

# *City of Albany*

## **Planning & Zoning Commission Minutes of March 23, 2016 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 Giesen-Fields in the City Council Chambers at 7:00 P.M.  
8 on Wednesday, March 23, 2016.

9  
10 2. **PLEDGE OF ALLEGIANCE**

11  
12 3. **ROLL CALL**

13  
14 Present: Donaldson, Kent, Menotti, Giesen-Fields

15 Absent: Friedland

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 be  
21 adopted unless otherwise modified by the Commission. There will be no separate  
22 discussion on these items unless a Commission Member or a member of the  
23 audience requests removal of the items from the Consent Calendar.)  
24

25 **A. Planning & Zoning Commission Meeting Minutes from March 9, 2016**

26  
27 **B. PA 16-006 Parking Reduction for 1402 Solano Avenue.** The applicant is  
28 seeking Parking Reduction approval to waive the parking requirement for  
29 one off-street parking space for a new residential apartment at 1402 Solano  
30 Avenue. The subject site is 4,800 square feet with two structures on the  
31 property. The front building faces Solano Avenue and is a medical office  
32 building, approximately 1,490 square feet in area. The rear building is two  
33 stories with an existing office-storage space on the first level and an  
34 apartment on the second level. The applicant is proposing to convert the  
35 1,100 square foot lower level office to a new two bedroom apartment. One  
36 off-street parking space is provided where two are required. The applicant  
37 is seeking a reduction for the second off-street parking space.  
38

1 Construction is largely interior with exterior construction limited to removal  
2 and replacement to include Code compliant stairs and hand railings.  
3 **Recommendation: Continue to a date uncertain so that the project can be**  
4 **modified and renoticed.**

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

8  
9 **Motion to approve the Consent Calendar, approving the minutes of the**  
10 **Planning & Zoning Commission meeting from March 9, 2016, as shown; and**  
11 **continuing PA 16-006 for 1402 Solano Avenue to a date uncertain:**  
12 Donaldson

13 Seconded by: Kent

14 AYES: Donaldson, Kent, Menotti, Giesen-Fields

15 NAYES: None

16 ABSENT: Friedland

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

18  
19 Chair Giesen-Fields identified the 14-day appeal period.

20  
21 **5. PUBLIC COMMENT**

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

27  
28 There were no comments.

29  
30 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

31  
32 **A. PA 16-018 Design Review and Conditional Use Permit for a Second Story**  
33 **Addition at 949 Madison Street.** The applicant is seeking Design Review and  
34 Conditional Use Permit approval for a second story addition at 949 Madison  
35 Street. The subject site is 3,750 square feet with an existing 1,073 square foot  
36 two bedroom, one bathroom home built in 1925. The applicant is proposing  
37 to add a 606 square foot second story addition at the rear of the home.  
38 This will result in a 1,639 square foot four bedroom, two bathroom home,  
39 with a maximum height of 24 feet. The home is Craftsman in appearance  
40 and is proposed to have a modern appearance with larger window  
41 openings. A Conditional Use Permit is required to extend the non-  
42 conforming north wall which is one foot 5.5 inches off of the property line.  
43 Two off-street parking spaces are provided; one in the garage and one in  
44 the driveway. **Recommendation: Review and approve subject to the**  
45 **findings and Conditions of Approval attached to the staff report dated**  
46 **March 23, 2016.**

1  
2 *CEQA: The project is Categorically exempt pursuant to Section 15303 "New*  
3 *Construction or Conversion of Small Structures."*  
4

5 City Planner Anne Hersch presented the staff report dated March 23, 2016.  
6

7 **Antonio Lao**, the Project Architect, explained that the home had been purchased about  
8 a year ago and while some work had been done, a substantial amount of work remained  
9 to address drainage and foundation issues. In addition, the property owner proposed a  
10 second story addition to accommodate the needs of the family. He described the design  
11 intended to push the mass towards the back of the building and blend the two volumes  
12 while providing some shading on the south side and some shelter for the second parking  
13 area. Since the landscaping had been updated prior to the sale of the home, he stated  
14 it would be left essentially as is although drought-tolerant planting could be added.  
15

