

# *City of Albany*

## **Planning & Zoning Commission Minutes of May 11, 2016 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 regular meeting of the Planning & Zoning Commission was called to order by Chair Giesen-Fields in the City Council Chambers at 7:00 P.M. on Wednesday, May 11, 2016.

- 2. PLEDGE OF ALLEGIANCE**

- 3. ROLL CALL**

Present: Donaldson, Friedland, Kent, Menotti, Giesen-Fields

Absent: None

Staff Present: City Planner Anne Hersch

- 4. CONSENT CALENDAR**

Commissioner Donaldson requested the removal of Item 4C for 838 San Carlos Avenue from the Consent Calendar.

- A. Planning & Zoning Commission Meeting Minutes from April 27, 2016**

- B. PA 16-013 Zoning Clearance Verizon Antenna Replacement at Golden Gate Fields (1100 Eastshore Highway).** The applicant is seeking Zoning Clearance approval to replace six (6) existing antenna panels on a legally conforming wireless facility at Golden Gate Fields. The Verizon facility was approved in 2010 and constructed in 2011 and includes a stealthed 60-foot tall observation tower located on the north side of the track in the corporation yard. The applicant is proposing to replace six existing antennas with six new antennas as well as replacing the existing pipe mounts. The proposed antennas are the same size as the existing antennas.  
**Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated May 11, 2016.**

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

1 C. **PA 16-032 Design Review for a Lower Level Addition at 838 San Carlos**  
2 **Avenue.** The applicant is seeking Design Review approval to convert 703  
3 square feet of unfinished lower level space to habitable space. The  
4 applicant received design review approval to convert 466 square feet of  
5 lower level space to habitable space at 838 San Carlos Avenue in 2015.  
6 The subject lot is 5,000 square feet with an existing 1,635 square foot three  
7 bedroom, one bathroom home built in 1920. The applicant is proposing to  
8 complete excavation of the lower level area and create two new  
9 bedrooms and two new bathrooms. The overall height of the home is  
10 proposed to increase to 22 feet 6 inches. The lower exterior portion of the  
11 home is proposed to be stucco and horizontal siding will remain on the rest  
12 of the existing home. This will result in a 2,485 square foot five bedroom,  
13 three bathroom home. The home is Craftsman in appearance and is  
14 proposed to remain. Two off-street parking spaces are provided in the  
15 detached garage and adjacent driveway. **Recommendation: Review**  
16 **and approve subject to the findings and Conditions of Approval attached**  
17 **to the staff report dated May 11, 2016. CEQA: The project is Categorically**  
18 **exempt pursuant to Section 15303 "New Construction or Conversion of**  
19 **Small Structures."**

20 [REMOVED FOR DISCUSSION]

21  
22 **Motion to approve Consent Item A, the Planning & Zoning Commission**  
23 **Meeting Minutes from April 27, 2016, as submitted; and Consent Item B, PA**  
24 **16-013 for 1100 Eastshore pursuant to the staff report dated May 11, 2016.**  
25 Menotti

26 Seconded by: Donaldson

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

28 NAYES: None

29 ABSENT: None

30 **Motion passed, 5-0**

31  
32 Chair Giesen-Fields identified the 14-day appeal period.

33  
34 The following item was removed from Consent for discussion.

35  
36 C. **PA 16-032 Design Review for a Lower Level Addition at 838 San Carlos**  
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38 square feet of unfinished lower level space to habitable space. The  
39 applicant received design review approval to convert 466 square feet of  
40 lower level space to habitable space at 838 San Carlos Avenue in 2015.  
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42 bedroom, one bathroom home built in 1920. The applicant is proposing to  
43 complete excavation of the lower level area and create two new  
44 bedrooms and two new bathrooms. The overall height of the home is  
45 proposed to increase to 22 feet 6 inches. The lower exterior portion of the  
46 home is proposed to be stucco and horizontal siding will remain on the rest

1 of the existing home. This will result in a 2,485 square foot five bedroom,  
2 three bathroom home. The home is Craftsman in appearance and is  
3 proposed to remain.

4 Two off-street parking spaces are provided in the detached garage and  
5 adjacent driveway. **Recommendation: Review and approve subject to the**  
6 **findings and Conditions of Approval attached to the staff report dated May**  
7 **11, 2016.**

8  
9 ***CEQA: The project is Categorically exempt pursuant to Section 15303 "New***  
10 ***Construction or Conversion of Small Structures."***

11  
12 City Planner Anne Hersch presented the staff report dated May 11, 2016, and explained  
13 that the application represented Phase II of the proposal; Phase I had been approved a  
14 year ago.

