

City of Albany
Planning & Zoning Commission
Minutes of March 28, 2018 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 Kent in the City Council Chambers at 7:00 P.M. on
8 Wednesday, March 28, 2018.

9
10 2. **PLEDGE OF ALLEGIANCE**

11
12 3. **ROLL CALL**

13
14 Present: Donaldson, Giesen-Fields, Watty, Jennings, Kent
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 March 14, 2018**
26 **Recommendation: Approve Planning & Zoning Commission Meeting Minutes.**

27
28 **Motion to approve** the minutes for March 14, 2018 as presented.

29 Seconded by: Jennings

30 AYES: Donaldson, Giesen-Fields, Watty, Jennings, Kent

31 NAYES: None

32 ABSTAINING: None

33 ABSENT: None

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

35
36 5-2. **PA 18-010 Design Review for a Two-Level Addition at 900 Solano Avenue** – The
37 applicant is seeking approval for a two-level addition at 900 Solano Avenue.

1 The subject site is 5,000-sq.-ft. sloped lot with a 2-bedroom, 1-bathroom 1,307-
2 sq.-ft. house built in 1925. The applicant is proposing to demolish an existing
3 detached 240-sq.-ft. garage and is proposing a 498-sq.-ft. ground-level
4 addition and a 498-sq.-ft. second-story addition. The ground-level addition is
5 proposed to accommodate a single-car garage, bedroom, and bathroom.
6 The second-story addition is proposed to include a new master suite and will
7 be directly aligned with the proposed ground-level addition. The exterior of
8 the addition will be painted stucco siding, with a pitched, shingle roof to
9 match the existing home. This will result in a 4-bedroom, 3-bathroom 1,996-sq.-
10 ft. home with a maximum height of 21'-1". Parking is provided in the proposed
11 attached garage and parking pad in the rear yard.

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

15
16 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**
17 **Construction or Conversion of Small Structures."**

18
19 Chair Kent recused himself from this item as he owns property located within 500 feet of
20 the subject property.

21
22 Associate Planner Christopher Tan presented the staff report dated March 28, 2018.

23
24 PUBLIC COMMENTS OPENED

25
26 **Guobin Wang**, 902 Solano, showed photographs depicting shadows that the addition will
27 cast on his property and particularly on his vegetable garden. His concerns were access
28 to sunlight and privacy.

29
30 **Xu Yong**, 902 Solano, expressed concerns about privacy.

31
32 **Steven Schwartz** questioned whether the home would be one or two rental units.

33
34 **Barbara Wilcox**, 906 Cerrito, preferred the home be lower but had no objection to the
35 project as proposed.

36
37 **Iris Wang**, Berkeley, supported the project.

38
39 PUBLIC COMMENTS CLOSED

40
41 **Herman Ho**, property owner, intends to live in the property with his family. The neighbor's
42 property will receive sunlight until approximately 3:00 p.m.

43
44 **Tamara Lin**, property owner, advised that the height of a one-story addition would be
45 only a few feet less because of the slope of the lot. The neighbor's backyard has plenty

1 of space for a garden. The window can be higher on the wall to alleviate privacy
2 concerns. The new garage door will be metal.

3
4 City Planner Anne Hersch reported the window is the egress window for the bedroom
5 and must meet size requirements.

6
7 Commissioner Giesen-Fields expressed concern about windows on the west elevation not
8 fitting the character of existing windows. The alignment of the garage door with windows
9 is off. The project's height of 23 feet is below the maximum allowed height. The addition
10 is modest in size and aesthetics. The City does not have regulations that protect residents'
11 right to light or privacy. If the egress window can be moved to the opposite side of the
12 addition, a clerestory window would provide privacy for the neighbor. A wood garage
13 door could play off the wood materiality of the fence.

14
15 Commissioner Donaldson noted one window is not shown on the plans. On the west
16 elevation, the windows and garage door are misaligned. The appearance could be
17 improved with larger windows and more symmetry. On the east side, a clerestory
18 window in the bedroom would be appropriate. The neighbor has sufficient space to
19 relocate the garden in his backyard. The addition height could be lowered 12-18 inches
20 because ceiling heights are fairly high. If the addition were lower, it would look more
21 incorporated into the house's existing facade.

22
23 Commissioner Watty agreed that windows on the west elevation appeared to have
24 been designed from the interior rather than the exterior. She had no concerns about the
25 volume of the building. Trim for new windows should maintain the character of existing
26 windows.

27
28 Commissioner Jennings concurred with previous comments.

