

City of Albany

Planning & Zoning Commission Minutes of July 25, 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, July 25, 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 Community Development Director Jeff Bond

19
20 4. **EX PARTE COMMUNICATION DISCLOSURES**

21
22 All Commissioners disclosed contact with Jerri Holan regarding the project at 1124 Talbot.

23
24 5. **CONSENT CALENDAR**

25
26 5-1. **Planning & Zoning Commission Meeting Minutes June 27, 2018**

27 **Recommendation: Approve Planning & Zoning Commission Meeting Minutes.**

28
29 Commissioner Donaldson referred to edits he previously provided staff regarding page 4,
30 lines 21-24.

31
32 City Planner Anne Hersch noted Romain Curtis, architect, rather than Nahel Tleimat
33 represented the project in Item 7-1.

34
35 5-2. **PA 18-049 Parking Reduction for 1100 Portland (Portland Gardens)** – The
36 applicant is seeking Parking Reduction approval for 1100 Portland. The
37 subject site is a 10,000-sq.-ft. lot with a 16,000-sq.-ft. mixed-use building which
38 includes twelve (12) residential units and two (2) commercial suites
39 constructed in 2003. The original approval included twenty-seven (27) off-

1 street parking spaces with seven (7) accessible via a vehicle lift. Under the
2 new parking regulations, the applicant has applied for a parking reduction,
3 eliminating vehicle lift infrastructure. This will result in twenty (20) off-street
4 parking spaces where seventeen (17) are required.

5 **Recommendation: Staff recommendations that the Planning & Zoning**
6 **Commission review and approve the proposed project request subject to**
7 **findings and Conditions of Approval.**

8
9 **CEQA: The project is Categorically exempt from CEQA pursuant to Section**
10 **15303 "New Construction or Conversion of Small Structures" of the CEQA**
11 **Guidelines.**

12
13 City Planner Hersch presented the staff reported dated July 25, 2018.

14
15 When asked, **Female**, representative for the applicant, advised that tenants had not
16 utilized the parking lifts in the years the lifts had been available, and tenants have
17 difficulty navigating their vehicles around the lifts. The lifts are not needed to comply with
18 parking requirements. Units in the building are usually leased. Most residents park in the
19 garage. She did not envision residents needing the additional parking provided by the
20 lifts in the future. Each unit will be assigned one parking space.

21
22 PUBLIC HEARING OPENED

23
24 None

25
26 PUBLIC HEARING CLOSED

27
28 Commissioner Giesen-Fields had been concerned about the loss of off-street parking
29 because the building is located next to a commercial area. Given the tenants' problems
30 with the lifts and the lack of use, he is more at ease with removing the lifts.

31
32 Commissioner Donaldson felt the tenants not using the lifts is evidence that the revised
33 parking requirement is appropriate.

34
35 **Motion to approve PA 18-049** for 1100 Portland pursuant to the staff report
36 dated July 25, 2018. Donaldson

37 Seconded by: Watty

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

39 NAYES: None

40 ABSTAINING: None

41 ABSENT: None

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

43
44 Chair Kent noted the 14-day appeal period.

45
46 **5-3. PA 17-077 Design Review & Parking Exception for a Two-Level Rear Addition at**
47 **524 Evelyn** – The applicant is seeking Design Review approval for a first and
48 second-story addition at 524 Evelyn. The subject site is 5,000-sq.-ft. lot with a
49 3-bedroom, 1-bathroom 1,810-sq.-ft. split-level house built in 1939. The

1 applicant is proposing to convert 150 sq. ft. of existing garage area and add
2 138 sq. ft. at the rear ground level, creating a new bedroom and bathroom.
3 A 115-sq.-ft. second-story addition is proposed and will expand an existing
4 bedroom creating a new closet. This will result in a 4-bedroom, 2-bathroom
5 2,050-sq.-ft. home with a maximum height of 25 feet. The maximum height of
6 the home is not proposed to increase. One (1) off-street parking space is
7 provided in the existing garage. A Parking Exception is required to locate the
8 second off-street parking space in the front yard setback.

