

City of Albany

Planning & Zoning Commission Minutes of May 24, 2017 Meeting

1 Note: These minutes are subject to Planning & Zoning Commission approval. The minutes are
2 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 and Zoning Commission was
7 called to order by Chair Giesen-Fields in the City Council Chambers at 7:00 P.M. on
8 Wednesday, May 24, 2017.

9
10 2. **PLEDGE OF ALLEGIANCE**

11
12 3. **ROLL CALL**

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

15 Absent: None

16 Staff Present: City Planner Anne Hersch
17 Associate Planner Christopher Tan

18
19 4. **CONSENT CALENDAR**

20
21 4-1. **Planning & Zoning Commission Meeting Minutes April 12, 2017.**

22
23 4-2. **Planning & Zoning Commission Meeting Minutes April 26, 2017.**

24
25 City Planner Anne Hersch advised that Minutes incorporating revisions requested by
26 Commissioner Menotti were available on the dais.

27
28 Chair Giesen-Fields corrected page 5, line 42, of the April 12 Minutes to "prepare an
29 alternative scheme minus the lower level, and prepare an alternative scheme with tandem
30 parking."

31
32 **Motion to approve Items 4-1 and 4-2** Planning & Zoning Commission Meeting
33 Minutes from April 12, 2017 and from April 26, 2017 as amended. Menotti

34 Seconded by: Donaldson

35 AYES: Donaldson, Jennings, Kent, Menotti, Giesen-Fields

36 NAYES: None

37 ABSTAINING: None

1 ABSENT: None
2 Motion passed, 5-0
3

4 **5. PUBLIC COMMENT**
5

6 **David Garner** reported noise from Orange Theory Fitness has not ceased or diminished. He
7 had emailed Orange Theory Fitness but rarely receives a response. Trash was another issue
8 affecting his quality of life.
9

10 **Ms. Garner**, Mr. Garner's daughter, shared the effects of noise from Orange Theory Fitness
11 on her life.
12

13 **6. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**
14

15 **6.1 PA 17-010 Design Review for a Second Story Addition and Secondary**
16 **Residential Unit at 1024 Evelyn.** The applicant is seeking Design Review and
17 Secondary Residential Unit approval for a second-story addition at 1024 Evelyn
18 Ave. The subject site is a 5,000 sq. ft. lot with an existing 2 bedroom, 1 bathroom
19 948 sq. ft. house built in 1938. The applicant is proposing a two-story addition
20 set back 25 ft. from the building face. The ground-floor addition is proposed to
21 include a 645 sq. ft. secondary residential unit. The second story is proposed to
22 be 695 sq. ft. with a new master suite, bedroom, bathroom, and laundry. The
23 addition will have a new gable roof to match the existing dwelling. This will
24 result in a 4 bedroom, 2 bathroom, 2,423 sq. ft. home and secondary unit with
25 a maximum height of 26 feet. The existing architectural style of the home is not
26 proposed to change. Parking is provided in the existing detached two-car
27 garage and driveway.

28 **Recommendation: Review and approve subject to the findings and Conditions**
29 **of Approval attached to the staff report dated May 24, 2017.**
30

31 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**
32 **Construction or Conversion of Small Structures."**
33

34 Associate Planner Christopher Tan presented the staff report dated May 24, 2017.
35

36 **Gary Guenther**, architect, advised that plan revisions respond to Commission comments.
37

38 PUBLIC COMMENTS OPENED
39

40 There were no comments from the public.
41

42 PUBLIC COMMENTS CLOSED
43

44 Commissioner Donaldson felt the applicant responded to Commission comments, and he
45 was happy with the current design.

1
2 Commissioner Menotti appreciated the applicant's revisions to the project.

3
4 Commissioner Kent stated revisions simplified the second floor and allowed one to focus
5 on the entry and the unique character of the first floor.

6
7 Commissioner Jennings agreed that the applicant had responded to Commission
8 comments.

9
10 Chair Giesen-Fields concurred with comments.

