

City of Albany

Planning & Zoning Commission Minutes of July 13, 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, July 13, 2016.

- 2. PLEDGE OF ALLEGIANCE**

- 3. ROLL CALL**

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

Absent: None

Staff Present: City Planner Anne Hersch

Summer Intern Sophie Gabel-Scheinbaum

- 4. CONSENT CALENDAR**

Item 4C was removed from the Consent Calendar for discussion.

- A. Planning & Zoning Commission Meeting Minutes from June 8, 2016**

- B. PA 16-042 Design Review, Conditional Use Permit, Parking Exception for Second Story Addition at 840 Carmel Avenue.** The applicant is seeking Design Review, Conditional Use Permit, and Parking Exception approval for a second story addition at 840 Carmel Avenue. The subject is a 2,500 square foot lot with an existing 891 square foot two bedroom, one bathroom home built in 1926. The applicant is proposing to add 218 square feet on the first floor of the existing home to accommodate an expanded kitchen, stairwell and nook. The second story is proposed to be 529 square feet in area and will include two bedrooms and two bathrooms. This will result in a 1,499 square foot four bedroom, three bathroom home with a maximum height of 25 feet 6 inches. One off-street parking space is provided in the attached garage. A second off-street parking space is proposed to be located in the driveway in the setback, requiring an Exception. A Conditional Use Permit is required to extend the non-conforming north wall and a portion of the south wall.

1
2 The home is an original "MacGregor" and is proposed to maintain the
3 current appearance. *(Continued to a date certain of July 13, 2016)*
4 **Recommendation: Review and approve subject to the findings and**
5 **Conditions of Approval attached to the staff report dated July 13, 2016.**
6 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**
7 **Construction or Conversion of Small Structures."**

8
9 **C. PA 16-019 Conditional Use Permit to Convert New Living Space and have**
10 **Three (3) Off-Street Parking Spaces at 907 Key Route Boulevard.** The
11 applicant is seeking a Conditional Use Permit to allow residential uses on
12 the lower level of the building and to have three off-street parking spaces
13 at 907 Key Route Boulevard. The subject site is 3,714 square feet and
14 located in the Solano Commercial Zoning District with an existing two-story
15 structure built in 1975. The lower level has been used as doctors' offices and
16 the upper level is a private residence. The applicant has applied for a
17 Conditional Use Permit to allow the lower level space to be converted to a
18 residence. The offices and uses would be eliminated and the lower 768
19 square feet of space would be converted to a two bedroom, one
20 bathroom unit. Exterior changes are not proposed. The site has three off-
21 street parking spaces. A Study Session was held before the Planning &
22 Zoning Commission on May 25, 2016. The applicant has submitted revised
23 plans. **Recommendation: Review and approve subject to the findings and**
24 **Conditions of Approval attached to the staff report dated July 13, 2016.**
25 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**
26 **Construction or Conversion of Small Structures."**

27 [REMOVED FOR DISCUSSION]

28
29 **D. PA 16-045 Design Review for Accessory Structure Conversion at 1109**
30 **Stannage Avenue.** The applicant is seeking Design Review approval for a
31 garage conversion to accessory structure at 1109 Stannage Avenue. The
32 subject property is a 3,500 square foot lot with an existing three bedroom,
33 two bathroom home that was substantially remodeled in 2013. The
34 applicant is proposing to convert the existing 233 square foot garage to a
35 finished studio with half bathroom. The maximum height is 11.5 feet. The
36 garage doors are proposed to be replaced with French doors. The rear
37 yard lot coverage is 15 percent. Two off-street parking spaces are provided
38 in the driveway. **Recommendation. Review and approve subject to the**
39 **findings and Conditions of Approval attached to the staff report dated July**
40 **13, 2016. CEQA: The project is Categorically exempt pursuant to Section**
41 **15303 "New Construction or Conversion of Small Structures."**

42
43 **E. PA 15-070 Design Review Amendment at 1017 Talbot Avenue.** The
44 applicant is seeking a Design Review amendment approval to modify the
45 porch roof and form at 1017 Talbot Avenue.
46

1 The project was originally approved by the Planning & Zoning Commission
2 on December 10, 2014 and included a second story addition. Design
3 modifications were approved by the Planning & Zoning Commission on
4 September 23, 2015 to enclose a balcony. The applicant would like to
5 modify the plans further to include a 4:12 pitch roof to match the home and
6 also include guardrails on the porch perimeter. **Recommendation. Review
7 and approve subject to the findings and Conditions of Approval attached
8 to the staff report dated July 13, 2016. CEQA: The project is Categorically
9 exempt pursuant to Section 15303 "New Construction or Conversion of
10 Small Structures."**