16 In response to Commissioner Donaldson as to the intent of the long windows in front of the  
17 second floor addition, Mr. Lao clarified that one was for a bathroom while the other sat  
18 above the storage of a closet that was not full height, intended to project light into a  
19 stairwell in the middle of the building. He also clarified there would be a bracket similar to  
20 the one in the front and horizontal/vertical slats along the length of the building to wrap  
21 around the back of the building. Because of the conditional use, the building could only  
22 be extended to the second floor of the existing non-conforming corner and would be set  
23 back a foot and a half from the corner. The trellis would provide a corner treatment. When  
24 asked, he stated some landscaping could be considered for that area, such as a slow  
25 growth wisteria.  
26

27 Mr. Lao confirmed, when asked by Chair Giesen-Fields, that the awning along the existing  
28 first floor to the front of the building was intended to act as a functional sunshade, and that  
29 the exposure was why that portion of the building had sustained substantial wear.  
30

31 In response to Commissioner Kent, Mr. Lao pointed out the skylight well at the top of the  
32 stairwell; clarified that the wedge shaped roof was intended to provide some shade in the  
33 backyard; and explained that light from one of the new windows would light the closet  
34 and the stairwell, primarily in the afternoon.  
35

36 Commissioner Donaldson asked about the chimney and Mr. Lao explained that the  
37 chimney was structurally sound although the fireplace was not in great shape. The spark  
38 arrester showed wear and rust and the intent was to replace it or fix it depending on the  
39 cost.  
40

41 PUBLIC COMMENTS OPENED  
42

43 There were no comments  
44

45 PUBLIC COMMENTS CLOSED  
46

1 Commissioner Donaldson liked the lip on the top of the roof facing west; had a concern  
2 with the window configuration on the new second floor; and suggested the small vertical  
3 window, the two horizontal windows, and the large vertical windows were out of balance  
4 and left an empty space above the peak of the lower roof.

5  
6 Commissioner Donaldson asked whether the windows over the bathroom would be frosted  
7 or clear, and suggested more work needed to be done to produce a better balanced  
8 design on the second floor. He supported the trellis, asked if the projection on the south  
9 side needed to be as much as proposed, and was inclined to shrink the size of the new  
10 bedroom in order to avoid such a large overhang. Given the configuration of the  
11 staircase, he recognized the difficulty in the design.

12  
13 Commissioner Donaldson suggested the existing landscaping in the front of the house was  
14 overgrown with inconsistent planting with the palm tree, and recommended a landscape  
15 plan to show off the front of the house might be supported. He noted a large concrete  
16 pad in the backyard and suggested a landscape plan might also be needed in the  
17 backyard for some future installation.

18  
19 Commissioner Kent agreed that the planting did not appear to be well thought out. With  
20 respect to the façade, while he understood the rationale for the hip roof he suggested it  
21 did not contrast enough and was awkward in appearance. He also commented that the  
22 light over the closet was awkward but suggested that the interior worked well. He did not  
23 mind the overhang.

24  
25 Commissioner Menotti had a concern with the street view and the window, which seemed  
26 awkward to him.

27  
28 Chair Giesen-Fields also supported a revision of the two horizontal windows; liked the  
29 extended roof at the front for the addition; liked the trellis; and supported the submittal of  
30 a landscape plan. He noted that the application could be approved with specific  
31 conditions for staff approval to address the concerns or continue the application to allow  
32 design revisions.

33  
34 When asked if other design solutions had been considered in place of the two horizontal  
35 windows, Mr. Lao described a proposal to have the windows in that same area project all  
36 the way to the ceiling, similar to an Eichler, although given the west facing wall the heat  
37 gain would be substantial. A series of rectangular windows had also been considered,  
38 although there was a need for quiet and too many windows could be too busy. Corner  
39 windows around the master bedroom had also been discussed although that was  
40 considered to be too modern. He noted that opaque windows had not been considered  
41 given that the sill height would be 7 feet above the ground and there would be no privacy  
42 issues.

43  
44 Chair Giesen-Fields suggested there was an opportunity for a slight redesign of the master  
45 bedroom in terms of closet layouts, with the elimination of the front closet and an  
46 expansion of the second closet.

1  
2 **Motion to approve PA 16-018 for 949 Madison Street, subject to:**

- 3 • **A modification of the design of the horizontal upper windows into**  
4 **more of a triangular shape to match the roofline;**  
5 • **Recessing the new bedroom windows on the second floor by a foot**  
6 **or more to add some variety to the design of the second floor;**  
7 • **A landscape plan be prepared, particularly for the front yard with the**  
8 **applicant's option for the rear yard, to be approved by staff during**  
9 **plan review;**  
10 • **and pursuant to the staff report dated March 23, 2016:** Donaldson

11 Seconded by: Kent

12 AYES: Donaldson, Kent, Menotti, Giesen-Fields

13 NAYES: None

14 ABSENT: Friedland

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

16  
17 Chair Giesen-Fields identified the 14-day appeal period.