29
30 **Motion to approve PA 18-010** for 900 Solano Avenue with additional
31 conditions that the applicant work with staff to revise new windows on the
32 west elevation to reflect the proportionality and materiality of existing
33 windows and to revise the new second-story window on the east elevation to
34 be a clerestory window and pursuant to the staff report dated March 28,
35 2018. Giesen-Fields

36 Seconded by: Watty

37 AYES: Giesen-Fields, Watty, Jennings

38 NAYES: Donaldson

39 RECUSED: Kent

40 ABSENT: None

41 **Motion passed, 3-1-1-0**

42
43 Commissioner Giesen-Fields noted the 14-day appeal period.

1 **6. PUBLIC COMMENT**

2
3 **Barbara Wilcox** clarified that the applicant for 900 Solano Avenue is not required to lower
4 the height of the building.

5
6 **7. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
7 **ITEMS:**

8
9 **7-1. PA 18-015 Design Review and Parking Exception for a Single-Story Rear**
10 **Addition at 1120 Garfield Avenue** – The applicant is seeking Design Review
11 and Parking Exception approval for a Single-Story Rear Addition to a single-
12 family residence at 1120 Garfield Avenue. The subject site is 3,750-sq.-ft. lot
13 with a 2-bedroom, 1-bathroom 842-sq.-ft. house built in 1922. The applicant is
14 proposing a 760-sq.-ft. ground-floor addition at the rear of the property to
15 accommodate a new bathroom, bedroom, mudroom, and master suite. The
16 exterior of the addition is proposed to be contemporary in appearance. This
17 will result in a 4-bedroom, 3-bathroom 1,602-sq.-ft. home with a maximum
18 height of 19 feet. A Parking Exception is required to allow the second off-
19 street parking space in the front yard area.

20 **Recommendation: Staff recommends that the Planning & Zoning Commission**
21 **review and approve the proposed project subject to the findings and**
22 **conditions of approval.**

23
24 **CEQA: The project is Categorically exempt pursuant to Section 15303 “New**
25 **Construction or Conversion of Small Structures.”**

26
27 Associate Planner Tan presented the staff report dated March 28, 2018.

28
29 **Greg VanMechelen**, architect, noted the addition will contain two bedrooms and two
30 baths. The drawing shown in the presentation is incorrect; the applicant is proposing one
31 new street tree. A car parked in the driveway would be 5-7 feet from the sidewalk.
32 Reducing the size of the alcove will result in an almost useless area.

33
34 **PUBLIC COMMENTS OPENED**

35
36 **Michael Green**, 601 Kains, remarked on the neighbors and applicant working together on
37 the design. He supported the project and the parking exception.

38
39 **PUBLIC COMMENTS CLOSED**

40
41 Commissioner Donaldson supported approval of the project and granting the parking
42 exception.

43
44 Commissioner Giesen-Fields could not support granting a parking exception. More can
45 be done to limit parking intrusion and its aesthetic effects on the property and the

1 neighborhood. While the cooperation among neighbors was good, neighbors do not
2 have a legal right to a view, light, or privacy. Commissioners have to look at the public
3 right and the effect on the community. Reducing the size of the alcove would not
4 diminish the quality of the home. He recommended a deed restriction to prevent the
5 alcove from being used as a bedroom in the future.

6
7 Commissioner Jennings generally did not support the idea that constrained properties
8 need to accommodate parking. Placing parking against the sidewalk was acceptable.
9 The applicant and the architect considered reducing the size of the alcove, and they
10 have reasons not to do that. The record contains sufficient evidence for Commissioners
11 to make the findings. The design is attractive.

12
13 When asked, **Mr. VanMechelen** advised that the applicant was debating whether to
14 enclose the alcove area. If it was enclosed, it would not meet the minimum requirements
15 for a habitable room, but it could be a storage room. The applicant agreed to a deed
16 restriction.

17
18 Commissioner Watty commended the applicant for working with neighbors. She could
19 make the necessary parking findings and support granting the parking exception. The
20 current design is much better than previous versions.

21
22 Chair Kent supported approving the project and granting the parking exception. He
23 preferred allocating space to the house and backyard rather than to parking.

24
25 Commissioner Donaldson stated the lot and house were small, and with the addition the
26 house would not be terribly large. The current design is far better than earlier designs. He
27 was impressed with the communication among neighbors. The Commission had granted
28 exceptions for other 25-foot lots.

29
30 **Motion to approve PA 18-015** for 1120 Garfield Avenue pursuant to the staff
31 report dated March 28, 2018. Donaldson

32 Seconded by: Jennings

33 AYES: Donaldson, Watty, Jennings, Kent

34 NAYES: Giesen-Fields

35 ABSTAINING: None

36 ABSENT: None

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

38
39 Chair Kent noted the 14-day appeal period.

