City of Albany

Planning & Zoning Commission Minutes of July 27, 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.

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Regular Meeting

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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, July 27, 2016.

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2. PLEDGE OF ALLEGIANCE

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3. ROLL CALL

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Present:

Friedland, Kent, Giesen-Fields

Absent:

Donaldson, Menotti

Staff Present:

City Planner Anne Hersch

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Community Development Director Jeff Bond

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4. **CONSENT CALENDAR**

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Commissioner Kent requested the removal of Items 4B and 4E, and Chair Giesen-Fields requested the removal of Item 4D from the Consent Calendar for discussion.

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A. Planning & Zoning Commission Meeting Minutes from July 13, 2016

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B. PA 16-053 Design Review and Parking Reduction for a Single-Story Addition at 1013 Stannage Avenue. [REMOVED FOR DISCUSSION]

PA 16-057 Design Review for Two-Level Addition at 1010 Peralta Avenue.

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The applicant is seeking a Design Review approval for a 34 square foot twolevel addition at the rear of the home at 1010 Peralta Avenue. The subject site is a 5,125 square foot lot with a four bedroom, two bathroom house built in 1924. The applicant is proposing to square off an existing angled rear corner at the northwest corner of the home with a 17 square foot addition on the upper level which will accommodate an expanded master bedroom and new bathroom on the second floor. The main floor will also be expanded by 17 square feet and includes a remodeled kitchen space

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with a larger breakfast nook on the main floor.

Exterior changes include new windows, an additional skylight, expanded second story deck with painted bracket details, and French doors leading into the rear yard. The existing garage is proposed to be demolished. The Craftsman style of the home will remain. This will result in a four bedroom, three bathroom 2,326 square foot home with a maximum height of 24 feet 1.5 inches. Recommendation: Review and approve subject to the findings and Conditions of Approval attached to the staff report dated July 27, 2016. CEQA: The project is Categorically exempt pursuant to Section 15303 "New Construction or Conversion of Small Structures."

- D. PA 16-061 Design Review for New Garage at 1028 Neilson Street. [REMOVED FOR DISCUSSION]
- E. PA 16-060 Design Review for a Front and Rear Addition at 806 Curtis Street. [REMOVED FOR DISCUSSION]

Motion to approve Consent Items 4A, Planning & Zoning Commission Meeting Minutes from July 13, 2016 with a clarification at the top of Page 4 for PA 16-019 for 907 Key Route Boulevard to preserve the on-street parking to the maximum extent feasible; and 4C, PA16-057 for 1010 Peralta Avenue, pursuant to the staff report dated July 27, 2016. Giesen-Fields

Seconded by: Friedland

AYES: Friedland, Kent, Giesen-Fields

NAYES: None

ABSENT: Donaldson, Menotti

Motion passed, 3-0-2

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

The following items were removed from Consent for discussion.

B. PA 16-053 Design Review and Parking Reduction for a Single-Story Addition at 1013 Stannage Avenue. The applicant is seeking Design Review and Parking Reduction approval for a single-story addition at 1013 Stannage Avenue. The subject site is 3,750 square feet with an existing 855 square foot two bedroom, one bathroom home built in 1924. The proposed 557 square foot expansion includes a new master bedroom suite, remodel and expansion of the existing kitchen and laundry room, removal of the front entry porch, and the conversion of an existing bedroom to family room space. This will result in a 1,413 square foot two bedroom, two bathroom home with a maximum height of 22 feet 8 inches. A parking reduction is required to waive the second off-street parking space due to insufficient room on the property. One off-street parking space is provided in the attached garage. Recommendation: Review and approve subject to the

findings and Conditions of Approval attached to the staff report dated July 27, 2016.

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

Commissioner Kent asked what Floor Area Ratio (FAR) required a landscape plan, and City Planner Anne Hersch advised that a .45 FAR required an exceptional design, although that had not been formalized within the Design Review Guidelines.

Howard Lasseter, the Project Architect, explained that the landscape plan had been provided as requested by staff to soften the front of the home since the covered porch would be removed and the applicants had desired low maintenance landscaping.

Commissioner Kent commented that while a landscape plan had been submitted, there was little information provided, and what had been proposed for landscaping was actually high maintenance. He suggested the applicant speak to a nursery about the landscaping, and that staff review and approve the landscape plan.