11
12 **Motion to approve PA 17-010 for 1024 Evelyn pursuant to the staff report dated**
13 **May 24, 2017.** Donaldson

14 Seconded by: Menotti

15 AYES: Donaldson, Jennings, Kent, Menotti, Giesen-Fields

16 NAYES: None

17 ABSENT: None

18 **Motion passed, 5-0.**

19
20 Chair Giesen-Fields noted the 14-day appeal period.

21
22 **6-2. PA 16-070 Design Review & Parking Exception for a Second Story Addition at**
23 **937 Polk.** The applicant is seeking Design Review and Parking Exception
24 approval for a second-story addition and lower-level excavation at 937 Polk.
25 The subject property is a 3,100 sq. ft. lot with an existing 2 bedroom, 1 bathroom,
26 910 sq. ft. home built in 1924. The applicant is proposing two possible scopes
27 for Commission review and action:

28 **Scope 1:** Excavate the existing lower level to gain legal ceiling height adding
29 690 sq. ft. of new living area.

30 **Scope 2:** Excavate the lower level to accommodate two tandem garage
31 parking spaces and a 345 sq. ft. for a family room.

32 The proposed 867 sq. ft. second-story addition includes a master suite, two
33 bedrooms, and bathroom. Parking is provided in the attached single-car
34 garage, and a Parking Exception is required to allow for the required second
35 off-street parking space to be located in the front yard setback. This will result
36 in a 5 bedroom, 4.5 bathroom 1,703 sq. ft. home, 26'6" in height. The
37 architectural style of the home is proposed to change from Bungalow to
38 Craftsman.

39 **Recommendation: Review and provide feedback to the applicant and staff.**
40 **Draft findings and Conditions of Approval are included should the Commission**
41 **decide to take action on the application request.**

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

1 Associate Planner Tan presented the staff report dated May 24, 2017. The Commission has
2 four options for approval and may direct staff to make findings for the following options:
3 (1) approve the project with the original configuration; (2) approve the tandem parking
4 scheme; (3) approve the lower-level, unfinished storage; and (4) approve the project and
5 require the applicant to eliminate the lower level entirely, resulting in a two-story home.
6 The Commission may direct staff to make findings of denial, and the applicant may appeal
7 the decision to the City Council.

8
9 Commissioners questioned calculation of FAR, perimeter height, precedents for exempting
10 the lower level, and parking findings.

11
12 **Zhihui Huang**, project designer, remarked that the property owner requested the
13 Commission approve the scheme with tandem parking and living space in the lower level.
14 The height for the theater scheme is 7 feet 6 inches, while the height for the storage scheme
15 is 7 feet. Revisions include lowering the height and reducing the massing of the house.
16 When asked, he explained that the light well was placed on the south side of the property
17 next to an emergency exit window.

18
19 **David Li**, property owner/applicant, indicated his preference for hardscape because of
20 less maintenance and a cleaner appearance. His elderly neighbors were responsible for
21 the garden in the backyard. His neighbors support the project.

22
23 PUBLIC COMMENTS OPENED

24
25 There were no comments from the public.

26
27 PUBLIC COMMENTS CLOSED

28
29 Chair Giesen-Fields liked the overall design and the aesthetics of the project. The latest
30 revisions are a nice improvement, and the applicant did a good job of meeting Design
31 Guidelines. The overall height of the latest rendition is 2 feet 6 inches taller than the original,
32 approved design. Story poles show the proposed project is similar in height to buildings on
33 both sides of the subject property. He could approve an exclusion of the lower level FAR
34 if the project includes tandem parking. If the Commission allowed this large of a project, it
35 should require the applicant to meet the Code requirement for two covered parking
36 spaces.

37
38 Commissioner Donaldson was happy to see tandem parking in the plans, but he continued
39 to have problems with lowering the existing floor plate to exclude the lower level from the
40 FAR calculation. He was inclined to strictly interpret the 5-foot line and say this project is
41 not eligible for exemption of the lower-level. The project did not appear so large when
42 viewing the story poles.

43
44 Chair Giesen-Fields was open to including a deed restriction that the lower level could not
45 be converted to bedrooms.