- 18  
19 **B. PA 16-014 Design Review and Parking Reduction for a Second Story**  
20 **Addition at 1304 Marin Avenue.** The applicant is seeking Design Review and  
21 Parking Exception approval for a second story addition at 1304 Marin  
22 Avenue. The subject site is a 2,700 square foot lot with an existing 1,077  
23 square foot two bedroom, one bathroom home built in 1925. The applicant  
24 is seeking approval for a 408 square foot second story addition that includes  
25 two bedrooms and one bathroom. A front roof deck and rear roof deck  
26 are proposed above the first story and will be accessible from the second  
27 story bedrooms. This will result in a 1,485 square foot four bedroom, two  
28 bathroom home with a maximum height of 28 feet. The existing home is  
29 Spanish Revival and it will be changed to a modern design. One parking  
30 space is provided in the attached garage. A Parking Reduction is  
31 necessary as there is insufficient room in the driveway to accommodate a  
32 second off-street parking space. **Recommendation: Review and approve**  
33 **subject to the findings and Conditions of Approval attached to the staff**  
34 **report dated March 23, 2016.**

35  
36 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**  
37 **Construction or Conversion of Small Structures."**  
38

39 City Planner Hersch presented the staff report dated March 23, 2016, and clarified that the  
40 existing garage was on the east side property line.

41  
42 **Larry Paul**, the Project Architect, explained that the addition had been proposed to  
43 accommodate a growing family. He explained that the rear yard was farmed to provide  
44 the family with vegetables and the roof decks had been proposed to provide more open  
45 space on the size-constrained property. The addition had been proposed in the middle of  
46 the house to reduce the sense of massing and volume, breaking up the volume with the

1 roof forms and the staircase out of the living room. The staircase would be illuminated all  
2 the way up with a glass roof, with a bathroom at the top of the staircase to serve both  
3 bedrooms.

4  
5 Mr. Paul advised that the volumes had been set back from the sides to respect the current  
6 side walls and to remain as far back from the neighbors as possible; windows had been  
7 oriented to the front and rear, north and south; the transom window above the sliding glass  
8 door would let in natural light; and the rear bedroom had a number of windows that faced  
9 south with a three-foot overhang to provide shade and which would open up to the  
10 private roof decks that would provide extra space for the family. He added that the  
11 parking reduction had been requested given the one-car garage and no place to expand  
12 the garage on the constrained site, although there were two to three parking spaces on  
13 the street.

14  
15 Mr. Paul clarified that the façade had been designed to make a distinction between the  
16 HardiePlank Lap Siding of the new addition and the existing stucco house and the stucco  
17 staircase to connect the two, with a metal sided bathroom. The tar and gravel roof would  
18 be removed and new joists would be installed where the old joists had been located and  
19 a floor treatment would be added, with downspouts in the same area.

20  
21 Mr. Paul clarified, when asked, that the chimney would be removed.

22  
23 PUBLIC COMMENTS OPENED

24  
25 **James Dong**, 1306 Marin Avenue, Albany, explained that the whole block was one-story  
26 houses, the second story addition was not compatible with the neighborhood, and roof  
27 decks were not common in the neighborhood. He suggested the second floor would  
28 impact the privacy of adjacent residents and affect the security of the neighborhood.  
29 With respect to the parking exception, he suggested the front yard setback was an  
30 insufficient size to allow a second parking space and would create safety problems. He  
31 also suggested that the project would generate noise pollution, the second story would  
32 block his sunlight and impose privacy concerns, and his property value would be reduced.

33  
34 **Laurel Benjamin**, 1300 Marin Avenue, Albany, expressed concern with runoff in that intense  
35 trenching between the two properties in 2008 had impacted the property she rented. She  
36 also had concerns that the second story would block her sunlight, the roof decks would  
37 infringe on her privacy front and back and would amplify noise, and the metal siding at  
38 the bathroom would create glare.

