

*City of Albany*  
**Planning & Zoning Commission**  
**Minutes of October 11, 2017 Meeting**

1 Note: These minutes are subject to Planning & Zoning Commission approval. The minutes  
2 are not verbatim. An audiotape of the meeting is available for public review.

3  
4 **Regular Meeting**

5  
6 1. **CALL TO ORDER:** The regular meeting of the Planning 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, October 11, 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. **EX PARTE COMMUNICATION DISCLOSURES**

20  
21 None

22  
23 5. **CONSENT CALENDAR**

24  
25 5-1. **Planning & Zoning Commission Meeting Minutes of September 13, 2017.**

26  
27 Commissioner Donaldson corrected the vote for Item 7-3 to "Ayes: Jennings, Kent,  
28 Menotti, Giesen-Fields."

29  
30 Chair Giesen-Fields revised page 5, line 38, to "... advised the applicant to work with staff  
31 to provide information on comparable existing properties in the staff report to show  
32 evidence of other similar projects that have been previously approved by the City." The  
33 second sentence of his comments on page 9, beginning at line 37, should be replaced  
34 with "He agreed with Commissioner Jennings and supported a review to ensure local  
35 regulations conform with state regulations."  
36

1 Commissioner Kent clarified page 3, line 33, as "... is sufficient for accommodating the  
2 common practice of parking in the front driveway."  
3

4 **Motion to approve the meeting minutes of September 13, 2017, as amended.**

5 Giesen-Fields

6 Seconded by: Menotti

7 AYES: Jennings, Kent, Menotti, Giesen-Fields

8 NAYES: None

9 ABSTAINING: Donaldson

10 ABSENT: None

11 **Motion passed, 4-0-1-0**  
12

- 13 **5-2. Proposed Zoning Code Amendments to Section 20.20.110 "Medical Marijuana**  
14 **Regulations" of the Albany Municipal Code** - The City of Albany Planning &  
15 Zoning Commission will hold a public hearing to consider a recommendation  
16 to the Albany City Council for proposed Zoning Code Amendments to  
17 Section 20.20.110 "Medical Marijuana Regulations" of the Albany Municipal  
18 Code.

19 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
20 **continue the matter to a date certain of October 25, 2017 so that the City**  
21 **Attorney may attend and answer Commission questions.**

22 **CEQA: The project is exempt from CEQA pursuant to Section 15061(b)(3).**  
23

- 24 **5-3. PA 17-056 Design Review for a Single-Story Addition and New Roof Deck at**  
25 **1037 Ordway** - The applicant is seeking Design Review approval for a single-  
26 story addition and new roof deck at the rear of the property at 1037 Ordway.  
27 The subject site is 4,200 sq. ft. lot with a 3 bedroom, 1 bathroom 1,323 sq. ft.  
28 house built in 1923. The applicant is proposing a 28 sq. ft. ground-level  
29 addition at the rear of the home to accommodate a new full bathroom in an  
30 existing bedroom. The project scope also includes a proposed roof deck also  
31 at the rear of the home. The applicant is proposing cement plaster on the  
32 exterior of the addition to match the existing home. The roof deck is  
33 proposed to accommodate wood stairs and guardrails. This will result in a 3  
34 bedroom, 2 bathroom 1,351 sq. ft. home with a maximum height of 11 feet.  
35 Parking is provided in the existing driveway.

36 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
37 **review and approve the proposed project subject to the attached findings**  
38 **and Conditions of Approval.**  
39

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

43 Chair Giesen-Fields noted the side yard setback will remain at 3 feet 7 inches.  
44

- 45 **5-4. Residential Design Guidelines Update** – The Planning & Zoning Commission will  
46 review proposed revisions to the Residential Design Guidelines. The Design

Guidelines were adopted in 2009 and are identified in the Albany 2035 General Plan (Action LU-2.C).

**Recommendation: Continue to a date certain.**

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

**Motion to approve the Consent Calendar with the exception of Item 5-1.**

Donaldson

Seconded by: Menotti

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

NAYES: None

ABSTAINING: None

ABSENT: None

**Motion passed, 5-0-0-0**

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

## 6. PUBLIC COMMENT

None

## 7. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

**7-1 PA 17-047 Design Review & Variance for a Rear Deck at 951 Castro** - The applicant is seeking Design Review and Variance approval for a rear deck at 951 Castro. The subject site is 2,500 sq. ft. lot with a 2 bedroom, 1 bathroom 1,339 sq. ft. house built in 1947. The applicant is proposing to build a new rear deck accessible from the main level of the existing home. The site is a 50 ft. x 50 ft. lot with an existing non-conforming rear setback of 12'-1". The proposed deck is proposed to measure 173 sq. ft. in area and will encroach into the required setback area, resulting in a 5 ft. rear yard setback. A Variance is required to allow the proposed deck encroachment. The project scope also includes an interior remodel and conversion of 72 sq. ft. of lower space to create a full bathroom. All remodel work is proposed within the existing building envelope. This will result in a 2 bedroom, 2 bathroom 1,411 sq. ft. home with a maximum height of 23'-5". Parking is provided in the existing garage.

