



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, SEPTEMBER 26, 2018, 7:00 P.M.**

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1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Kent called the regular meeting of the Planning and Zoning Commission to order in the City Council Chambers at 7:00 P.M. on Wednesday, September 26, 2018.

2. ROLL CALL

Present: Donaldson, Giesen-Fields, Watty, Jennings, Kent
Absent: None
Staff Present: Planning Manager Anne Hersch
Associate Planner Christopher Tan

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

4-1. September 12, 2018 Planning & Zoning Commission Meeting Minutes.

Recommendation: Staff recommends that the Planning & Zoning Commission review and approve the meeting minutes.

Commissioner Jennings noted the comments at page 5, line 37 should be attributed to Commissioner Watty.

Motion to approve the September 12, 2018 meeting minutes as amended. Giesen-Fields
Seconded by: Donaldson
AYES: Donaldson, Giesen-Fields, Watty, Jennings, Kent
NAYES: None
ABSTAINING: None
ABSENT: None
Motion passed, 5-0-0-0

4-2. PA18-054 Design Review and Conditional Use Permit for a Two-Level Addition at 1060 Evelyn Avenue – The applicant is seeking Design Review and Conditional Use Permit approval for two-level addition at 1060 Evelyn Avenue. The subject site is 3,800-sq.-ft. lot with a 2-bedroom, 1-bathroom 947-sq.-ft. house built in 1926. The applicant is proposing a 304-sq.-ft. rear single-story addition and an 899-sq.-ft. second-story addition to the home. The single-story addition and remodel is proposed to expand the existing kitchen and create a new family/dining room. The second-story addition includes two bedrooms, one bathroom, and a master suite. The building exterior is proposed to be painted stucco and wood siding with a cross-gable roof. A Conditional Use Permit is required to vertically extend the existing non-conforming north wall, which is set back 3.6 feet from the property line. This will result in a 4-bedroom, 3-bathroom 2,090-sq.-ft. home



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1 with a maximum height of 26'-5". Two off-street parking spaces are provided in the
2 driveway.

3
4 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
5 and approve the proposed project subject to the findings and Conditions of Approval.
6

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

10 Associate Planner Christopher Tan presented the staff report dated September 26, 2018.
11

12 **Stacy Eisenmann**, project architect, was willing to accept the conditions of approval; however, the
13 applicant requests the Commission consider an extension of the existing nonconforming north wall in a
14 horizontal direction. She provided images of the home as proposed and with a 2-inch recess along the
15 side. While the request is unusual, the Code contains language that supports a horizontal extension of
16 the wall.
17

18 **Eddie Park**, property owner, referred to Albany Municipal Code Section 20.24.020, Number 19(a) of
19 Notes: Table 2.A as allowing a horizontal extension of a nonconforming wall. The Code does not state
20 there is no allowance for vertical or horizontal exceptions. The language allows a discretionary
21 determination by the Commission to extend a wall such that it does not further encroach into required
22 setbacks. Granting the request will allow a more cohesive design for the building, which will benefit the
23 community. The change would be nominal, and Number 19(a) supports a Commission decision to grant
24 the request.
25

26 When asked, **Mr. Park** advised that the image depicts the existing wall, which he wants to extend in the
27 horizontal direction. **Ms. Eisenmann** added that the applicant paid the fee to extend the existing
28 nonconforming wall vertically. The proposed addition is set in the required 2-plus inches. Neighbors
29 indicated they would prefer a clean wall. The applicant is not obligated to set in the roof eave. The
30 applicant is proposing a horizontal and a vertical extension. **Mr. Park** explained that the encroachment
31 would be maintained exactly rather than increased. Number 19(a) does not explicitly state that an
32 extension cannot be horizontal. Number 19(b) refers to specific horizontal and vertical axes of extension;
33 whereas, Number 19(a) does not preclude a horizontal extension. Reading Number 19(a) and (b)
34 together creates a conflict in the interpretation through the specificity of Number 19(b) over Number 19(a).
35 **Ms. Eisenmann** indicated the side yard on the south side of the building is 10.1 feet in width.
36

37 Planning Manager Anne Hersh reported that granting a horizontal extension based on Number 19(a)
38 would set a precedent. A previous Commission granted a horizontal extension via a variance for a project
39 located on a lot 65 feet wide by 45 feet deep.
40

41 Commissioner Donaldson believed the Code language of "such extension shall not further encroach into
42 any required setback" did not provide the Commission much latitude. The foundation for the addition
43 would be located in an area where it is not allowed. He could not support granting a horizontal extension.
44 He interpreted Number 19(a) as the Commission should not allow an encroachment to expand except
45 vertically over an existing foundation. The second sentence of Number 19(a) is intended to prevent
46 applicants from proposing an increased encroachment. Historically, the Commission has interpreted the
47 language as allowing a vertical extension on an existing foundation. The Commission has required



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1 applicants to design extensions to the rear in compliance with setback requirements. The proposed
2 addition would extend into the side yard setback.