11
12 **Motion to approve Consent Items A for Planning & Zoning Meeting Minutes
13 from June 8, 2016; B for PA 16-042 for 840 Carmel Avenue; D for PA 16-045
14 for 1109 Stannage Avenue; and E for PA 15-070 for 1017 Talbot Avenue,
15 pursuant to the staff reports dated July 13, 2016. Donaldson**

16 Seconded by: Friedland

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

18 NAYES: None

19 ABSENT: None

20 **Motion passed, 5-0**

21
22 Chair Giesen-Fields identified the 14-day appeal period.

23
24 The following item was removed from Consent for discussion.

- 25
26 **C. PA 16-019 Conditional Use Permit to Convert New Living Space and have
27 Three (3) Off-Street Parking Spaces at 907 Key Route Boulevard.** The
28 applicant is seeking a Conditional Use Permit to allow residential uses on
29 the lower level of the building and to have three off-street parking spaces
30 at 907 Key Route Boulevard. The subject site is 3,714 square feet and
31 located in the Solano Commercial Zoning District with an existing two-story
32 structure built in 1975. The lower level has been used as doctors' offices and
33 the upper level is a private residence. The applicant has applied for a
34 Conditional Use Permit to allow the lower level space to be converted to a
35 residence. The offices and uses would be eliminated and the lower 768
36 square feet of space would be converted to a two bedroom, one
37 bathroom unit. Exterior changes are not proposed. The site has three off-
38 street parking spaces. A Study Session was held before the Planning &
39 Zoning Commission on May 25, 2016. The applicant has submitted revised
40 plans. **Recommendation: Review and approve subject to the findings and
41 Conditions of Approval attached to the staff report dated July 13, 2016.
42 CEQA: The project is Categorically exempt pursuant to Section 15303 "New
43 Construction or Conversion of Small Structures."**

44
45 City Planner Anne Hersch presented the staff report dated July 13, 2016.

1 Commissioner Kent expressed concern for the three parking spaces and asked if the
2 driveway apron could be shifted south somewhat to get into the parking spaces without
3 driving over the planted medium.

4
5 Ms. Hersch stated she could work with the applicant on that issue and there could be a
6 condition of approval to that effect.

7
8 **Motion to approve Consent Item C for PA 16-019 for 907 Key Route**
9 **Boulevard allowing staff discretion to adjust the driveway apron to allow**
10 **easier access to the three parking spaces, to retain the on-street parking**
11 **stall, and pursuant to the staff report dated July 13, 2016. Kent**

12 Seconded by: Menotti

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

14 NAYES: None

15 ABSENT: None

16 **Motion passed, 5-0**

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

19
20 **5. PUBLIC COMMENT**

21
22 **Alexa Hauser**, Albany, a member of the Diverse Housing Working Group, advised of the
23 work being done by the Social and Economic Justice Commission on Rent Review Board
24 Feasibility and presented a flyer for a hearing scheduled for July 21, 2016. She reported
25 that the Social and Economic Justice Commission was putting together a proposal for that
26 hearing and she urged the Planning & Zoning Commission to keep apprised of the process.
27 As to when the report would be available, she suggested it would be part of the packet
28 for the meeting.

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

- 32
33 **A. Encroachment Permit for Permanent Improvement in the Public Right of Way**
34 **at 921 Kains Avenue (YMCA).** The subject site is 7,500 square feet with a
35 7,751 square foot two-story building built in 1940. The building is owned and
36 operated by the YMCA and used as a fitness center. The applicant
37 received Design Review approval through the Planning & Zoning
38 Commission on November 17, 2015 to add 398 square feet by enclosing the
39 existing courtyard and will use it as a training room. The interior will be
40 reconfigured to provide a new ADA accessible entry, lobby/reception
41 area, and office. The City Council requested that the Planning & Zoning
42 Commission act on right-of-way encroachment potential modification to
43 minimize encroachment into the City's right of way. **Recommendation.**
44 **Adopt Resolution 2016-03 granting approval of an encroachment permit to**
45 **allow permanent improvements in the public right of way.**

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

3 Ms. Hersch advised that the encroachment permit for the YMCA was no longer needed in
4 that the project design had been modified so that the improvements proposed to be in
5 the right of way could now be enclosed within the building footprint eliminating the need
6 for an encroachment permit.

