it. While he appreciated the clarification, he  
42 stated that would not help the applicant in this case.

43  
44 Without using that interpretation, Commissioner Giesen-Fields stated the additional 60  
45 square feet would not be included and the application would be in excess of the  
46 allowable FAR and could not be approved.

1  
2 Chair Donaldson was not interested in expanding the exemptions of space on the FAR  
3 calculation, suggested it should be interpreted conservatively, the proposed project had  
4 been proposed to the maximum allowed, and he did not want to expand the exceptions  
5 that allowed projects to become bulkier. He agreed with Commissioner Giesen-Fields'  
6 argument with respect to the allowable square footage for the two-story space that  
7 could make the project work.

8  
9 Ms. Hersch commented that the Commission was at a cross roads with the application;  
10 she referenced the interpretations that would allow the project to be approved, as  
11 represented, with recognition in the record that different area be deducted from the FAR  
12 calculations, along with the comments to be more conservative and potentially require a  
13 modification, and the architect's reluctance to accept that interpretation.

14  
15 Chair Donaldson supported staff's traditional application related to FAR unless the  
16 Commission thought that it needed to be fine-tuned. He was inclined to pursue staff's  
17 more rigorous interpretation and eliminate 40 square feet from the design.

18  
19 Ms. Hersch suggested that one option would be to condition the approval with the  
20 requirement to reduce the square footage by 39 square feet to bring it to the allowable  
21 .55 FAR.

22  
23 Mr. Woolman displayed a plan of the upper story and pointed out an area at the top of  
24 the stairs where the study loft/foyer was located as an eligible 60 square foot reduction.

25  
26 Commissioner Giesen-Fields disagreed that area would qualify since it was not two stories.

27  
28 Commissioner Kent asked if there were any applications where someone would not be  
29 allowed to have an additional 60 square foot deduction given the requirement for no  
30 livable space over and under a stairwell.

31  
32 Mr. Woolman referred to one of the examples in the diagrams and explained there could  
33 be configurations where there could be living space above and below a stairwell. He  
34 added that the stair deduction was only intended to deal with the stairs themselves.

35  
36 On the continued discussion, Ms. Hersch advised the Commission of the options available  
37 to it; to take action on the interpretation offered by Commissioner Giesen-Fields, to  
38 require the elimination of 39 square feet to comply with the .55 FAR, or to continue the  
39 application to the January 13, 2016 meeting for modification.

40  
41 Commissioner Menotti thanked the applicant and architect for working with the  
42 neighbors to address their concerns and for maintaining the quality of the design.

43 PUBLIC HEARING OPENED

44  
45 There was no one to speak.



1 PUBLIC HEARING CLOSED

2  
3 Commissioner Giesen-Fields commented that while he would like to approve the project  
4 as is, his interpretation had been rejected by the architect.

5  
6 Commissioner Kent agreed with the architect that the language was clear and there was  
7 an additional 60 square feet allowed.

8  
9 Commissioner Giesen-Fields agreed but stated that would only apply to spaces that were  
10 two stories in height.

11  
12 Chair Donaldson concurred.

13  
14 **Motion to approve PA 15-054 for 505 Carmel Avenue, on the condition**  
15 **that the FAR is reduced to .55 requiring the applicant to reduce the square**  
16 **footage by the amount necessary to maintain that FAR, and pursuant to**  
17 **the staff report dated December 9, 2015: Giesen-Fields**

18 Seconded by: Donaldson

19 AYES: Friedland, Giesen-Fields, Kent, Menotti, Donaldson

20 NAYES: None

21 **Motion passed, 5-0**

22  
23 Chair Donaldson identified the 14-day appeal period.

24  
25 **7. NEW BUSINESS:** None

26  
27 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

28  
29 **A.** Draft General Plan and EIR now available for public review.

30  
31 Ms. Hersch reported that the Draft General Plan and Environmental Impact Report (EIR)  
32 had been released November 25, 2015, had been provided to the Commission, was out  
33 for a 60-day public comment period, and there would be a study session with the City  
34 Council on December 15, 2015 at 6:30 P.M. The Draft General Plan would be submitted  
35 to the Planning & Zoning Commission for consideration at its meeting on January 13, 2016.

36  
37 Commissioners congratulated Ms. Hersch; Jeff Bond, Community Development Director;  
38 and the City's team for the completion of the Draft General Plan and EIR.

39  
40 **9. NEXT MEETING:** January 13, 2016

41  
42 **10. ADJOURNMENT**

43  
44 The meeting was adjourned at 8:25 P.M.

45 Next regular meeting: Wednesday, January 13, 2016 7:00 P.M. at Albany City Hall.

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Submitted by: Anne Hersch, City Planner

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**Jeff Bond, Community Development Director**