3
4 Commissioner Jennings remarked that the first two sentences of Number 19(a) could be interpreted to
5 mean the same thing, in which case there is no reason for the second sentence to exist. A more
6 reasonable interpretation is that the second sentence has its own meaning separate from the first
7 sentence. The first sentence clearly refers to a vertical extension, but the second sentence does not,
8 which creates an independent basis to interpret it as meaning an extension in a direction other than
9 vertical. The use of "i.e." in the parenthetical indicates the example is actually a meaning. Extending the
10 wall horizontally does not increase the degree of the encroachment into the side yard and does not create
11 a new encroachment in another direction. She interpreted Number 19(a) as the Commission has
12 discretion to issue a use permit that would allow a horizontal extension. From a design perspective and
13 based on the neighbors' agreement and the size of the encroachment, she would be inclined to support
14 granting a use permit for a horizontal and a vertical extension.

15
16 PUBLIC HEARING OPENED

17
18 None

19
20 PUBLIC HEARING CLOSED

21
22 Commissioner Giesen-Fields related that his experience on the Commission has shown him that a great
23 deal of language in the Code is unintentionally redundant and unintended. A second means of
24 interpreting Code language is through review of precedents and prior decisions. With new construction,
25 the applicant has the opportunity to design the wall to conform with requirements. Adding 2 inches to the
26 addition would not increase the usage of the property; although, aesthetically it would look better. The
27 2-inch difference was not a compelling argument to allow a horizontal extension. Granting a horizontal
28 extension would set a precedent for a large number of future applications for additions. Because the
29 principles that guide the Commission in determining the appropriateness of a horizontal extension are
30 subjective, he was hesitant to approve or deny a horizontal extension. The project design is beautiful,
31 and the addition fits well. The architect and the applicant have tried to highlight all of the aspects
32 encouraged in the design guidelines.

33
34 Commissioner Watty believed the Commission is allowed to grant or deny a request for a horizontal
35 extension. She was less concerned about setting a precedent because applications for use permits are
36 reviewed on a case-by-case basis. She was inclined to support a horizontal extension because of the
37 built pattern of the project in conjunction with the two adjoining properties. The larger setback on one
38 side of the property pairs with the smaller setback on the neighboring property. The character of the
39 three homes should be respected and allowed to evolve and improve so that the buildings could last
40 another 100 years. The 2 inches was almost more bothersome than a larger amount because of
41 weatherproofing issues. Requiring a 2-inch reveal would not add value to the built environment. She
42 could support the project as proposed with a condition for the front picture window to be retained. She
43 would not support increasing the encroachment into the side yard setback.

44
45 Commissioner Jennings emphasized that the Commission has to make specific findings related to the
46 desirability and compatibility of the project and its adverse impacts on the neighborhood. A less than 3-
47 inch extension under the specific circumstances of the proposed project would not cause adverse
48 impacts. While precedents are important, the applicant presents a new and compelling interpretation of



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1 Number 19(a). The Commission has the discretion to make a determination. Under the facts and
2 circumstances of the proposed project, she could approve a conditional use permit.

3
4 Commissioner Donaldson liked the design. He did not interpret Number 19(a) as allowing a horizontal
5 extension at the rear of the property. Narrow side yards are a character of the Albany community. The
6 language was included in the Municipal Code to protect the existing side yards and to prevent them from
7 being expanded and extended. Forcing a wall to jog in at the second story creates structural issues;
8 therefore, the Commission can allow a vertical extension for second-story extensions. The first two
9 sentences of Number 19(a) are confusing, and he was not sure why the second sentence was included.
10 A second-story addition to the rear should conform to the side yard setback line. The rule should be
11 applied literally.

12
13 Chair Kent concurred with Commissioner Jennings' interpretation of Number 19(a). If granting a
14 horizontal extension does not create adverse impacts, the Commission has the discretion to approve or
15 deny a horizontal extension. He was inclined to approve the request.

16
17 Commissioner Giesen-Fields advised that he would support approval of the project with the hope that
18 the Commission would review and revise the referenced Code language for clarity or to state specifically
19 that a horizontal extension is or is not allowed.

20
21 **Motion to approve PA18-054** for 1060 Evelyn Avenue with a condition of approval for the
22 applicant to retain the front picture window, without a condition of approval requiring the
23 north wall of the addition to conform with the side yard setback, and pursuant to the staff
24 report dated September 26, 2018. Jennings

25 Seconded by: Watty

26 AYES: Giesen-Fields, Watty, Jennings, Kent

27 NAYES: Donaldson

28 ABSTAINING: None

29 ABSENT: None

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

31
32 Chair Kent noted the 14-day appeal period for PA18-054.