**Recommendation: Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached findings and Conditions of Approval.**

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

Associate Planner Christopher Tan presented the staff report dated October 11, 2017.

1  
2 **Kathy Rogers, architect**, reported the deck will provide usable outdoor space. A green  
3 screen will be planted to address privacy concerns.

4  
5 PUBLIC COMMENTS OPENED

6  
7 None

8  
9 PUBLIC COMMENTS CLOSED

10  
11 Commissioner Donaldson indicated his support for the project and the variance. The  
12 project will make the house more livable and useful. The much taller and bigger  
13 adjoining buildings adversely impact the community more than the project site. The  
14 property owners can do little to their small home without needing a variance.

15  
16 In response to questions, **Ms. Rogers** clarified the location of the green screen at the  
17 property line. Plants have not been chosen for the green screen. If needed, the  
18 concrete planter will be modified to ensure successful plant growth. Design information  
19 was provided in a supplemental report. The deck railing will be all painted aluminum.

20  
21 Chair Giesen-Fields voiced support for the variance but expressed concern that little  
22 design information was available through the City's website. Plans should contain more  
23 details of the railing and the plantings so that Commissioners can respond to the project  
24 and to memorialize the project details.

25  
26 Commissioner Menotti generally concurred with Commissioner Donaldson's comments.  
27 The General Plan states less than 17% of lots in Albany are 2,500 square feet in size, most  
28 of which are 25 feet by 100 feet.

29  
30 Commissioner Jennings appreciated the applicant working with staff to provide  
31 information about comparable projects. She requested Finding Number 4 include  
32 language indicating the proposed deck is not visible from the public right-of-way, tying  
33 the 14-foot height to the surrounding topography, and indicating the proposed deck will  
34 be shielded from surrounding property by vegetation. Overall, the project is reasonable.

35  
36 Commissioner Kent noted the proposed deck will impact the backyard of the neighbor  
37 to the north. From a design review standpoint, he was unsure of the exact project  
38 submitted for approval because of the lack of details.

39  
40 **Motion to approve PA 17-047** for 951 Castro pursuant to the staff report dated  
41 October 11, 2017. Donaldson

42  
43 **Amended Motion to approve PA 17-047** for 951 Castro with staff to ensure the  
44 final design includes a vegetation screen at the back lot line to shield the  
45 property to the north from the view of persons standing on the proposed

1 deck; staff to include language for Finding Number 4 as discussed; and  
2 pursuant to the staff report dated October 11, 2017. Donaldson

3 Seconded by: Menotti

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

5 NAYES: None

6 ABSTAINING: None

7 ABSENT: None

8 **Motion passed**, 5-0-0-0

9  
10 Chair Giesen-Fields noted the 14-day appeal period.

11  
12 **7-2. PA 17-053 Conditional Use Permit & Parking Waiver for a Child Care Center at**  
13 **924 Adams** - The applicant is seeking Conditional Use Permit and Parking  
14 Waiver for a Child Care Center located at 924 Adams. The subject site is  
15 3,750 sq. ft. lot with an existing single-family home built in 1941. The applicant  
16 is proposing to change the existing Chinese-English large family daycare  
17 (Little Lamb Bilingual Preschool) to a child care center. The applicant is  
18 proposing operational hours from 8:00 am to 6:00 pm Monday through Friday  
19 with up to three (3) staff members on site at any time. There will be a  
20 maximum enrollment of 14 children between ages 1.5 years to 5 years old.  
21 The applicant is seeking a Parking Waiver to waive one (1) required parking  
22 space. The Daycare use requires one parking space per 6 individuals under  
23 care. The driveway parking space is proposed to be used for drop-offs and  
24 pick-ups.

25 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
26 **review and approve the proposed project subject to the attached findings**  
27 **and Conditions of Approval.**

28  
29 **CEQA: *The project is Categorically exempt pursuant to Section 15332 "In-Fill***  
30 ***Development Projects.***"

31  
32 Associate Planner Tan presented the staff report dated October 11, 2017.

33  
34 **Xin Dong, applicant**, reported the structure has two bedrooms rather than three. She  
35 agreed to remove the wall in the garage so that the garage can be used for staff  
36 parking. She wants to convert to a day care center because the required in-home  
37 licensee for family child care is moving out of the home.

38  
39 In response to questions, the **Ms. Dong** indicated the number and age of children, hours  
40 of operation, and curriculum will remain the same if the conditional use permit is  
41 approved. Currently 11 students are enrolled, and usually 11-13 children are enrolled.  
42 The teachers will be the same except for normal staff turnover.