39  
40 **Mary Ann Peyovich**, 1007 Key Route Boulevard, Albany, noted that her backyard adjoined  
41 four homes on Marin Avenue and her primary concern was privacy. The proposed back  
42 deck and stairs with wood railings would take up over half of the subject yard and have  
43 views of her back bedroom and bathroom. She requested that the stair be stucco. She  
44 also noted that the change to the façade would not be consistent with a Spanish Revival  
45 style, and the noise and glare from the metal siding would impact neighboring residents.

1 **Marnie Peyovich**, 1007 Key Route Boulevard, Albany, reported that she had submitted an  
2 email to staff to identify her concerns related to noise, privacy, the size of the proposed  
3 roof decks, and the metal siding on the bathroom on the second floor and the resulting  
4 impacts to her home. She requested that the bathroom façade utilize the HardiePlank Lap  
5 Siding or stucco to reduce noise.  
6

7 **Jonathan Finger**, 1304 Marin Avenue, Albany, stated his parents owned the house that he  
8 and his wife had lived in the last three years and would continue to occupy. He expressed  
9 a desire to live in harmony with his neighbors, stated the upstairs rooms were quite small,  
10 and access to the decks would only be from the bedroom, and the deck area would likely  
11 be used for plants.  
12

13 **Ron Finger**, Albany, the property owner, stated that the home had been purchased  
14 specifically because his son lived in the area. He noted that the two-bedroom house was  
15 very small and it was being enlarged given that his daughter-in-law was expecting twins.  
16 Mr. Finger explained that there was another house in the neighborhood where metal siding  
17 had been used. He added that the corrugated metal material would not create glare,  
18 and that material along with the HardiePlank Lap Siding would be durable and long lasting.  
19

20 PUBLIC COMMENTS CLOSED  
21

22 Chair Giesen-Fields stated with respect to HardiePlank siding that it was similar to a wood  
23 board siding but used a composite man-made material to mimic wood. He explained that  
24 the new roof over the bathroom would have a built-up roof, the standard asphalt roofing,  
25 and the bedrooms would have composition shingles. As such, they would not be metal  
26 and rain would not create any undue noise.  
27

28 Commissioner Donaldson characterized the contemporary design as handsome; noted  
29 that the old Spanish Revival would be modified to a contemporary design; suggested the  
30 home had the makings of a very attractive addition to Marin Avenue; and liked the  
31 architect's plan to put the addition in the center of the building which would be kind to  
32 the neighbors on both sides. He also liked the vertical windows above the stairwell and the  
33 high window above the second floor; understood that metal material was new to most  
34 Albany residents who likely thought of the tin roofs of old, but did not believe it would be a  
35 noise concern based on experience from other sites; suggested it would have insulation  
36 behind it that would muffle noise; and commented that the size of the upstairs bedrooms  
37 were quite modest.  
38

39 Commissioner Donaldson stated the neighbors' concerns about the decks were legitimate,  
40 particularly the rear roof deck that was very large, and he suggested that deck be pulled  
41 in from the west side and possibly on the east side as well to shrink the size of the deck to  
42 address the privacy concerns. He was not concerned with the ground floor deck. He  
43 added that the front deck, which had a solid railing, would not be a problem and would  
44 not pose privacy concerns. He also liked that there was a solid and opaque 42-inch wall  
45 surrounding the deck.  
46

1 Commissioner Donaldson was interested in the garage door materials and whether they  
2 were reflective, wanted to verify how the metal siding would be insulated, asked about  
3 the foundation improvements that might be required, and questioned the proposed  
4 drainage.

5  
6 In response, Mr. Paul stated that the garage door had been planned to be non-reflective  
7 aluminum, with frosted glass to let light into the garage. The metal siding would be thick  
8 corrugated metal put up against plywood sheeting and the stud walls would be insulated  
9 with batt insulation and sheetrock on the inside. The metal would be left natural and there  
10 would be no noise or glare. The foundation had to be reinforced given the addition of the  
11 second floor and the roof decks, which would result in a seismic upgrade of the whole  
12 building. With respect to the roof decks and the concern for size, he did not see that the  
13 decks would be a problem but could look at reducing the size of the rear roof deck. He  
14 stated the front roof deck would not be an issue. He commented that it made sense to  
15 bring the deck to a corner of the master bedroom, bringing it in about five feet to the  
16 neighbor to the east, and the same could be done on the west, which would reduce the  
17 size of the deck.

18  
19 Chair Giesen-Fields clarified that the metal siding would be left in a natural metal matte  
20 finish. He asked if a solid stucco railing had been considered instead of wood, although  
21 Mr. Paul suggested that would make it look more massive.