15  
16 Commissioner Donaldson commented that while not in opposition to the project, he was  
17 concerned that the project would be at a .49 floor area ratio (FAR), above the .45 where  
18 excellence in design was required. Having visited the site, he stated the project did not  
19 meet the standards of excellence in design, particularly with the way the home faced the  
20 street where it appeared the structure had been lifted up with elephantine pillars on the  
21 Craftsman style home that appeared to be hanging without being tied into the new stucco  
22 down below; the front entrance to the house used a cheap wooden railing; and the  
23 storage room in the front of the building on the north side of the home had a door to  
24 nowhere. He added that the storage room had not been shown consistently in the plans,  
25 had not been weatherproofed, had no window, and the massive 8 x 10 piece of stucco  
26 was right on the front sidewalk. At a minimum, he recommended the implementation of  
27 a landscape plan beyond the maple tree that had been proposed in the front of the  
28 storage room. He expressed concern that the project would end up being an eyesore and  
29 he reiterated that the plan did not meet any quality of design standards. He expressed a  
30 desire that the applicant redesign the front entry staircase and do something to  
31 incorporate the stucco banister and the columns into the overall structure.

32  
33 Ms. Hersch responded to the Commission's question about its scope and purview of the  
34 project that it had previously considered and approved, by explaining that the  
35 Commission still had the discretion to make modifications.

36  
37 Commissioner Kent asked what portion of the interior was new, and Ms. Hersch explained  
38 that last year the Commission had approved the raising of the building and improvements  
39 to 466 square feet of the lower level. Phase II would improve 703 square feet of unfinished  
40 lower level space to habitable space.

41  
42 Commissioner Friedland also expressed concern with a lack of excellence, and made a  
43 motion to approve PA 16-032, subject to the submittal of a satisfactory landscape plan to  
44 be approved by staff to mask the front façade, with some way to tie the columns into the  
45 overall structure.

1 On the motion, Chair Giesen-Fields agreed with the concerns expressed and suggested  
2 there were ways to address the issues, particularly with respect to the columns to add some  
3 depth or to do a second concrete pour at the columns. Given the absence of the  
4 applicant, he suggested a continuance might be in order, although he recognized the  
5 motion on the floor at this time.

6  
7 **Restated Motion to approve Consent Item C, PA 16-032 for 838 San Carlos**  
8 **Avenue, subject to the submittal of a satisfactory landscape plan to be**  
9 **approved by staff to address the concerns expressed by the Commission,**  
10 **and a revision to the façade to connect and blend the columns with the**  
11 **new stucco below in an appropriate manner, and pursuant to the staff**  
12 **report dated May 11, 2016. Friedland**

13 Seconded by: Menotti

14 AYES: Friedland, Kent, Menotti,

15 NAYES: Donaldson, Giesen-Fields

16 ABSENT: None

17 **Motion passed, 3-2**

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

20  
21 **5. PUBLIC COMMENT**

22  
23 There were no public comments.

24  
25 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

- 26  
27 A. **PA 16-027 Temporary Use Permit for 2016 Albany Haunt at 1048 Peralta**  
28 **Avenue.** The applicant is seeking approval of a Temporary Use Permit for a  
29 haunted house event in the backyard at 1048 Peralta Avenue. The event  
30 is open to the general public and involves the construction of a temporary  
31 structure in the rear yard. The installation is proposed to be 686 square feet  
32 and assembly of the installation will begin five weeks before the scheduled  
33 event dates. The applicant is proposing to hold the haunted house event  
34 on October 29, 2016 from 6:30 to 10:00 P.M., and October 31, 2016 from 6:00  
35 to 9:30 P.M. **Recommendation: Review and approve subject to the findings**  
36 **and Conditions of Approval attached to the staff report dated May 11, 2016.**

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

40  
41 City Planner Anne Hersch presented the staff report dated May 11, 2016.

42  
43 Commissioner Donaldson verified with staff that one letter of opposition had been  
44 submitted on the application from a neighbor across the street, although staff had  
45 received no communication from the next door neighbor who had opposed the  
46 application last year.

1  
2 **Sam DuBois**, 1048 Peralta Avenue, Albany, reported that he raised money through the  
3 Albany Haunt fundraiser to help feed the hungry. He stated that this year's proposal was  
4 smaller, shorter, and would cause fewer impacts to the neighborhood than last year's  
5 Haunt. He noted the prior recommendation to move the event to another location but  
6 explained that the expense and lack of availability of local properties had made  
7 relocation of the event unfeasible.