43  
44 Commissioner Kent suggested the applicant improve the walkway between the driveway  
45 and entrance. The driveway does not work well for drop-off.

1 PUBLIC COMMENTS OPENED

2  
3 **Justin Crest** remarked that parents block his driveway when dropping off their children.  
4 This situation has improved over time but still occurs.

5  
6 **Craig Pon**, 920 Adams, questioned whether the garage will accommodate a vehicle  
7 even after removal of the wall. Other concerns are noise, the substantial roof covering  
8 the patio, the tarp hanging in the backyard, cars blocking driveways and the street, and  
9 additional traffic and parking congestion. The applicant should provide three parking  
10 spaces. Bicycle and traffic calming proposals for Adams Street will reduce parking on  
11 Adams.

12  
13 **Eleanor Sirafinejad**, 925 Madison, expressed concerns about noise if the project is  
14 approved. The size of the lot is small for 14 children.

15  
16 PUBLIC COMMENTS CLOSED

17  
18 City Planner Anne Hersch provided plans for the property, which she obtained from the  
19 2014 building permit. A permit is on file for the deck on the rear of the house. Currently,  
20 the City is studying Kains and Adams for bike lanes and other things, but no projects have  
21 been proposed.

22  
23 In response to questions, the **Ms. Dong** advised that she is searching for a long-term site  
24 for a daycare center. If the current family child care moves with the in-home licensee,  
25 then it will still be a commercial use located in a residential area. The current location is  
26 designated R-2 and is located near a highway and near children's homes.

27  
28 Chair Giesen-Fields indicated he could approve the project if the garage space is  
29 returned to a garage. The size of the garage will accommodate one parking space.  
30 Staff's use of the garage for parking will help mitigate the parking congestion on Adams  
31 Street and leave the driveway open for drop-off. He appreciated the applicant working  
32 with staff to provide guidelines and directions for parents to respect neighbors and not to  
33 block neighbors' driveways. The number of students will not change; the proposed use  
34 could have a lower maximum number of students than the current use.

35  
36 Commissioner Donaldson appreciated neighbors' comments about parents blocking  
37 driveways. Schools are allowed and considered appropriate in residential districts. For all  
38 intents and purposes, the project is a continuing use of the property. It appears the  
39 applicant is attempting to mitigate the impacts and concerns caused by the day care  
40 center. He suggested a motion include a requirement for the project to return in two  
41 years to review parking on Adams when any potential projects for Adams Street may be  
42 complete. A review will be the incentive for the day care operator to ensure parents do  
43 not impact neighbors.

1 Commissioner Jennings concurred with Commissioner Donaldson's comments and with  
2 including a condition to require reconversion of the garage space. She appreciated the  
3 applicant's efforts to ensure parents respect the neighbors. While she regretted losing a  
4 housing unit, she was aware of a shortage of child care providers.

5  
6 Commissioner Kent noted parking and noise concerns will be less in the evening when  
7 the child care is closed. The driveway needs improvements to function better as a drop-  
8 off point. The color of the tarp could impact neighbors. He suggested the applicant  
9 move the garden fence a few feet away from the sidewalk. The gravel path needs to be  
10 more functional and to line up with car doors for drop-off.

11  
12 Commissioner Menotti advised that he could not support the project because of the loss  
13 of a housing unit.

14  
15 **Motion to approve PA 17-053** for 924 Adams with the applicant to restore the  
16 garage space to an operating garage with verification by planning staff; the  
17 applicant to modify the driveway so that it functions better for pedestrian  
18 access to the main entry; staff to review the project in two years and return  
19 an item to the Commission as a consent item or a public hearing; and  
20 pursuant to the staff report dated October 11, 2017. Donaldson.

21 Seconded by: Jennings

22 AYES: Donaldson, Jennings, Kent, Giesen-Fields

23 NAYES: Menotti

24 RECUSED: None

25 ABSENT: None

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

27  
28 Chair Giesen-Fields noted the 14-day appeal period.

29  
30 **8. NEW BUSINESS**

31  
32 None

33  
34 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

35  
36 City Planner Hersch reported the City Council continued the parking regulation  
37 amendments to October 16 to allow Council Members time to review redline changes.

38  
39 Chair Giesen-Fields advised that the green building subcommittee met and plans to  
40 develop local standards for green buildings. Albany Property Rights Advocates is a new  
41 organization working to combat a rent review ordinance.

42  
43 **10. NEXT MEETING: October 25, 2017**

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**11. ADJOURNMENT**

The meeting was adjourned at 8:29 P.M.  
Next regular meeting: Wednesday, October 25, 2017 at 7:00 P.M. at Albany City Hall

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Submitted by: Anne Hersch, City Planner

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**Jeff Bond, Community Development Director**