Chair Giesen-Fields expressed concern that the proposal did not create a clear path to the new front entrance as encouraged by the Design Review Guidelines, and could be confused with the existing stairs and walkway to the rear.

Mr. Lasseter clarified that the existing stairs and walkway would remain, trash cans would be located in that area, and the gate at the front of the house would be reconstructed to screen the trash cans. He also clarified, when asked, that at one point the backyard of the subject home had been accessed from the neighbor's yard since the two properties at one time had been owned by one family. Currently, the backyard was accessed from the house.

PUBLIC COMMENTS OPENED

There was no one to speak.

PUBLIC COMMENTS CLOSED

Commissioner Friedland characterized the design of the home as thoughtful and a huge improvement over the existing condition, and better met the Design Guidelines; the new design harmonized the proportion of the house, the front door, and its accessibility; and the landscaping would be improved. She liked the design of the plan, and recommended approval.

Chair Giesen-Fields concurred and noted that it made sense to use the existing sidewalk as a trash collection area and storage.

Motion to approve Consent Item 4B, PA 16-053 for 1013 Stannage Avenue, subject to staff review and approval of the landscape plan, and pursuant to the staff report dated July 27, 2016. Friedland

Seconded by: Giesen-Fields

AYES: Friedland, Kent, Giesen-Fields

NAYES: None

ABSENT: Donaldson, Menotti

Motion passed, 3-0-2

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

D. PA 16-061 Design Review for New Garage at 1028 Neilson Street. The applicant is seeking Design Review approval for a new garage at 1028 Neilson Street. The subject site is a 3,500 square foot lot with an existing 1,551 square foot three bedroom, two bathroom home built in 1922. The applicant is proposing to demolish the existing original garage and construct a 260 square foot single-car garage at the southwest corner of the home. The structure will be set back six inches from the side and rear property lines and will have a maximum height of 11 feet 6 inches. Recommendation. Review and approve subject to the findings and Conditions of Approval attached to the staff report dated July 27, 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 July 27, 2016.

Marian Tangherlini, the applicant, stated the 1922 garage was in dilapidated condition and needed to be replaced; the intention was to rebuild the garage in the same design and using the same materials to create a place for storage.

As to why the application required Planning & Zoning Commission approval, Ms. Hersch stated that in the Zoning Code any accessory structure that exceeded 200 square feet in area required Planning & Zoning Commission approval.

Chair Giesen-Fields noted that the documents to review were minimal and there were no elevations to show what the exterior would look like. He sought more detail for the record.

PUBLIC COMMENTS OPENED

There was no one to speak.

PUBLIC COMMENTS CLOSED

Chair Giesen-Fields had no objection to the project but wanted the materials to be used to be memorialized for the record.

Commissioner Kent concurred and noted that only the window size had been identified and no other information had been provided.

Ms. Hersch noted as part of the building permit submittal a manufacturer's cut sheet would be required.

Motion to approve Consent Item 4D, PA 16-061 for 1028 Neilson, subject to the submittal to staff for review and confirmation of consistency with the project application the cut sheets from the window manufacturer, the composition shingles, and the siding materials, and pursuant to the staff report dated July 27, 2016. Giesen-Fields

Seconded by: Friedland

AYES: Friedland, Kent, Giesen-Fields

NAYES: None

ABSENT: Donaldson, Menotti

Motion passed, 3-0-2

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

E. PA 16-060 Design Review for a Front and Rear Addition at 806 Curtis Street. The applicant is seeking Design Review approval for a 242 square foot first and second story addition for an existing home at 806 Curtis Street. The subject site is a 3,200 square foot lot with an existing 1,554 square foot two bedroom, two bathroom house built in 1936, last remodeled in 1960. The applicant is proposing a 79 square foot main floor addition to accommodate a bathroom and a new study space at the rear of the home. The proposed 163 square foot second floor addition at the front of the home creates a third bedroom, third bathroom, and expanded closet space for the master bedroom. The proposed design will result in a three bedroom, three bathroom, 1,756.62 square foot home with a maximum height of 20 feet 3.25 inches. Two off-street parking spaces are provided in the existing driveway and attached garage. Recommendation. Review and approve subject to the findings and Conditions of Approval attached to the staff report dated July 27, 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 July 27, 2016.

Given the .55 FAR, Commissioner Kent sought a landscape plan and verified with Ms. Hersch that could be done at the building permit phase.