7
8 Commissioner Kent recused himself from the next item for 819 Cerrito Street due to the
9 proximity of his residence, and left the dais and the Council Chambers at this time.

- 10
11 **B. PA 16-010 Design Review and Parking Exception for 819 Cerrito Street.** The
12 applicant has applied for Design Review and Parking Exception to modify
13 the two-car garage to a single-car garage and create a front entrance to
14 the home at 819 Cerrito Street. A Parking Exception is required to allow the
15 second off-street parking space in the front yard setback. The subject site
16 is 2,500 square feet with an existing 1,984 square foot two bedroom, two
17 and a half bathroom home built in 1987. The existing front entrance to the
18 home is located on the north side and a two-car garage faces the street.
19 The applicant would like to convert a portion of the existing garage to
20 create a front entrance and storage hallway and locate the second off-
21 street parking space in the front yard setback. The building footprint is not
22 proposed to expand. Landscaping upgrades and a seismic retrofit of the
23 entire home are proposed. **Recommendation. Review and approve**
24 **subject to the findings and Conditions of Approval attached to the staff**
25 **report dated July 13, 2016.**

26
27 *CEQA: The project is Categorically exempt pursuant to Section 15303 "New*
28 *Construction or Conversion of Small Structures."*

29
30 Summer Intern Sophie Gabel-Scheinbaum presented the staff report dated July 13, 2016.

31
32 Commissioner Menotti asked how the General Plan policy strongly encouraging the
33 retrofitting of existing structures would become part of the record, to which Ms. Hersch
34 stated it was identified within the presentation, would be reflected in the meeting minutes,
35 and could be included in any motion to approve.

36
37 Chair Giesen-Fields noted that there were notes in the project plans that referenced the
38 seismic upgrades as well.

39
40 **Devi Dutta-Choudhury**, the Project Architect, reported that the applicants had
41 experienced issues related to the seismic retrofit of the soft story, there was no front
42 entrance to the home, and the usability of the current narrow garage which barely met
43 current standards for a two-car garage that would become even narrower with the seismic
44 strengthening on either side. She stated the seismic plan had been included in the packet
45 to show how the upper floor would be strengthened; the plan was to solve all those
46 problems by creating a larger one-car garage that would fit a modern car, with a second

1 tandem space in the driveway, and create a front entry that would offer a street entrance
2 to the home and provide landscaping and a front yard. She characterized the changes
3 as quite modest but noted that the changes would have an impact on the livability of the
4 home.

5 Chair Giesen-Fields noted the width of the garage door would be 8 feet and he asked if a
6 wider garage door had been considered to make the garage as usable as possible.
7

8 Ms. Dutta-Choudhury explained there was a desire to limit the impact of the garage. She
9 noted that the current doors were 7 feet 6 inches, and the proposal would offer a bit more
10 space.

11
12 PUBLIC COMMENTS OPENED

13
14 There was no one to speak.

15
16 PUBLIC COMMENTS CLOSED

17
18 Commissioner Donaldson stated the project was a nice improvement to the home and to
19 the neighborhood, and while he initially had trouble making the finding for the front yard
20 parking exception given the two-car garage, the need for the seismic upgrade allowed
21 the justification for an exception and he could make the finding and was prepared to
22 approve the project.

23
24 Commissioner Menotti concurred.

25
26 Chair Giesen-Fields agreed and liked the changes in the side yard that would make for
27 good neighbors and beautify the project as a whole. He expressed his hope that the
28 garage door was actually big enough to allow the use of the garage.
29

30 **Motion to approve PA 16-010 for 819 Cerrito Street, pursuant to the staff**
31 **report dated July 13, 2016.** Friedland

32 Seconded by: Donaldson

33 AYES: Donaldson, Friedland, Menotti, Giesen-Fields

34 NAYES: None

35 ABSENT: Kent [Recused]

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

37
38 Chair Giesen-Fields identified the 14-day appeal period.

39
40 Commissioner Kent rejoined the Commission at this time.