22  
23 In response to the neighbors, Mr. Paul explained that placing the addition in the middle of  
24 the house would create an unnoticeable addition in that it would be set back significantly  
25 from the street retaining the appearance of a one-story bungalow; a closed guardrail  
26 would beef up the size and the open wood guardrail would mitigate that to some extent.  
27 He suggested it would be odd to have a stucco wall set back five feet from another stucco  
28 wall, although he agreed with the suggestion for a planted trellis to screen the view.

29  
30 Commissioner Kent spoke to the concerns expressed by residents with respect to privacy  
31 and suggested the idea of an open deck had created an unnecessary concern in that  
32 even without the deck there could be views out the back window into a neighbor's yard.  
33 He did not believe that removing the deck or making it smaller would resolve privacy issues  
34 to the residents to the south and he suggested that something could be grown in that area  
35 to screen it. He added that the site was zoned to allow two stories. He suggested that  
36 more and more decks might be considered in the future given the need to get outside but  
37 agreed with the need to screen them to address privacy issues and stated there were ways  
38 to address that concern. He agreed with the concern for a large deck and suggested  
39 that the decks would likely be used for play areas in the future, which could create  
40 concerns. He liked the architectural elements and the contrast of the Spanish to the  
41 contemporary and liked the well-designed project that had been designed to minimize  
42 impacts to neighbors. He stated all the issues could be addressed through design.

43  
44 Commissioner Menotti also liked the bold design and the contrast in materials, and with  
45 respect to the idea of shrinking the deck in the back suggested there might be landscape  
46 treatments that could screen the deck and the backyard to provide some privacy to the



1 neighbor to the south. He had no problem with the parking exception. With respect to the  
2 Residential Design Guidelines which talked about encouraging porches, he stated it did  
3 not talk about decks and suggested in the future there should be a design guideline  
4 approach to decks.

5  
6 Commissioner Donaldson agreed with the need to consider the Residential Design  
7 Guidelines and the design review of contemporary home sites. He also had no problem  
8 with the parking exception.

9  
10 Chair Giesen-Fields agreed that the integration of contemporary designs into the  
11 traditional fabric of house styles needed to be considered. He supported the parking  
12 exception for the project, characterized the lot size as modest, suggested that  
13 Commissioners Kent and Donaldson's suggestions to shrink the rear deck could be  
14 supported by pulling the east side of the deck in along with the bedroom wall, although  
15 he could leave the edge of the deck on the west wall and employ some latticework to  
16 obscure the direct view and create a visual block on the west side. He suggested pulling  
17 the deck in five feet would be sufficient to add to the level of privacy to the neighbors to  
18 the east, and could support specific conditions to address the deck in terms of recessing it  
19 and requiring some type of wooden lattice, to be worked out with staff and the applicant  
20 on the west side.

21  
22 Commissioner Donaldson supported a structural solution and recommended that the  
23 railing be pulled back three to five feet to break the line of sight between the adjoining  
24 bedroom window and people standing on the deck. He liked the idea of a deck  
25 decoration or landscaping to totally obscure the view of the deck.

26  
27 Chair Giesen-Fields supported that idea because it would give some flexibility to the  
28 applicant while still addressing the issues, but if requiring a structural setback that would  
29 address the noise issue by forcing them to be further away from the neighboring property.

30  
31 Commissioner Kent supported a lattice screen.

32  
33 Chair Giesen-Fields suggested the applicant could have the option of pulling the deck in  
34 several feet or providing a lattice screen. He recommended a landscape plan for the rear  
35 property given the high floor area ratio (FAR).

36  
37 Commissioner Kent recommended the planting of an evergreen tree to help screen the  
38 neighbor to the south.

39  
40 **Motion to approve PA 16-014 for 1304 Marin Avenue, subject to conditions:**

- 41 • That the rear or southern roof deck on the east side be pulled in to
- 42 align with the bedroom wall;
- 43 • The west side southern roof deck wall be either recessed 2.5 to 3 feet
- 44 or kept where shown in the proposal but with the addition of a five-
- 45 foot lattice screen to be chosen by the applicant;
- 46 • A vegetative screen to be planted along the southern property line;

- **That a landscape plan be submitted for staff review; and pursuant to the staff report dated March 23, 2016:** Giesen-Fields

Seconded by: Menotti

AYES: Donaldson, Kent, Menotti, Giesen-Fields

NAYES: None

ABSENT: Friedland

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

Chair Giesen-Fields identified the 14-day appeal period.