1 Commissioner Kent believed the applicant's proposal is within Code requirements and had
2 no issue with the project. He could approve the project with tandem parking.

3
4 Commissioner Menotti expressed concerns about this project setting a precedent for future
5 projects.

6
7 Commissioner Donaldson explained that the average perimeter height is less than 5 feet,
8 but the garage ceiling is slightly higher, which raises the average height over 5 feet. The
9 applicant is going to lower the floor elevation of space above the garage to the level of
10 the rest of the house, which will bring the average perimeter height below 5 feet when
11 built.

12
13 Commissioner Jennings appreciated the applicant's efforts to maximize use of the site to
14 accommodate a growing family. She had no particular concerns about design or height.
15 Above-ground improvements are consistent with the neighborhood and a nice design.
16 Commissioner Jennings too had concerns about this project setting a precedent. This
17 project seems like an end-run around FAR requirements. She could not support the first
18 option and could not make the findings for a parking exception. She did not believe she
19 could support tandem parking with livable space because of concerns about FAR. She
20 was open to a proposal for tandem parking and storage as long as it is coupled with deed
21 restrictions to prevent conversion of the storage space to bedrooms or other livable space
22 in the future.

23
24 City Planner Hersch suggested the project could be modified so that there is no lower level,
25 essentially leaving a two-story house.

26
27 When asked, **Mr. Li** expressed a preference for the original plan over tandem parking with
28 storage. The basement does not affect the appearance of the house. Neighbors support
29 the project and have not voiced any complaints about the project. The two-story house
30 would not be taller or bigger than nearby homes.

31
32 City Planner Hersch inquired about the Commission's support for eliminating the shed
33 containing the water heater and furnace and relocating the utilities into the footprint of
34 the house. Chair Giesen-Fields concurred.

35
36 Commissioners discussed their support for different aspects of each scheme; setting a
37 precedent by excluding the basement from the FAR calculation; tandem parking in the
38 basement eliminating the need for a parking exception; and a Condition of Approval for
39 a deed restriction prohibiting conversion of basement space to bedrooms.

40
41 When asked, **Mr. Li** expressed a preference for tandem parking with storage over an
42 alternative design without the lower level. That is not his favorite option, but he wants to
43 proceed.

44
45 Chair Giesen-Fields noted the lack of complaints from neighbors about light and views.

1
2 **Motion to approve PA 16-070 for 937 Polk under Scope 3 (tandem parking with**
3 **storage and a 7-foot ceiling height) with (1) a Condition of Approval requiring**
4 **a deed restriction to prohibit conversion of basement space to habitable**
5 **space; (2) relocation of utilities within the footprint of the home; (3) modification**
6 **of the landscape plan to remove landscape extending into the driveway,**
7 **substitute gravel for concrete on both sides of the house, and include a**
8 **walkable exit from the backyard; and pursuant to the staff report dated May**
9 **24, 2017. Menotti**

10 Seconded by: Jennings

11
12 Commissioner Donaldson felt Option 3 was the worst of the options. If excavation is going
13 to occur, then the applicant should have livable space as a result of excavation.
14 Underground space can be usable and can contribute to the family.

15
16 **Substitute motion to approve PA 16-070 for 937 Polk under Scope 2 (tandem**
17 **parking with gym and media room) with (1) a Condition of Approval requiring**
18 **a deed restriction to prohibit conversion of basement space to bedrooms and**
19 **bathrooms; (2) relocation of utilities within the footprint of the home; (3)**
20 **modification of the landscape plan to remove landscape extending into the**
21 **driveway, substitute gravel for concrete on both sides of the house, and include**
22 **a walkable exit from the backyard; and pursuant to the staff report dated May**
23 **24, 2017. Donaldson**

24 Seconded by: Menotti

25 AYES: Donaldson, Kent, Giesen-Fields

26 NAYES: Jennings, Menotti

27 ABSENT: None

28 **Substitute motion passed, 3-2**

29
30 Chair Giesen-Fields identified the 14-day appeal period.