Jason Kaldis, the Project Architect, described the project as similar to others in Albany where there were narrow side yard entries for the pedestrian entry and narrow side yard

access to the driveway, and on many of those sites the space beyond the living room had either a closet or angled wall to suggest traffic maneuvering. He noted the reality was that hardly anyone used the garage so there was a narrow one-car garage with a narrow space in front of it. He referred to a similar site that the Commission had approved to note how to maintain the access, which had been done with a diagonal steel beam in the basement to avoid the need to place a column at the corner. He described the decorative treatments on the front and noted that the addition on the back was more mundane and stepped back from the north property line to provide four feet of side yard given that the culvert sliced through at that point.

Mr. Kaldis explained that work had previously been done on the property, under permit, and the culvert had been located at that time with a licensed surveyor, with the outcome that a condition of approval required that during construction adjustments to the foundation might have to be made. He was prepared to do that in this case, if required. He clarified that the house was currently landscaped and there would be no alteration to that landscaping.

Chair Giesen-Fields commented that the proposal with the diagonal bracing was a good idea. With respect to the garage and parking, and specifically the buttress over it, he was particularly concerned the buttress seemed to make the garage inaccessible.

Mr. Kaldis emphasized that they had already checked and verified that the diagonal beam would work and the beam that would cantilever over the top of the diagonal would fit into the existing framework. There would be no change to the paving and no change to the site improvements.

PUBLIC COMMENTS OPENED

There was no one to speak.

PUBLIC COMMENTS CLOSED

Commissioner Friedland supported the plans and the clever solution to a tight and odd lot with a weird parking arrangement. She described the plans as well done.

 Chair Giesen-Fields agreed, liked the design elements, and stated the proposal represented a change for the better in the design of the building.

Motion to approve Consent Item 4E, PA 16-060 for 806 Curtis Street, pursuant to the staff report dated July 27, 2016. Friedland

Seconded by: Giesen-Fields

AYES: Friedland, Kent, Giesen-Fields

NAYES: None

ABSENT: Donaldson, Menotti

Motion passed, 3-0-2

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There was no one to speak.

PUBLIC COMMENT

DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING 6. **ITEMS:**

A. PA 16-059 Design Review and Conditional Use Permit for a Second Story Addition at 922 Neilson Street. The applicant is seeking approval for Design Review and Conditional Use Permit approval for a second story addition at 922 Neilson Street.

The subject site is a 3,680 square foot lot with a three bedroom, two bathroom home built in 1918, last remodeled in 1973. The applicant is proposing to excavate the basement to allow for a family room area as well as an additional bedroom. A first floor addition of 81 square feet is proposed and will be located at the front of the home. The second story addition is 660 square feet and includes two additional bedrooms, study alcove, and bathroom. The bungalow style of the home will be carried through in design elements of the proposed project. This will result in a five bedroom, three bathroom, 2,036.66 square foot home with a maximum height of 27 feet 11.25 inches. Two off-street parking spaces are provided in the existing driveway. A Conditional Use Permit is required to extend the existing non-conforming north and west walls. Recommendation. Review and approve subject to the findings and Conditions of Approval in the staff report dated July 27, 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 July 27, 2016, and verified in response to Commissioner Kent the exclusion of the basement excavation from the FAR given that the average perimeter height was less than five feet.

Jason Kaldis, the Project Architect, stated the basic strategy of adding the second story was to extend the front roof plane up to the height limit and pivot that roof plane back. He referred to a project at 925 Carmel Avenue that had done something similar up to the height limit and noted that it was most effective in massing the height from the street. The roof deck on the upper level was largely a sun space to gain solar access for the upstairs bedroom. At some time in the past there had been a garage in the back corner although at some point it had been removed. There was sufficient parking in the side yard for tandem parking. A gate had been established so that the tandem space would work without interfering with a side yard stair in the back to gain access to the basement, and a side yard stair to allow descent from the kitchen into the backyard to take out trash. The front porch already had a screen and it would be enclosed to create an entry hall.

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Mr. Kaldis stated that a number of window improvements had been proposed. In this case, all new window casements and awnings would be divided, would fit the highest style in Albany, and compositionally would still respect some of the plainness of the other houses, likely to be more appreciated from the inside than from the outside. Wide casings would be provided, an applied sub sill would emulate the sub sills of the old houses, no apron would be shown, the front porch would have an existing wind screen, and the front door would migrate out to the front porch. The back porch included a wooden railing with wooden stairs and the back door would be a half-light French door to allow a connection to the backyard. The main bedroom was to the back and no windows had been placed towards the south for privacy purposes and the absence of a window would help privacy between neighbors. The chimney would also have to be extended.