**C. PA-15-057 Design Review and Parking Exception for 939 Evelyn Avenue.**

The applicant is seeking Design Review and Parking Exception approval for a first and second story addition at 939 Evelyn Avenue. The subject site is 2,500 square feet with an existing 658 square foot one bedroom, one bathroom home built in 1935. The first floor addition includes 155 square feet at the rear to provide an expanded kitchen space, dining room, and new deck. The second story addition includes 519 square feet with three bedrooms and two bathrooms. This will result in a four bedroom, three bathroom home 1,496 square feet in area. The second story addition will be set back 3 feet to comply with setback standards. The existing garage space is proposed to be removed and a 7 foot 6 inch by 16 foot parking space is proposed in the rear yard. A second off-street parking space 7 feet 6 inches by 18 feet is proposed in the front yard setback.

A Parking Exception is required to allow the second space in the front yard setback area. The home will have a front gable roof and a maximum height of 28 feet. **Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated March 23, 2016.**

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

Ms. Hersch presented the staff report dated March 23, 2016.

**Jerri Holan**, the Project Architect, explained that the primary design difference between this and other similar projects for MacGregor homes was that the second story wall at the north property line had been made a conforming wall set back three feet, and while it was not structurally as strong as the previous design, it allowed the addition to be constructed without disturbing the neighbors and preserved the atrium which was a key element of the design, although the atrium had gotten narrower. Because the wall was not on the property line, they would be able to install non-rated operable windows and in this case a dormer window had been added on the north wall to give much-needed light and air to the atrium. The dormer window also provided visual interest and broke up the large expanse of stucco wall on the north elevation.

1 Given the narrower second story, Ms. Holan explained that the master bedroom had been  
2 moved forward over the living room ceiling. The small living room featured a cathedral  
3 ceiling which needed to be preserved. Consequently, the floor of the master bedroom  
4 had to be built over the raised ceiling so the addition was two feet taller than the previous  
5 design. She added that because of the new foundation, the front porch would be  
6 conforming in every way. In addition, the parking and driveway conformed; new front  
7 blackstone landscaping would be installed; privacy glass would be provided where  
8 requested; and the character, detail, and quality of the MacGregor home would be  
9 maintained, including the maintenance of the brick chimney although a gas insert might  
10 be required given that the master bedroom had moved closer to the existing chimney.  
11 Aluminum sliding windows would be replaced with wooden double-hung windows, and all  
12 plumbing and electrical fixtures and insulation throughout would be upgraded. She  
13 requested that the project be approved in that it conformed in every way with Albany's  
14 Zoning Ordinance and with many other similar front yard parking exceptions.  
15

16 Commissioner Menotti asked about the window at the master bedroom, which Ms. Holan  
17 explained was intended to balance the light, and while a larger window could have been  
18 proposed, the small window added interest and style and was consistent with the vintage  
19 home.  
20

#### 21 PUBLIC COMMENTS OPENED 22

23 **Sarah Woodard**, 937 Evelyn Avenue, Albany, requested that the application be continued  
24 given that her husband was out of town and he had substantive comments to make. Her  
25 concerns related to the shading of her solar panels, particularly because her fully battery-  
26 backed-up-system provided electricity to the neighborhood when the grid went down in  
27 an emergency situation.  
28

29 Ms. Woodard offered to pay for a shade study to discern the exact impact of the increased  
30 roofline, although she recognized that the Commission did not have the authority to require  
31 a shade study. She suggested that the applicant could have cathedral ceilings without  
32 shading her solar panels, did not have to stack the two cathedral ceilings over each other,  
33 and did not have to step the roof to increase the height of the walls. She expressed  
34 concern that the building looked like a tower from the front and suggested a lower profile  
35 roofline would be more harmonious with the neighborhood. She also noted that the  
36 dormer window further exacerbated the shading and offered an imbalance to the street  
37 view of the home, and she objected to the one wall that had three different window styles  
38 that would look onto her roof, the solar panels, and possibly into her bedroom. She  
39 suggested there were many ways to bring light into the atrium other than through a window  
40 on the north facing wall.  
41