41
42 **C. PA 16-028 Design Review Second Story Addition at 927 Polk Street.** The
43 applicant is seeking Design Review approval for a second story addition at
44 927 Polk Street. Revised plans have been submitted to the City in response
45 to the April 27, 2016 Planning & Zoning Commission meeting. The subject
46 site is a 5,000 square foot lot with an existing 1,140 square foot two bedroom,

1 one and a half bathroom home built in 1937. The applicant is proposing to
2 add 408 square feet at the rear of the home on the first floor. This will
3 accommodate a new bedroom, bathroom, and staircase. The upper level
4 408 square foot addition includes a new master suite with a bay window.
5 This will result in a 1,956 square foot four bedroom, three bathroom home
6 with a maximum height of 27 feet 3 inches. Two off-street parking spaces
7 are provided in the detached garage and driveway. The home will retain
8 its Minimal Traditional appearance. **Recommendation. Review and**
9 **provide feedback to the applicant and staff.**

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

13
14 Ms. Hersch presented the staff report dated July 13, 2016 for the study session item.

15
16 **Sean Laal**, Form Architects, the Project Architect, distributed material to the Commission
17 for review. He referred to the previous comments related to the height of the building and
18 pointed out that the maximum height of 27 feet 3 inches was the most severe condition
19 due to the slope of the yard, sloping from the front to the rear. He presented several
20 elevations to show that was not the case throughout in that the east elevation was a height
21 of 25 feet 7 inches. As a result, he requested consideration of an average height for the
22 building. To address the concerns of the Commission regarding the design, the roof of the
23 additional pantry on the rear of the building would be incorporated into the addition itself;
24 while the older wood sills had been removed and replaced with vinyl windows, sills would
25 now be incorporated into the new proposal and into the new windows; there would be
26 new landscaping in the front and in rear of the building; and efforts had been taken to
27 address the neighbors' concerns for the views; the railing had been improved; and a bay
28 window had been added to reduce the scale.

29
30 PUBLIC COMMENTS OPENED

31
32 There was no one to speak.

33
34 PUBLIC COMMENTS CLOSED

35
36 In response to Commissioner Friedland who asked whether the changes had been
37 presented to the neighbors, Mr. Laal stated he had spoken with one of the neighbors, had
38 showed him the plan, and that neighbor had no issue with the proposal. He explained that
39 one of the neighbors also had a two-story structure overlooking the backyard reducing the
40 privacy of the subject home. A neighbor across the street had a comment about the view
41 and blocking the view was also not an issue in that case since the subject building was
42 recessed in the back and not directly in front of the neighbor in question.

43
44 Chair Giesen-Fields verified with staff that the property owners within 100 feet had received
45 notification of the hearing from the City.

46

1 Commissioner Donaldson noted that the applicant and architect had been responsive to
2 the Commission's initial concerns, and while he was pleased with the change to the
3 windows and with the addition of the bay window, he remained concerned as to whether
4 the proposal met the level of exceptional design required of the high floor area ratio (FAR).
5 He suggested the design was being driven by the owner's desire not to have any stairs
6 inside and the result on the sloping lot was a high sort of cantilever design at the back of
7 the lot. If the owner was willing to accept a few interior stairs, he stated the entire height
8 could be reduced by two feet and the rear design would be better integrated into the
9 site.

10 In order to meet the exceptional design criteria, Commissioner Donaldson suggested the
11 house should be snuggled more into the uniquely sloped lot and be more inconspicuous
12 from the uphill neighbors. He respected the applicant's desire to have one level floor
13 through the entire length of the building, if that was their wish, but his preference would be
14 for some internal stairs so that the addition would have a lower finished floor elevation. He
15 was otherwise pleased with the lowering of the interior ceiling heights, the addition of the
16 bay window, and the window configuration in the front.

17
18 Chair Giesen-Fields appreciated the applicant's willingness to respond to the comments
19 by lowering the overall ceiling height by a foot and attempting to lower the overall building
20 height and suggested the addition of the bay window had improved the design. With
21 respect to the exceptional design requirement, he suggested the applicant was going in
22 the right direction but characterized the drawings as flat and not dynamic. He
23 appreciated the addition of the sills to the new windows to match the existing windows,
24 the trellis, the bay window, and the decorative railing, but referring to the Design Review
25 Guidelines he pointed out several images that might be helpful to the design and
26 suggested there might be some subtle ways to better articulate the building.