Commissioner Kent referred to the location of the gate which had been shown in two different locations, and verified with Mr. Kaldis that the gate would be located in the front. Commissioner Kent suggested the rear would be a better placement. He also verified that the driveway width would be 9.5 feet. He expressed concern with the two smaller fixed windows and verified that Windows 2 and 3 would have to be vented.

Mr. Kaldis advised that those windows would serve the utility storage area and were more for daylight than for ventilation, and there might need to be some restriction to avoid opening the windows into the driveway area. He also commented that he was concerned with Windows 4 and 5 and potential vehicle idling that could affect the applicant's property.

PUBLIC COMMENTS OPENED

Joe Pierre, 915 Neilson Street, Albany, liked the design and the improvement for the neighborhood, but expressed concern that the home was currently rented to students. His concern was for the use of the home and the applicant's intention if able to improve the property.

Bjorn Horje, 1461 Marin Avenue, Albany, whose home was to the south of the property, stated that the proposal would be huge from his backyard and tower over his open space. He suggested the structure would block sunlight from reaching his forward bedroom windows, and suggested some landscaping might be able to shield the home from his backyard. He was also concerned with water management and noted that water from the subject property spilled over into his property. He too was concerned that the property had been used as rental property and with more space suggested it could be rented to twice the number of people who currently occupied the property. He suggested that some of his concerns could be addressed if the structure was moved toward the front from the back where it would be most invasive.

Mr. Kaldis clarified that the applicant would live on the ground floor of the home although there would be a chair lift on the stair to get from the ground floor to the lower floor if that should become necessary. He also clarified that as part of the excavation of the

basement, the City required a civil engineer to design a pump system to discharge through the curb face to the street, which should provide a better situation for the neighbor, and they would also have to address whether side yard drainage was sheeting towards the neighbor and there was an opportunity to alter the grade if necessary. He suggested that higher fences or fence posts with planting might help address the privacy issues, and with respect to daylighting, it was possibly late in the day during summer where there might be some effect. He suggested that Mr. Horje would get reflection from the home during the day from the north façade. He added that he would work with the neighbors on whatever landscaping would work best.

Mr. Horje expressed his appreciation to Mr. Kaldis to work on the landscaping to reduce the loss of privacy, did not know that he would be subjected to more sunlight during the day, and stated in general the project was not very desirable from his perspective.

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PUBLIC COMMENTS CLOSED

Chair Giesen-Fields liked the aesthetic design of the project, suggested it was a good improvement, sympathized with some of the concerns related to the massiveness of the project, and appreciated the applicant's willingness to work with the neighbors to resolve the issues.

Chair Giesen-Fields added that as presented, the property would be owner occupied. He supported the applicant's willingness to adjust the grading and relocating the utility service to mitigate and runoff on the neighbor's property. He expressed his hope that the applicant and the neighbor could work out the privacy issues.

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Commissioner Friedland suggested that those issues were generally worked out prior to this time and she was disappointed that had not occurred to date. She otherwise liked the thoughtful and beautiful design.

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36 37 Commissioner Kent supported the design and noted that some of the privacy issues had already been addressed in that the deck faced towards the street and the part of the building looking down into the neighbor's yard would be the study alcove. He also noted that the parking stopped prior to the neighbor's house and there was plenty of room to plant landscaping that would help screen the neighbors. He did not believe the neighbor would be impacted as much as he feared. He suggested there would be a bit of shadow to the neighbor in late summer but he did not see that it would be detrimental. He suggested the biggest concern was the water issue and he emphasized that the drainage would need to be designed well and those issues should be addressed as part of the process.

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Yvonne Tom, the property owner, explained why she had moved out of the house years ago and was pleased to be able to move back into the house she loved. It was her and her husband's intent to live in the house.

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Chair Giesen-Fields suggested that the issues expressed by the neighbors could be addressed, particularly with the willingness of the applicant to work with the neighbors to address potential privacy issues. He did not see a need to have the project be redesigned since that could create issues for other neighbors.