8 Mr. DuBois clarified that contrary to the staff report, there was no form of admission to the  
9 Albany Haunt although donations to feed the hungry were accepted.

10  
11 **Holly DuBois** explained that last year's event had gone well; the terms of the conditions of  
12 approval had been met; and they had worked successfully with City staff, the Fire  
13 Department, and many volunteers to ensure the safety of every visitor and to manage  
14 neighborhood impacts. She reported that the teens had donated 3,200 meals to the  
15 Alameda County Community Food Bank, and as a result her son Sam DuBois was being  
16 honored for his commitment to ending hunger in the community at the Food Bank's annual  
17 event next week. She advised that this year's project had been planned with great care  
18 and consideration, and while reducing the scale might not have been necessary, he had  
19 wanted to have a good fit in the neighborhood. She added that people loved the event  
20 because it built community, and the need for volunteers had brought people together and  
21 had turned neighbors into friends. She requested approval of the application so that the  
22 project could move forward.

23  
24 Chair Giesen-Fields asked about the efforts that had been taken to move the event to  
25 another site, and Ms. DuBois stated that none of those opportunities had worked out; the  
26 scale of the event had been reduced to keep it simple given that the teens would be more  
27 focused on their studies.

28  
29 PUBLIC HEARING OPENED

30  
31 **Daniel Presher** advised that he had worked with Sam DuBois on the Albany Haunt, and  
32 having attended the event stated the crowd had been well behaved and the event had  
33 been great fun. He noted the staff report had mentioned that the parking had been used  
34 up on the street, which he stated was deceptive in that there had been a rotating group  
35 of people and finding a parking space had not been that difficult, although at any given  
36 point in time quite a few people had parked on the street. He had worked with Sam on  
37 the alternatives although that effort had not proven to be successful given the fact that  
38 most landlords required a long-term lease and it was difficult to find something early  
39 enough to work out. He referred to the media circus last year and had recommended  
40 that the Albany Haunt be advertised locally in the schools given that less media was  
41 preferred. He urged the Commission to consider the request and likened the Albany Haunt  
42 to the Solano Stroll in terms of fun that worked well for the community.

43  
44 **Gary Kratkin**, the south side neighbor, did not oppose the application. He understood the  
45 proposal was being reduced this year in terms of size and length of construction but asked  
46 why five weeks were needed to construct the event and preferred a month. He

1 understood that construction hours were governed by standard construction permits but  
2 asked that Saturday construction not be allowed to start prior to 9:00 A.M., and 10:00 A.M.  
3 on Sundays.

4  
5 **Deborah Lee** reported that she had been one of the adult volunteers for the event last  
6 year, and her sons had also worked on the event. She emphasized the importance of the  
7 project for the youth involved; had been impressed with the creativity of all those involved;  
8 stated that Sam DuBois had been very responsible; and emphasized the value of the event  
9 and the importance of keeping the noise level as low as possible.

10  
11 **Nancy DuBois** reiterated that the media had been out of control last year and was not  
12 what anyone had wanted to occur. She asked everyone to move forward, allow Sam  
13 DuBois to create the event, leave the media behind, and allow the neighbors to have their  
14 peace as well.

15  
16 **Bill Cooper**, the immediate neighbor to the north, supported the event which had gone  
17 smoothly last year, acknowledged that the media had been crazy, and noted that the  
18 event would be scaled down this year.

19  
20 When asked why assembly and installation would require five weeks, Holly DuBois  
21 explained that City staff had asked for a minimum two weeks prior to the event to allow  
22 an inspection and the implementation of safety improvements. She did not expect  
23 construction to occur for five weeks and suggested that potentially three weeks might be  
24 required given that the framework had previously been constructed and was reused year  
25 after year. With regards to start of construction on the weekends, she supported a  
26 condition to limit the start of construction time, as requested.

27  
28 PUBLIC HEARING CLOSED

29  
30 Commissioner Friedland wholeheartedly supported the application, the thoughtfulness in  
31 which it was prepared, the responsiveness to the neighbors, the civic activism of those  
32 involved, and stated it was exactly the kind of event that made Albany special; engaged  
33 young people, brought civic awareness around the process, and required a coordinated  
34 organized effort that was a great civic lesson, which the process rewarded.

35  
36 Commissioner Menotti concurred, appreciated the applicant's industriousness over the  
37 years, and the modifications to address the neighbor's concerns.

38  
39 Commissioner Kent agreed and supported the compromise and the reduction in size for  
40 the neighbor's benefits.