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

12
13 **CEQA: The project is Categorically exempt from CEQA pursuant to Section**
14 **15303 “New Construction or Conversion of Small Structures” of the CEQA**
15 **Guidelines.**

16
17 **Motion to approve** the June 27, 2018 minutes as amended and PA 17-077 for
18 524 Evelyn pursuant to the staff report dated July 25, 2018. Donaldson
19 Seconded by: Jennings

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

21 NAYES: None

22 ABSTAINING: None

23 ABSENT: None

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

25
26 Chair Kent noted the 14-day appeal period.

27
28 PUBLIC COMMENT OPENED

29
30 **Phillip Moss**, applicant for 524 Evelyn, recognized staff for their excellent work.

31
32 PUBLIC COMMENT CLOSED

33
34 **6. PUBLIC COMMENT**

35
36 **Peter Campbell** believed the software used to determine property owners within 300 feet
37 of 949 San Pablo failed to identify the correct property owners that would be affected by
38 the project.

39
40 **Amy Smolens** advised that Albany Strollers and Rollers recently funded seven new bike
41 racks around Albany for a total of 63 bike racks since 2012.

42
43 **Joanna Fox** suggested the City provide notices in multiple languages and implement
44 parking placards for residents. Residents have asked a consultant to review the corner of
45 Solano and Kains for compliance with the Americans with Disabilities Act (ADA).

46
47 **Elaine Stelton**, owner of 914 Kains, requested the Commission hold an additional meeting
48 for the 949 San Pablo project when residents were more likely to be in town. Project
49 notices should be sent to tenants as well as property owners.

1
2 **7. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
3 **ITEMS:**

4
5 **7-1. **Study Session** Proposed Design Scopes for “Albany Apartments” at 949 San**
6 **Pablo Ave.** – The subject site is two lots totaling 10,530 sq. ft. in area with San
7 Pablo & Kains Ave. frontage. The site has both San Pablo Commercial and R-
8 3 zoning designations.

9 The applicant is seeking preliminary feedback on two potential design
10 schemes:

- 11 1. **Mixed-Use Residential Scheme:** A mixed-use building with ground-level
12 retail (3,478 sq. ft.) and 16 apartment units. The parcel on Kains Ave.
13 would be a one-way westbound driveway aisle with 4 off-street parking
14 spaces.
- 15 2. **Residential Scheme:** A 16-unit apartment building on San Pablo Ave. and
16 a New Single-Family Dwelling with an attached Accessory Dwelling Unit on
17 Kains Ave.

18 **Recommendation: Staff recommends that the Planning & Zoning Commission**
19 **review the proposed project and provide feedback to the applicant and**
20 **staff. This is a study session and no action will be taken.**

21
22 **CEQA: The project is Categorically exempt from CEQA pursuant to Section**
23 **15332 “In-Fill Development Projects” of the CEQA Guidelines.**

24
25 City Planner Hersch presented the staff report dated July 25, 2018.

26
27 **Erick Mikiten**, architect, reported a lot line adjustment would be needed under Option B.
28 The plans as presented are preliminary, and the number of units could change. In Option
29 A, the lots are shown as one lot for simplicity and efficiency. Combining all lots into one
30 would not allow a buildable multifamily project because of the narrow dimension and
31 the setbacks. Having vehicles travel the drive aisle from Kains to San Pablo will prevent
32 headlights shining into houses across Kains. Option B does not provide any retail space
33 and could be over-parked depending on the unit sizes. Because retail spaces along San
34 Pablo have been vacant for many years, additional retail space may not be viable or
35 important. When asked, Mr. Mikiten advised that reducing the amount of retail space
36 would create a very small space but would not provide additional parking spaces.
37 Below-grade parking is not practical for a project of a small size.

38
39 PUBLIC HEARING OPENED

40
41 **Fred Rodrigue**, 966 Kains, felt Option B is the best proposal for traffic and parking
42 congestion on Kains.

43
44 **Ed Fields** supported the project because it comes close to achieving or exceeding the
45 maximum residential density and provides parking without exceeding the maximum
46 allowable building envelope. Neither the plans nor the oral presentation mentioned
47 inclusionary housing or a daylight plane. He preferred Option B. The Zoning Code does
48 not allow cars to enter the property from Kains to access commercial businesses on San
49 Pablo Avenue. The applicant should apply for a density bonus to avoid issues such as

1 floor area ratio. He questioned the safety of parking beneath the building in an
2 earthquake.