42 Ms. Woodard suggested the story poles were incomplete and should be completed to  
43 identify what had actually been proposed; stated the front elevation in the staff report was  
44 an old one; and noted that the driveway did not meet the required 7-foot continuous width  
45 and should be brought into code.  
46

1 **Frank Bergamanschi** reported that he had been asked by the Woodards to review the  
2 plans given that the proposal seemed larger than what the applicant had identified. After  
3 his review of the plans, he suggested the lower floor was 894 square feet in size while the  
4 upper floor imposed on the lower floor was 763 square feet in size, and even with a stair  
5 allowance the proposal was 100 feet over the FAR. He also noted that the light from the  
6 dormer could be accomplished in another way, suggested the dormer detracted from the  
7 design, and stated the use of another window and skylights could offer better function. He  
8 also noted that in old solar arrays, a partial shading of one panel could reduce the output  
9 in the entire range of panels, in the case of the Woodards, a 24-panel array.

10  
11 **Michelle Haitrick**, 941 Evelyn Avenue, Albany, stated her concern was that the house  
12 looked enormous compared to the adjacent homes. She expressed concern with the  
13 impact on parking from a two bedroom to a four bedroom home, although her primary  
14 concern was with respect to privacy where the second story would impact her backyard.  
15 She had requested privacy windows to address that concern. She explained that the  
16 proposal was for a home that would be sold and she sought consideration for those who  
17 would have to live with the space and the impacts to the neighborhood.

18  
19 PUBLIC COMMENTS CLOSED

20  
21 Commissioner Donaldson recognized the progress that had been made with respect to  
22 the proposal. He was pleased there would be no non-conformity issues, but questioned  
23 the FAR and asked if staff had an opportunity to review that situation.

24  
25 Ms. Hersch advised that she had received the information after it had been submitted to  
26 the Commission.

27  
28 Having received the drawings this morning, Ms. Holan explained that the calculations had  
29 been done incorrectly in that the atrium on the second floor had been calculated twice;  
30 it was 88 square feet, which was the main difference.

31  
32 Ms. Holan emphasized that she had gone over the calculations on more than one  
33 occasion, trusted her calculations and those that had been done by staff, and stated the  
34 square footage that she had provided was correct. She emphasized there was no desire  
35 to go over the FAR.

36  
37 Commissioner Donaldson supported the parking exception. He suggested the outstanding  
38 issue was the question of blocking the solar panels next door. He explained that there were  
39 no rules to protect existing solar panels and there was always a balancing act for design  
40 review with respect to potentially shading solar panels, which could also be shaded by  
41 trees, and a balancing act between design review standards and how that would affect  
42 adjacent properties. Using his personal experience with solar panels on his own  
43 MacGregor home, he explained that the complicated roof system meant that solar panels  
44 could not be installed where they would all have sunlight at the same time in that his own  
45 house shaded some of his solar panels. He did not believe the neighbor's solar panels  
46 would be compromised, and even with a taller building suggested some production would

1 be lost in the winter months when production would be reduced anyway. While there  
2 would be an impact, he did not believe it would be serious and significant. He asked Ms.  
3 Holan whether the height of the building and the larger dormer window could be reduced  
4 a few inches.

5  
6 Ms. Holan stated that the step down roof was the same argument she had earlier  
7 presented when she did not want to structurally offset the upstairs story wall, which was a  
8 horizontal plane and a sheer element in that when broken it would be weakened, and if  
9 the back roof was lowered it would not be earthquake safe. A stronger resistance would  
10 be one horizontal plane. She referred to the small 14 by 16 foot living room with a 9 foot 6  
11 inch high ceiling, and stated if lowered it would encroach on the ceiling in the living room.  
12 She commented that the top roof rafter was at 8 feet 0 inches, a minimal height for a  
13 bedroom. Regarding the large dormer window, it had been designed as an awning  
14 window to get air into the atrium, which was now two feet narrower than before. She did  
15 not believe in skylights. She suggested inches might be able to be taken from the dormer  
16 window.

17  
18 Commissioner Kent advised that he had done a quick analysis of the solar and suggested  
19 there would be little impact on the roof, but aside from the solar issue, he questioned the  
20 privacy issue and potential views toward the adjacent neighbor's bedroom.

21  
22 Ms. Holan explained there would be a source of light but not direct light into that window.  
23 She noted the awning part of the window could be made translucent although it would  
24 be totally private and no one would be able to see the house. She stated the adjacent  
25 bedroom on the north side was 10 feet away and the windows on the other side were five  
26 feet away from the house where the opaque glass had been added on the lower sash.