41  
42 Commissioner Donaldson was pleased to see the early application and the advance  
43 preparations, and expressed his hope the applicant appreciated the efforts of all those  
44 working to help him with his project.

1 Chair Giesen-Fields reported that he had attended the Albany Haunt last year. He  
2 appreciated that the applicant had attempted to find other areas to locate the event,  
3 had worked with the community and the neighbor to address the neighbor's concerns,  
4 and urged the applicant to continue good will with the neighbor and observe a later start  
5 time on the weekends.

6  
7 **Motion to approve PA 16-027 for 1048 Peralta Avenue, subject to a**  
8 **construction period of 10:00 A.M. to 6:00 P.M. on Saturdays and Sundays,**  
9 **and pursuant to the staff report dated May 11, 2016:** Menotti

10 Seconded by: Friedland

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

12 NAYES: None

13 ABSENT: None

14 **Motion passed, 5-0**

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

16  
17 Commissioner Donaldson advised that he would have to recuse himself from the next item.  
18 He left the dais and the City Council Chambers at this time.

- 19  
20 **B. PA 16-026 Design Review for a New Single-Family Home at 728 Cornell**  
21 **Avenue.** The applicant is seeking Design Review and Parking Exception  
22 approval to demolish and construct a new single-family home at 728  
23 Cornell Avenue. The subject site is a 2,500 square foot lot with an existing  
24 two bedroom, one bathroom home built in 1924. Due to extensive mold  
25 and lead paint issues, the applicants would like to demolish the existing  
26 home and construct a new 1,498 square foot three bedroom, two and a  
27 half bathroom home with a maximum height of 26 feet 2 inches. The home  
28 will have a modern appearance with corrugated steel and concrete  
29 exterior. A rear facing second story roof deck is proposed. Two off-street  
30 parking spaces are proposed to be located in the driveway. (Continued  
31 to a date certain from April 13, 2016) **Recommendation: Review and**  
32 **approve subject to the findings and Conditions of Approval attached to the**  
33 **staff report dated May 11, 2016.**

34  
35 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**  
36 **Construction or Conversion of Small Structures."**

37  
38 City Planner Hersch presented the staff report dated May 11, 2016.

39  
40 **Jai Kurmaran**, Project Architect, identified the proposal to maximize the best use of space  
41 for the owner and minimize the impacts to both the street frontage and the surrounding  
42 neighborhood. The living room had been situated to the back of the project and opened  
43 to the backyard to expand the living area for the family. The parking was now on the south  
44 edge of the project to minimize the impact of cars along the narrow 25-foot street  
45 frontage. The changes that had been made in addition to those requested by the  
46 Commission for landscape screening and a landscape plan, included an adjustment to

1 the front fence area with a bench to offer more scale and guide one back towards the  
2 entry; an orange door and a number had been added to draw one back; and the scale  
3 had been broken down further to improve the project. Additionally, some good faith  
4 gestures had been made to reduce the impact of the project on the neighbor, one of  
5 which was a reduction of height to 25 feet, reducing the height by 14 inches and in some  
6 areas by three feet; on the north elevation the size of the upper two windows had been  
7 brought up to help minimize the impact of views down to the neighbor; and the lower half  
8 of a window would be frosted to let in light but mitigate views.

9  
10 Commissioner Menotti referred to the entrance treatment and asked what lighting had  
11 been proposed to further identify the entry, to which Mr. Kumaran pointed out where  
12 lighting had been proposed to lead down the building and at the entry.

13  
14 Chair Giesen-Fields noted that when initially presented, the volume and footprint of the  
15 building had been intended to maximize the useable space while also providing the  
16 required parking.

17  
18 Commissioner Friedland asked about the selection of exterior materials, to which Mr.  
19 Kumaran stated that the intent was to offer texture and break up the scale of the building.  
20 He pointed out the lower piece that was clad in vertical corrugated metal and a stucco  
21 or plaster top that would help the building not look monolithic and break down the scale.  
22 He also clarified that there would be no glare associated with the matte corrugated metal  
23 and there would be no sun on the north side of the building.

24  
25 Chair Giesen-Fields also referred to the prior discussion with respect to the Residential  
26 Design Guidelines where the front of the house was to offer an inviting entrance, and the  
27 attempts to make the front of the house look more inviting to the public. To that end, the  
28 Commission had offered recommendations to make that area more inviting.