27
28 Commissioner Kent concurred, and referred to the landscape plan, suggesting it was not
29 really a plan but a number of symbols that had not all been identified. He pointed out
30 some of the plants that had been proposed and noted that they were water loving plants
31 and suggested more low water, drought tolerant species. He recommended sizing the
32 symbols to the plants given that several would become larger than the space allowed for
33 them on the plan, and recommended that more thought be put into the landscape plan.

34
35 Chair Giesen-Fields reminded the applicant that because of the FAR, an exceptional
36 design was required. In terms of the comments about the neighbors and the previous study
37 session with respect to height, he commented that there were other houses that had two-
38 story homes adjacent to each other blocking each other's view, and this house would not
39 be the only one creating that situation.

40
41 Commissioner Donaldson also pointed out that the grasses identified in the landscape plan
42 did not meet the Bay Friendly Landscaping guidelines. He too emphasized the importance
43 of details, stated the house was attractive, well painted and well maintained, and if that
44 was carried through to the new addition it would be successful.

45

1 For the next presentation, Chair Giesen-Fields recommended a colored rendering of the
2 elevation with shadow to help differentiate the volumes.

3
4 PUBLIC COMMENTS REOPENED

5
6 **Otto Stein**, Albany, expressed concern for the modifications and the height of the building
7 which had been lowered by only 9 inches. He suggested the design continued to ignore
8 the effect of views to neighboring homes and towered over and overwhelmed
9 neighboring homes, the addition appeared to be tacked on, and the proposed
10 landscaping in the backyard did nothing to mitigate the appearance of the home from
11 the street.

12 Mr. Stein added that the lack of architectural details created an addition which failed to
13 integrate with the original structure or harmonize with the neighboring homes and the
14 design was inconsistent with the other homes on the street. He asked the Commission to
15 request further refinements to the application. He also suggested that neither the water
16 meter size nor the electrical meters were being considered when additions were added to
17 homes.

18
19 Ms. Hersch explained that the meter size would be vetted as part of the Building Permit
20 process, and the electrical meter if it had not already been updated would have to be
21 upgraded as part of the renovation, and similarly a project of this scale would require a fire
22 suppression system that would likely increase the water meter size from 5/8 inch to one
23 inch.

24
25 Chair Giesen-Fields advised that the scope of the Planning & Zoning Commission was
26 limited to the design of the project and the electrical metering and water pressure would
27 be regulated by the Building Inspector and Building Inspection process to be consistent
28 with all applicable codes.

29
30 Chair Giesen-Fields added that the project was going in the right direction, more
31 refinement of design was needed, and if possible it would help the applicant to be
32 proactive in communicating and involving the neighbors in the process and attempting to
33 address their concerns.

34
35 Commissioner Kent emphasized as well that it was important when symbols were drawn on
36 a landscape plan that the mature size be shown so that at maturity the plantings would
37 not hit buildings or cross walkways.

38
39 **7. NEW BUSINESS: None**

40
41 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

42
43 Ms. Hersch reported that two appeals had gone to the City Council. On June 20, 939
44 Evelyn Avenue had ultimately been approved by the City Council with two additional
45 conditions to obscure glass for privacy on the north side, and to require an exhibit at the
46 time of building permit submittal verifying the FAR calculations. On July 5, Orange Theory

1 Fitness had appealed the operating hours, and with the submittal of additional information
2 related to an acoustic report indicating the elimination of all of the windows in the rear
3 facing the neighbors' property and taking out the sliders and installing a man door, the
4 appeal had been approved with a condition that with the six-month compliance check-
5 in at the Commission if the business was operating in compliance with the ordinance with
6 no complaints the Commission would have the option to allow an opening hour of 5:30
7 A.M.

8
9 With respect to the Cornell Avenue project appeal, Ms. Hersch stated that the appellant
10 and the applicant had met to discuss some of the issues and four design modifications had
11 resulted in the appeal being withdrawn.

12
13 **9. NEXT MEETING:** July 27, 2016

14
15 Commissioners Donaldson and Menotti advised that they would not be present for the
16 meeting on July 27, 2016.

17 Ms. Hersch added that the Planning & Zoning Commission would not meet in August.

18
19 **10. ADJOURNMENT**

20
21 The meeting was adjourned at approximately 8:10 P.M.

22 Next regular meeting: Wednesday, July 27, 2016 at 7:00 P.M. at Albany City Hall.

23
24
25
26
27 _____
Submitted by: Anne Hersch, City Planner

28
29
30 _____
31 **Jeff Bond, Community Development Director**
32