27  
28 Commissioner Kent commented that he had been frustrated by a lack of dimensions on  
29 the plans. He did not see that solar would be an issue, and acknowledged Ms. Holan's  
30 statement that the window would not line with the bedroom and there would be no  
31 privacy issue. He otherwise expressed concern for the landscape paving for the parking  
32 stall and the concern the stones could break, raise, and shift.

33  
34 **Sue Oda**, the Landscape Architect, reported that 24 inch by 24 inch size pavers could be  
35 used, which would allow more space for planting.

36  
37 Commissioner Kent wanted the stones to be set into the gravel and not sit on top of the  
38 gravel.

39  
40 In response to Commissioner Donaldson with respect to the size of the double windows on  
41 the south side in the back bedroom, Ms. Holan stated the bedrooms were very small, barely  
42 above code minimum, and the more light and air into them the more spacious they would  
43 feel. The windows were less than the 25 percent allowed by the energy code, and opaque  
44 glass would be used to provide privacy to the southern neighbor. It was noted that the  
45 lower sash would be opaque while the top would not.

1 When asked by Ms. Haitrick, Ms. Holan stated that the window in the back could be  
2 opaque as well.

3  
4 Mr. Bergamanschi spoke to the remarks that he had counted the atrium twice;  
5 commented that the numbers were inconsistent in the staff report, the presentation, and  
6 the plans; and expressed a desire to address that concern to avoid having to go to appeal.  
7

8 Chair Giesen-Fields commented that he was pleasantly pleased with the redesign,  
9 appreciated the responsiveness to the concerns for the non-conforming wall and pulling it  
10 back, appreciated the applicant's response to the off-street parking in the front for  
11 permeable landscaping, and liked the redesign as being true to a smaller MacGregor  
12 home than what had first been presented. He appreciated the effort to make the lower  
13 sashes opaque, and in terms of maintaining the status quo of access to light stated there  
14 was nothing the Commission could do in terms of its authority to address that issue beyond  
15 the local codes other than making sure that the application remained within the required  
16 height limit, which it did. In terms of the FAR, he gave deference to staff efforts to ensure  
17 that the application met all the City's requirements and he would therefore accept as  
18 valid what had been presented in the proposal. He had no problem approving the project  
19 as presented.  
20

21 Commissioner Menotti also appreciated the changes that had been presented, noted  
22 there were trade-offs on all projects, recognized the potential for some shading of the solar  
23 panels at least during the winter months, and supported the project with a condition to  
24 verify the FAR.  
25

26 **Motion to approve PA 15-057 for 939 Evelyn Avenue, including the parking**  
27 **exception subject to a condition that:**

- 28 • **there be opaque glass on the windows on the southeast corner,**  
29 **second floor;**
- 30 • **a condition that the architect make an effort to reduce the height of**  
31 **the dormer by a couple of inches subject to approval by staff;**
- 32 • **that the FAR be verified by a third party as offered by the project**  
33 **architect;**
- 34 • **with the pavers to be vehicle rated;**
- 35 • **and pursuant to the staff report dated March 23, 2016: Donaldson**

36 Seconded by: Menotti

37 AYES: Donaldson, Kent, Menotti, Giesen-Fields

38 NAYES: None

39 ABSENT: Friedland

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

41  
42 Chair Giesen-Fields identified the 14-day appeal period.  
43

44 **7. NEW BUSINESS: None**

45  
46 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Ms. Hersch reported that the City Council had recently discussed Measure D, which was the voter mandated parking measure from 1978 requiring two parking spaces per dwelling unit. She stated the City Council had given staff clear direction to craft language for the November 2016 ballot to eliminate those parking provisions and allow the City Council the authority to set parking standards.

She also reported that the Commission’s approval of the public art at the UC Village had been appealed to the City Council, and the City Council had approved a mid-year budget augmentation in early March to hire an Associate Planner.

Ms. Hersch reminded Commissioners of the deadline for submittal of Form 700s.

**9. NEXT MEETING:** April 13, 2016

**10. ADJOURNMENT**

The meeting was adjourned at approximately 10:10 P.M.  
Next regular meeting: Wednesday, April 13, 2016 at 7:00 P.M. at Albany City Hall.

---

Submitted by: Anne Hersch, City Planner

---

**Jeff Bond, Community Development Director**