3
4 **Melissa Hobbs Schmidt**, 963 Kains Avenue, stated an environmental document is required
5 because the project does not meet the requirements of Section 15332 of the CEQA
6 Guidelines. Option A does not provide sufficient parking for market-rate units. Employees
7 for the commercial space would not have nearby parking. She preferred Option B, but
8 6-foot setbacks and a 23-foot-wide alley would result in a single-family residence 11 feet
9 wide. A CEQA review should be initiated to ensure the lot complies with General Plan
10 Policies LU-2.8, and Policy LU-2.11.

11
12 **Peter Campbell** favored Option B. San Pablo Avenue is a logical location for housing.
13 The site does not provide sufficient parking for a commercial space.

14
15 **Tom Pulsifer** read and supported the statement of Ann Duncan. Ms. Duncan was
16 concerned regarding proposed design scopes for the alley between San Pablo and
17 Kains. Option A is unacceptable because of traffic and parking congestion. Option B
18 would require off-street parking for 38-42 cars. Ms. Duncan inquired about the off-street
19 parking requirement for Option B.

20
21 **Margo Wexler**, 975 Kains, opposed the mixed-use option because of the parking shortage
22 on Kains.

23
24 **Kevin Steed**, favored Option B because it would eliminate cut-through traffic along the
25 alley and increase housing. The building on San Pablo should be set back from the side
26 property line so that the side of the building can be accessed for maintenance.

27
28 **David Hertzner**, owner of 966 Kains, supported Option B as housing is badly needed in
29 Albany. Option A is not adequately parked and would increase parking and traffic
30 congestion.

31
32 **Joanna Fox**, 962 Kains Avenue, expressed safety concerns about traffic cutting through
33 the alley.

34
35 **Amy Smolens**, 943 Kains, noted the location was convenient to public transportation. The
36 applicant should provide the number of secure bicycle parking spaces. Cut-through
37 traffic along the alley would compromise the safety of cyclists and pedestrians. Existing
38 retail space in the area is not well utilized.

39
40 **Clay Larsen** hoped staff would investigate the impact of the new parking requirement on
41 parking.

42
43 PUBLIC HEARING CLOSED

44
45 Commissioner Donaldson appreciated the applicant proposing redevelopment of the
46 site and including housing. The General Plan encourages ground-floor retail on San
47 Pablo to bring vibrancy to the street. The Zoning Ordinance reserves ground floors for
48 commercial uses. Therefore, Option B is a concern and would require serious
49 consideration. The City's parking survey indicates the west side of Kains has 90-percent

1 occupancy most times of the day. The General Plan discourages parking along San
2 Pablo. Cars and parking should be hidden from view along San Pablo. The Zoning
3 Ordinance contains daylight plane requirements, which could constrain development on
4 the site. The project should have distinctive and high-quality architecture. He
5 encouraged the applicant to utilize the Density Bonus Law for the project. Perhaps the
6 applicant could propose ground-floor live/work spaces and reach a parking agreement
7 with Kelly-Moore Paints. Rather than building a single-family residence with an accessory
8 dwelling unit (ADU), the applicant could build a duplex.

9
10 Commissioner Watty concurred with many of Commissioner Donaldson's comments. She
11 favored Option B because the drive aisle should not provide access to Kains. The lot on
12 Kains should be developed with a single-family residence or duplex to be compatible
13 with other homes along Kains. The building on San Pablo should provide retail space that
14 is not as deep as shown on the plans. The project should focus on retail rather than
15 parking for the building fronting San Pablo.

16
17 Commissioner Jennings generally supported construction of the maximum allowable
18 number of units for the site, use of the Density Bonus Law, compliance with the City's
19 inclusionary housing ordinance, and ground-floor retail along San Pablo. Option B is
20 more appropriate for the area. Because of parking congestion, the project should meet
21 the required parking requirements or provide sufficient justification for a parking
22 reduction. The plans as presented raise concerns regarding setbacks and lot coverage.

23
24 Commissioner Giesen-Fields understood residents' concerns about parking and traffic
25 along Kains. Design of the single-family residence in Option B will be a critical aspect of
26 the project. The accessory dwelling unit could be omitted to address parking and
27 setback requirements. The Kains lot should be residential while the San Pablo lots should
28 be a mix of commercial and residential.