29  
30 PUBLIC HEARING OPENED

31  
32 **Margaret Reh**, the next door neighbor, commented that just because there were not as  
33 many neighbors present for this meeting than the prior meeting did not mean the  
34 neighbors' objections had been resolved. She suggested that the changes that had been  
35 made were too minor to represent a significant change to the impacts to her and to the  
36 use of her property. She commented that when she had replaced her one-car garage  
37 she had also wanted a roof deck, although she had been told by City staff that she could  
38 not do that since it would look down on her neighbor's yard and invade that neighbor's  
39 privacy. She had a problem that the subject proposal would do just that to her privacy. In  
40 addition, the proposal did not follow the Residential Design Guidelines, there was no front  
41 porch, and she suggested the bench would become a public nuisance. She highlighted  
42 the other essential Design Guidelines that the proposal did not meet and stated the  
43 proposal would completely block any sunlight into her backyard in that there would be a  
44 wall with one window right into her bedroom. She presented a rough image of how the  
45 proposal would look from her property.



1 PUBLIC HEARING CLOSED

2  
3 Commissioner Kent commented that the aesthetics of the building were nice although its  
4 relationship to the neighbors and the neighborhood was a concern to him. He remained  
5 concerned with the front entry and with the bedroom in the front, which he characterized  
6 as anti-social. He stated that one of the tenets of the Residential Design Guidelines were  
7 low plantings in the front for a semi-public space, although a very private space had been  
8 created in the front which would have to be screened with vegetation creating an  
9 ongoing burden. He expressed concern that the building was too different from the other  
10 buildings in the neighborhood and did not fit well.

11  
12 Commissioner Menotti recognized the small site where parking had driven the  
13 configuration of the layout. Overall, he stated the design was attractive; a modern  
14 building that was different for the block, but of a high quality; and he acknowledged that  
15 the applicant had attempted to address the concerns that had been raised at the last  
16 meeting, particularly with respect to screening the windows and the location of many of  
17 the windows to protect the privacy and light of the adjacent neighbor.

18  
19 Commissioner Friedland concurred that the building had been beautifully designed, of  
20 high quality, and was different from anything else on the street; that changes had been  
21 made, as suggested, although there would be impacts to the neighbor which would be a  
22 problem with any building of the proposed scale. She stated it was unfortunate that the  
23 parking had driven the design and expressed her hope that the City over time could  
24 change its policy to avoid those types of impacts to design.

25  
26 Chair Giesen-Fields agreed that the building was beautiful, a contemporary design which  
27 the City lacked, and just because of the contemporary modern aesthetic did not mean it  
28 should be excluded from the fabric of Albany. He supported the diverse addition to the  
29 City's housing stock, and was appreciative of the fact that the applicant had designed  
30 the project to meet all the City's requirements in terms of height, zoning, setback, and  
31 parking. He was also pleased that the applicant had responded to the Commission's  
32 comments and suggestions; with the color of the door, added lighting, the numbers for  
33 signage, and the change in walkway materials to direct people to the front door, which  
34 helped. He personally did not find the location of the bedroom in the front to be an issue,  
35 and stated it created a private area in the front but because it was not enclosed with solid  
36 walls and the fence was limited to three feet, it allowed an opportunity for play between  
37 public and private. He agreed that moving the windows up and including opaque glazing  
38 would mitigate the possibility of someone looking down to the neighbor's property, and  
39 with respect to the privacy issue understood that there were no laws that explicitly and  
40 expressly protected someone's privacy, which boiled down to building height limits and  
41 setbacks.

42  
43 Commissioner Kent suggested that different plantings in the landscape plan could be  
44 considered so that the bedroom window did not always have to be drawn.

1 **Motion to approve PA 16-026 for 728 Cornell Avenue, pursuant to the staff**  
2 **report dated May 11, 2016:** Menotti

3 Seconded by: Friedland

4 AYES: Friedland, Menotti, Giesen-Fields

5 NAYES: Kent

6 ABSENT: Donaldson (recused)

7 **Motion passed, 3-1-1**

8  
9 Chair Giesen-Fields identified the 14-day appeal period.

10  
11 **7. NEW BUSINESS: None**

12  
13 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

14  
15 Ms. Hersch reported that Orange Theory Fitness, which had been approved by the  
16 Commission at its last meeting, had been appealed by the applicant related to the hours  
17 of operation.

18  
19 **9. NEXT MEETING:** May 25, 2016

20  
21 **10. ADJOURNMENT**

22  
23 The meeting was adjourned at approximately 8:25 P.M.

24 Next regular meeting: Wednesday, May 25, 2016 at 7:00 P.M. at Albany City Hall.

25  
26  
27  
28 \_\_\_\_\_  
29 Submitted by: Anne Hersch, City Planner

30  
31  
32 \_\_\_\_\_  
33 **Jeff Bond, Community Development Director**  
34