31
32 **7. NEW BUSINESS**

33
34 **7-1. Residential Design Guidelines Study Session.** The Planning & Zoning
35 Commission will review and take public comment on proposed revisions to the
36 Residential Design Guidelines. The Design Guidelines were adopted in 2009
37 and are identified in the Albany 2035 General Plan (Action LU-2.C
38 Amendments to Design Guidelines) to be amended and expanded. The
39 Commission will provide feedback to staff. No action will be taken as the item
40 is discussion only.

41 **Recommendation: Provide feedback to staff. This item is discussion only; no**
42 **action will be taken.**

43
44 **CEQA: The project is exempt from CEQA pursuant to Section 15061(b)(3).**
45

1 City Planner Hersch presented the staff report dated May 24, 2017. Staff anticipates
2 returning to the Commission for formal action in July.

3
4 Commissioners offered the following revisions to Landscaping:

- 5 • The front yard landscapes are the home's contribution to the community, playing
6 an important aesthetic and functional role in home design.
- 7 • Landscape should provide aesthetic enhancement to the residences.
- 8 • Shrubs and groundcovers should be spaced to create massings rather than
9 individual plants.
- 10 • Canopies should touch each other at maturity.
- 11 • Landscaping should be used to help provide a visual buffer or privacy screening to
12 adjacent properties.
- 13 • While landscaping can assist, it should not be relied on to mask, screen, or hide
14 problematic architectural design.
- 15 • Landscape can reduce home energy costs and improve comfort by absorbing solar
16 thermal load from the sun.
- 17 • Consider plants that are a source of food for native wildlife.
- 18 • Plants as a whole play a significant role in cleaning urban air by collecting dust and
19 pollutants. Therefore, it is important for each home to contribute by adding living
20 plants where feasible, more importantly in the semi-public areas of the front yard.
- 21 • Landscaping should follow Bay-friendly landscape guidelines.
- 22 • Consider long-term maintenance needs for each plant, such as vines and shrubs in
23 front of windows, the proximity of trees to structures, etc.
- 24 • Delete "and front facade design" from the first sentence. The notion of the front
25 facade design being the public image belongs under Architectural Design.
- 26 • Renaming Landscaping to Landscape Design.

27
28 City Planner Hersch requested Commissioners email minor corrections and comments to
29 staff in the next three to four weeks.

30
31 When asked, City Planner Hersch did not believe the City had a tree bank to which a
32 property owner could contribute if street trees could not be planted as part of a project.
33 A project may not conform to all criteria contained in the Guidelines, but staff can provide
34 the Commission with some analysis of a project's compliance with the Guidelines.

35
36 Commissioner Menotti questioned the use of the Guidelines in evaluating a project's
37 consistency with the Guidelines in a staff report. Commissioner Donaldson suggested staff
38 utilize the draft Guidelines with the next project to determine their ease of use. City Planner
39 Hersch felt the prescriptive criteria contained in the draft Guidelines would allow staff to
40 evaluate a project's consistency with principles.

41
42 Commissioner Jennings suggested including sustainable design features, a reference to
43 solar panels, more photos in relation to neighborhood context, more information about
44 ADUs, and representative photos for each style in Architectural Character, and moving
45 Parking to the last principle.

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City Planner Hersch recommended moving Outdoor Space to follow Landscape Design.

Chair Giesen-Fields suggested renaming Outdoor Space, but he offered no alternative name.

Commissioner Menotti wished to ensure language regarding compatibility could not be interpreted as foreclosing development.

8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

City Planner Hersch announced that the Commission will likely have a compliance review of Orange Theory Fitness' Conditional Use Permit in the near future. Staff has contacted the property manager. The Commission has the discretion to revoke the Conditional Use Permit. Staff has not taken any noise readings or conducted noise tests. A staff person from the City of El Cerrito will address the Commission on June 28th regarding parking maximums and the specific plan.

Commissioner Jennings introduced herself to the Commission.

9. NEXT MEETING: June 14, 2017

10. ADJOURNMENT

The meeting was adjourned at 9:36 P.M.
Next regular meeting: Wednesday, June 14, 2017 at 7:00 P.M. at Albany City Hall

Submitted by: Anne Hersch, City Planner

Jeff Bond, Community Development Director