29
30 Chair Kent responded to public comments regarding a requirement for 38-42 parking
31 spaces and regarding an accessory dwelling unit. A drive aisle from San Pablo to Kains is
32 not a good idea. Option B can provide some amount of retail space. The size and
33 shape of the lots constrain development.

34 35 **8. NEW BUSINESS**

36
37 **8-1. Front Porch Design Modification at 1124 Talbot** – The City has received
38 correspondence regarding an amendment to the building permit for 1124
39 Talbot. Two Planning Commissioners were contacted about the matter.
40 Correspondence is included for Commission review.

41 **Recommendation: Staff recommends that the Planning & Zoning Commission**
42 **review the correspondence and take public testimony. No action is required.**

43
44 **CEQA: The project was previously approved as Categorically exempt from**
45 **CEQA pursuant to Section 15303 "New Construction or Conversion of Small**
46 **Structures" of the CEQA Guidelines on April 26, 2017.**

47
48 City Planner Hersch presented the staff report dated July 25, 2018.
49

1 Community Development Director Jeff Bond explained that a formal appeal of the staff
2 decision had not been filed. Staff chose to place the item before the Commission to
3 provide transparency. The time period to appeal the CEQA determination has expired.
4 The Albany Municipal Code does not reference the Secretary of Interior Standards, and
5 the Planning and Zoning Code does not contain a historic preservation section.

6
7 **Mark Lekas**, property owner, noted the Secretary of Interior Standards for the treatment
8 of historic properties are regulatory only for projects receiving historic preservation fund
9 grant assistance or other federal assistance. He has not received any funding from any
10 government agency. He and his wife terminated their business relationship with Ms.
11 Holan due to differences of opinion. When asked, Mr. Lekas advised that the posts were
12 moved 12 inches to frame the doorway. The X-braces will remain visible.

13
14 **Jerri Holan**, former project architect, believed the importance of the historic structure
15 warrants Commission review of any exterior design changes. In California, any changes
16 to a national historic structure need to follow the National Rehabilitation Guidelines to
17 avoid negative impacts per CEQA. Required compliance with the Guidelines is specified
18 on the first page of the approved permit plans. Staff misapplied the Guidelines when
19 approving the property owners' modification, which resulted in Albany's most important
20 historic resource being severely compromised. The modified configuration of the porch
21 has four negative impacts and does not comply with six of the ten Guidelines. The
22 Commission should review any exterior modifications that deviate from the Commission's
23 original approval.

24
25 PUBLIC HEARING OPENED

26
27 None

28
29 PUBLIC HEARING CLOSED

30
31 Commissioner Watty understood the modification from a design review standpoint.
32 However, CEQA Section 15331 requires historic properties follow the Secretary of the
33 Interior Standards. Under CEQA, the question is whether the modification is a substantial
34 adverse change to the significance of the historic resource. Ideally, original features of a
35 historic structure should not be altered, and details should not be added where they did
36 not precisely exist previously. The modification did not materially impair the significance
37 of the historic resource; however, she remained confused as to whether CEQA applied to
38 the situation.

39
40 Commissioner Jennings did not believe there was a discretionary approval that would
41 trigger a CEQA analysis. In addition, the time period to appeal the determination that
42 the project was exempt from CEQA analysis has passed. The Commission can take no
43 action.

44
45 When asked, Community Development Director Bond reported the City Attorney
46 concurred with the Commission discussing the item and confirmed that statutes of
47 limitations apply to the situation.

1 Commissioner Giesen-Fields noted the Guidelines allow some leeway and interpretation.
2 In general, the overall direction of the project is good.

3
4 Commissioner Donaldson felt any decision regarding the appropriateness of the
5 modification would be difficult to make, but no decision is required because the appeal
6 period has expired. He appreciated staff presenting the item to the Commission.
7

8 Chair Kent did not believe the modification altered the post-and-beam aspect of the
9 house. Perhaps the Commission was a little lax in approving the project because of Ms.
10 Holan's involvement with the project.

11
12 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

13 None

14
15
16 **10. NEXT MEETING: September 12, 2018**

17
18 **11. ADJOURNMENT**

19 The meeting was adjourned at 9:13 P.M.

20 Next regular meeting: Wednesday, September 12, 2018 at 7:00 P.M. at Albany City Hall.
21

22
23 _____
Submitted by: Anne Hersch, City Planner

24
25 _____
Jeff Bond, Community Development Director