In response to Mr. Horje's concern that he might be required to fund the solutions to address his concerns, Ms. Hersch explained the Commission could include a condition regarding landscaping but it would be up to the applicant and the property owner to work out the particulars. She noted that generally neighbors worked out the issues together to come up with a reasonable solution, and with respect to cost, it was generally worked out between the two parties. She suggested that most of the landscaping and potential fence mitigation would be occurring on the subject site so presumably the applicant would bear those costs. She clarified that the requirements of the final plan would be verified as part of the planning inspection final walk through.

Commissioner Kent suggested that vegetation and not a fence would have to be used to mitigate the privacy concern with what he described as a simple landscape plan that did not need to be returned to the Commission.

Chair Giesen-Fields requested the inclusion of a landscape plan for the project given the high FAR with a condition that the landscape plan include and identify landscape screening via planting on the property with the applicant and neighbor to work out the details of that plan.

Ms. Hersch stated if it came back to the Planning Commission the landscape plan would come back as a consent calendar item at a high level with broad language to provide landscape screening and privacy.

Motion to approve PA 16-059 for 922 Neilson Street, subject to the submittal of a landscape plan collaborated between the applicant and the neighbor to identify and address landscape screening to provide privacy to the south facing neighbor subject to staff review and approval, and pursuant to the staff report dated July 27, 2016. Friedland

Seconded by: Giesen-Fields

AYES: Friedland, Kent, Giesen-Fields

NAYES: None

ABSENT: Donaldson, Menotti

Motion passed, 3-0-2

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

7. NEW BUSINESS

A. Nexus Fee Study Update. Update to the Commission on the affordable housing nexus fee study. The draft reports analyze the linkages between new residential and commercial development of new residential units and the need for additional affordable housing in the City of Albany. The report has been prepared by Keyser Marston Associates, Inc. (KMA) for the City of

 Albany, pursuant to contracts both parties have with the Silicon Valley Community Foundation. Upon completion, the nexus analysis enables the City to consider enactment of affordable housing impact fees applicable to residential and commercial development in the City of Albany. The conclusions of the analysis represent maximum supportable or legally defensible impact fee levels based on the impact of new development on the need for affordable housing. Findings contained in the report are not necessarily recommended fee levels.

Community Development Director Jeff Bond presented two draft reports and noted the background for the reports had come from the Albany Housing Element that had been approved in 2015. Among the many policies and programs that had been identified was consideration and establishment of an affordable housing fee to develop affordable housing in Albany. He highlighted the staff report to describe how the reports had been prepared in collaboration with a variety of different cities in Santa Clara and Alameda counties, and explained that the Silicon Valley Community Foundation was providing financial support to hire a Project Manager which had hired KMA, which had prepared the reports. He described how the affordable housing impact fees applicable to residential and commercial development would be set and emphasized that the gaps between the high cost of housing and the price deemed to be affordable was very large and the concept behind the fee was to create some revenues to fill the gap, which would result in a large fee if charged.

The purpose of the reports was to provide information to the community and a legal defense for future decisions the Commission would need to consider and the City Council would have to approve with respect to fee levels. There was a desire for a consistent fee amongst the cities involved although there might be some differences between one community and the next or for types of housing, and the implication of the fee over an economic cycle would have to be considered, with a desire for a steady source of income over time, and the need to avoid creating unintended consequences in the community.

As to how many units needed to be made affordable in response to Commissioner Kent, Mr. Bond advised that ABAG's Regional Housing Needs Allocation for Albany had identified 363 units with more than half of that to be affordable to one level or another for an eight-year commitment. The allocation of affordable housing between 2015 and 2023 was 188 units which had been projected by ABAG in order to meet the overall demand for affordable housing in the region.

Commissioner Friedland was pleased that the Silicon Valley Community Foundation had funded the study and stated the justification for charging a very high fee was an important step but was different from setting the policy for what the fee should be, which she suggested would not be what had been identified. She supported the important first step.

	Giesen-Fields suggested in the next review of the policy phase there should be a down of other housing fees imposed by other Alameda County communities.
identify	nd stated that the consultant was working on that now and a third report would y what other communities were doing. He noted there were about 15 other citie ed in the current collaboration.
8.	ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION
There \	were no announcements, communications, or discussion.
9.	NEXT MEETING: September 14, 2016
10.	ADJOURNMENT
	eeting was adjourned at approximately 8:45 P.M. egular meeting: Wednesday, September 14, 2016 at 7:00 P.M. at Albany City Hall.
Submit	tted by: Anne Hersch, City Planner
	nd, Community Development Director