33 34 5. PUBLIC COMMENT

35
36 None

37 38 6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING 39 ITEMS:

- 40
41 6-1. ****Study Session** PA18-043 Design Review & Parking Exception for a First-Floor &
42 Second-Story Addition at 1110 Ordway Street** – The applicant is seeking Design
43 Review and Parking Exception approval for a first-floor and second-story addition at 1110
44 Ordway Street. The subject site is a 3,500-sq.-ft. lot with a 2-bedroom, 1-bathroom 1,166-
45 sq.-ft. house built in 1941. The applicant is proposing to add a total of 739 sq. ft. to the
46 existing home. The main-level addition is 363 sq. ft. and will include an expanded
47 kitchen/living room and new storage room. A 376-sq.-ft. second-story addition is proposed
48 to accommodate a new master suite with balcony. The existing Spanish Revival style



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1 appearance of the home is proposed to remain. This will result in a 3-bedroom, 2.5-
2 bathroom 1,905-sq.-ft. home with a maximum height of 26'-7". One parking space is
3 provided in the existing garage. A Parking Exception is required to allow the second off-
4 street parking space in the front yard setback.

5
6 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
7 the proposed plan revisions and provide feedback to the applicant and staff.

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

11
12 Associate Planner Tan presented the staff reported dated September 26, 2018.

13
14 **Romain Curtis**, project architect, advised that he revised the project in response to the Commission's
15 and staff's comments by reducing the number of window types, changing the roof, relocating the balcony,
16 adding clerestory windows, reducing the door size, and adding a trellis. The massing and the floor plan
17 of the current proposal is very similar to the original proposal. He recessed the second floor at the rear
18 to break the massing and brought back the language of the existing house. When asked, Mr. Curtis did
19 not recall the specific window he proposed in the plans, but he would comply with the Commission's
20 recommendation. The windows will be Milgard. The property owners prefer the proposed ceiling heights
21 for the addition. The property owners also prefer to access the closet through the bathroom rather than
22 the bedroom. He placed two windows on the rear to prevent having a blank wall, and balancing the two
23 windows resulted in one window looking into a closet.

24
25 PUBLIC HEARING OPENED

26
27 None

28
29 PUBLIC HEARING CLOSED

30
31 Commissioner Donaldson indicated Mr. Curtis listened to the Commission's comments and changed the
32 design significantly. The design is greatly improved. Reducing the ceiling heights of the addition could
33 reduce the overall height and improve the appearance of the front elevation. A window looking into a
34 closet does not function well.

35
36 Commissioner Giesen-Fields commented that the current design is a nice improvement over the previous
37 design. While reducing the ceiling heights of the addition could reduce the overall height, the height as
38 proposed would not prevent him from approving the project. He preferred the window looking into the
39 closet be removed and the windows be aluminum-clad wood. Accessing the closet via the bathroom is
40 not a concern. The windows have a much more unified character than the previous presentation. Future
41 submissions should include a note regarding the materiality of the balcony railing.

42
43 Commissioner Jennings agreed that the design has improved. On the front elevation, the window
44 language makes more sense. Moving the balcony to the rear is better.

45
46 Commissioner Watty wanted to see more massing reduction on the front stair pop-out as it feels awkward
47 and does not fit with the architecture of the existing building. Perhaps the width of the addition should be
48 the same width as the existing home. The existing picture window is a character-defining feature of the



1 home and should be retained. The double-casement window over the garage should be retained. An
2 aluminum-clad wood window is more appropriate for the home, and the existing trim should be retained
3 on the existing home and emulated on the addition.
4

5 Chair Kent concurred with the proposal to move the balcony to the rear of the home. The landscape plan
6 as submitted is not sufficient. A narrative of the vision for the landscape would be useful.
7

8 **7. NEW BUSINESS**

9
10 None
11

12 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

13
14 Planning Manager Hersh reported the recent pop-up event for the Solano Avenue Complete Streets
15 project demonstrated bulb-outs and traffic-calming measures. Comments from the public were generally
16 supportive and positive. The October 10 meeting of the Planning and Zoning Commission will be
17 canceled due to the lack of a quorum for the meeting. The next meeting is scheduled for October 24.
18

19 Commissioner Giesen-Fields referred to Albany Municipal Code Section 20.24.020, Number 19 of Notes:
20 Table 2.A. After reading both subparts of Number 19, he believed Number 19(a) applies to side yard
21 setbacks, and Number 19(b) applies to front yard setbacks. The second sentence of Number 19(a)
22 qualifies that Subpart (a) applies to side yard setbacks specifically.
23

24 **9. NEXT MEETING** – Wednesday, October 10, 2018, 7:00 p.m., City Hall Council Chambers, 1000
25 San Pablo Avenue
26

27 **10. ADJOURNMENT**

28
29 The meeting was adjourned at 8:30 p.m.
30
31

32
33 _____
Submitted by: Anne Hersch, Planning Manager
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37 _____
Jeff Bond, Community Development Director
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