40
41 **7-2. PA 18-014 Design Review for a Second Story Addition at 1043 Santa Fe**
42 **Avenue** – The applicant is seeking Design Review approval for a second-story
43 addition at 1043 Santa Fe Avenue. The subject site is a 4,000-sq.-ft. sloped lot
44 with a 3-bedroom, 1-bathroom 1,237-sq.-ft. house built in 1926. The applicant
45 is proposing to reduce the existing 1,237-sq.-ft. main level to 1,094 sq. ft. and
46 build an 869-sq.-ft. second-story addition. The project scope includes an

1 interior remodel and reconfiguration to locate the bedrooms to the proposed
2 second story. The main level is proposed to accommodate a living room,
3 dining, kitchen, family, office, and bathroom. The second story is proposed to
4 include two bedrooms, a new bathroom, laundry, and a master suite. The
5 existing Mediterranean architectural style is proposed to change to a
6 contemporary appearance. This will result in a 3-bedroom, 3-bathroom 1,963-
7 sq.-ft. home with a maximum height of 28 feet. Two off-street parking spaces
8 are provided in the existing attached garage.

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

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

15
16 Associate Planner Tan presented the staff report dated March 28, 2018.

17
18 **Joanne Koch**, architect, reported the owner's goal was to create an integrated home
19 with texture, scale, and freshness. Neighbors feel the design is beautiful and will add to
20 the street and the City. When asked, she stated the materials and disciplined use of
21 materials and color will give the building interest. The mass is broken by the two upper
22 levels being stepped back. The detail of the ledge supporting the deck will be clad with
23 the same material as the garage door. The railings, the projections, and the eave
24 overhang will be made of the same material as the garage door, and the applicant has
25 proposed Western Red Cedar with a semi-transparent stain. The crawl space houses the
26 stair unit and water heater. The tree in the front will remain and will be protected during
27 construction. The applicant will incorporate changes to the steps at the sidewalk.

28
29 **J.B. Tomaro**, owner, explained that privacy is not a concern because the home to the
30 rear is considerably higher than the proposed addition.

31
32 PUBLIC COMMENTS OPENED

33
34 None

35
36 PUBLIC COMMENTS CLOSED

37
38 Commissioner Watty felt the project met exceptional design standards with a holistic and
39 integrated contemporary design. The project retains the rectangular shape and raised
40 entry common in the neighborhood.

41
42 Commissioner Jennings indicated the contemporary design feels warm and inviting. The
43 3-D renderings demonstrate the project's appearance in the real world.

44
45 Commissioner Giesen-Fields expressed concern about the lack of a railing around the
46 steps in the side yard and the massing of the home. In general, he liked the design.

1
2 Commissioner Donaldson liked the butterfly roof and overhangs. The project is very
3 attractive. He cautioned the homeowner about maintaining the exterior wood
4 components. The landscape should complement the home's design, and the existing
5 landscaping may not do that.

6
7 Chair Kent advised that trees and shrubs are needed to soften the large building. He
8 concurred with comments about maintaining the exterior wood, especially at the upper
9 level, to prevent discoloration.

10
11 **Motion to approve PA 18-014** for 1043 Santa Fe Avenue with a condition that
12 the magnolia tree in the front yard be replaced with a tree that will reach a
13 similar size if it does not survive construction and pursuant to the staff report
14 dated March 28, 2018. Donaldson

15 Seconded by: Watty

16 AYES: Donaldson, Giesen-Fields, Watty, Jennings, Kent

17 NAYES: None

18 ABSTAINING: None

19 ABSENT: None

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

21
22 Chair Kent noted the 14-day appeal period.

23 24 8. NEW BUSINESS

25
26 **8-1. STUDY SESSION Zoning Ordinance Revisions to Streamline Commercial**
27 **Development Review and Revise the Density Bonus Ordinance** – Staff
28 recommends that the Planning & Zoning Commission review and provide
29 feedback on the issues, options, and recommendations for Zoning Ordinance
30 revisions that seek to:

- 31 • Revise the City's Density Bonus Ordinance to bring it into conformance
32 with State law; and
- 33 • Streamline the review and permit process for commercial development.

34 **Recommendation: Staff recommends that the Planning & Zoning Commission**
35 **revise the draft changes and provide feedback to staff. No formal action is**
36 **required.**

37
38 **CEQA: The project is exempt pursuant to Section 15061(b)(3).**

39
40 Contract Planner Jean Eisberg presented the staff report. The Economic Development
41 Strategic Plan does not provide a definition or list of desirable businesses. The
42 Commercial Mixed Use District is located along Eastshore and Cleveland Avenue. Land
43 use categories are commonly used, but they can be refined to include additional uses.
44 A parking requirement for tutoring facilities has not been identified. Research and
45 Development, Commercial is permitted in Solano and San Pablo with a major use permit
46 and in CMX with a minor use permit.

1
2 City Planner Hersch advised that the fee for a major use permit is \$2,717, and a major use
3 permit adds 4-6 weeks to the review process. Drive-thru facilities are specific to food
4 service. The Commission can consider performance standards when requiring parking for
5 a change of use. Provisions in the Code allow the Council to set by ordinance an in-lieu
6 fee. Once the City has a Complete Streets plan, perhaps staff can capture an in-lieu fee
7 that would finance future capital improvement projects in the corridor. The definition of
8 Research and Development, Educational should be expanded for clarity. If the City
9 changed its cannabis policies, then staff would introduce different definitions of land
10 uses. Parking surveys are rudimentary and not scientific. The Commission reviews three or
11 four change of use applications each year. Staff needs to update the Density Bonus
12 Ordinance to be consistent with State law.

13
14 Commissioner Donaldson expressed concern about allowing gyms and exercise studios
15 as a by-right use. A minor use permit for beer, wine and full alcohol service would be fine.
16 The recommendation for drive-thru facilities is fine. The Commission needs additional
17 information before making a decision on the CMX recommendation. He questioned
18 whether permitting by right would be an incentive for auto-oriented uses to move from
19 San Pablo to CMX. The definition for tutoring facilities is fine. Tutoring facilities should
20 include bicycle parking. Perhaps TDM measures could incentivize employers to
21 encourage employees to use transit and to report on employee parking. He was unsure
22 how an In-lieu parking fee would work if the funds were not used to develop parking. The
23 business community will want parking.

24
25 Commissioner Giesen-Fields concurred with Commissioner Donaldson regarding gyms on
26 Solano Avenue. Perhaps gyms could be allowed by right in CMX and San Pablo. Some
27 uses can be permitted by right, but the Commission needs to consider uses and zones.
28 When the Commission considers not requiring parking for certain uses, it should keep in
29 mind residents' complaints about parking. The definition for tutoring facilities as a
30 permitted use in all three corridors is fine, but San Pablo may not be as conducive to
31 tutoring facilities. The Research and Development, Commercial use could be permitted
32 by right in CMX. He requested staff provide the number of commercial or retail
33 establishments that fall within the 1,500-square foot retail exemption. He would prefer not
34 to use in-lieu funds for a parking garage. He did not agree with eliminating drive-thru
35 facilities on San Pablo, but requiring a use permit for them is fine.

36
37 Commissioner Jennings would support a by-right use for gyms because Commissioners
38 could address their concerns through restrictions. Research and Development,
39 Commercial should not be allowed in Solano and San Pablo. She preferred not to use in-
40 lieu funds for a parking garage. Modifying parking ratios makes a lot of sense, especially
41 in an area like Solano. She would like a future discussion about incentivizing infill housing
42 and higher-density housing, especially in the San Pablo Corridor.

43
44 Commissioner Watty agreed with by-right permitting of retail and restaurant uses, but by-
45 right permitting of health clubs should include parameters. Service uses might be better

1 served on San Pablo or reviewed on a case-by-case basis. Research and development
2 businesses should not be allowed in Solano, allowed in San Pablo with a use permit, and
3 allowed by right in CMX. Maker spaces could be considered as food and beverage
4 manufacturing, and the City could establish small, medium, and large categories and
5 requirements for them. Parking should not be required for changes of use on Solano if the
6 establishment met a size threshold, which the City could set. She preferred not to deter
7 an active use because it has to get parking. She suggested the Commission explore
8 pulling out food and beverage components from hybrid uses. Research and
9 Development, Commercial should not be allowed in San Pablo. If the City implemented
10 differentiated parking demand for back of house and sales area, she was concerned
11 about not being able to change parking when an applicant proposed a change of use
12 with a tenant improvement. She did not support allowing on-street parking to count
13 toward the parking requirement and was not keen to use in-lieu funds for a parking
14 garage. With respect to allowing retail and restaurant uses by right on Solano, perhaps
15 the City could set a threshold for chain establishments and require a use permit above
16 the threshold.

17
18 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

19
20 City Planner Hersch reminded Commissioners to submit Form 700 to the City Clerk. She
21 requested a volunteer for the Solano Avenue Complete Streets technical review
22 committee, which will meet on April 17, 10:00-noon, but no Commissioners were
23 available.

24
25 **10. NEXT MEETING: April 11, 2018**

26
27 **11. ADJOURNMENT**

28
29 The meeting was adjourned at 9:57 P.M.
30 Next regular meeting: Wednesday, April 11, 2018 at 7:00 P.M. at Albany City Hall.

31
32
33 _____
34 Submitted by: Anne Hersch, City Planner

35
36
37 _____
38 **Jeff Bond, Community Development Director**