



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2018, 7:00 P.M.**

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, November 14, 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. Planning & Zoning Commission Meeting Minutes October 24, 2018.

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

Commissioner Giesen-Fields requested his comment of "[t]he Ramona intersection seems restrictive since you can only make a right turn going north onto Solano Avenue" be added to Item 6.

4-2. PA 18-081 Design Review for a Two-Level Rear Addition at 826 Pomona Avenue –

The applicant is seeking Design Review approval for a two-level addition at 826 Pomona Avenue. The subject site is 4,400-sq.-ft. lot with a 3-bedroom, 1-bathroom 1,689-sq.-ft. house built in 1924. The applicant is proposing to build a 104-sq.-ft. two-level addition at the rear of the home. The addition will accommodate an expansion and remodel for the den on the ground floor and master bedroom on the upper floor. The interior remodeling will accommodate an additional bathroom for the home. The applicant is proposing cement plaster on the exterior of the addition as well as a gable roof to match the existing home. New windows are proposed alongside vertical wood-siding accents at the rear of the home. The existing Craftsman architecture is proposed to remain. This will result in a 3-bedroom, 2-bathroom 1,793-sq.-ft. home with a maximum height of 18'-7". Parking is provided in the existing garage and driveway.

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

CEQA: The project is Categoricaly exempt from CEQA pursuant to Section 15303 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.



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4-3. PA 18-082 Design Review, Parking Reduction & Conditional Use Permit for a Basement Conversion & Addition at 714 Pomona – The applicant is seeking Design Review, Parking Reduction, & Conditional Use Permit approval for a basement conversion and addition at 714 Pomona. The subject site is 3,300-sq.-ft. lot with a 2-bedroom, 1-bathroom 1,663-sq.-ft. house built in 1928. The applicant is proposing to lift the building approximately 4 feet to accommodate a basement conversion. A Conditional Use Permit is required to vertically extend the existing nonconforming east wall vertically. The conversion and 141-sq.-ft. ground-level addition off the back will accommodate a family room, dining, kitchen laundry and bathroom. The proposed second floor will be remodeled to contain 3 bedrooms, bathroom, and master suite with balcony. The existing Craftsman architecture is proposed to remain. This will result in a 4-bedroom, 3-bathroom 1,804-sq.-ft. home with a maximum height of 22'-6". One off-street parking space is provided in the garage. A Parking Reduction is required to waive one off-street parking space.

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

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

Motion to approve the Consent Calendar with the revision to the minutes. Donaldson

- Seconded by: Jennings
- AYES: Donaldson, Giesen-Fields, Watty, Jennings, Kent
- NAYES: None
- ABSTAINING: None
- ABSENT: None

Motion passed, 5-0-0-0

Chair Kent noted the 14-day appeal period.

5. PUBLIC COMMENT

None

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

6-1. "Economic Development Strategic Plan Implementation: Recommendation to the City Council to Adopt Zoning Ordinance Revisions to Streamline Commercial Development Review" – Proposed Zoning Code Amendments to Sections 20.08 "Definitions," 20.12 "Zoning Districts," 20.24 "Development Standards," 20.20 "Regulation of Specific Land Uses," and 20.28 "Parking" of the Albany Municipal Code. Notice is hereby given that the City of Albany Planning & Zoning Commission will hold a public hearing to consider a recommendation to the Albany City Council for proposed Zoning Code Amendments to Sections 20.08 "Definitions," 20.12 "Zoning Districts," 20.24 "Development Standards," 20.20 "Regulation of Specific Land Uses," and 20.28 "Parking" of the Albany Municipal Code.



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2 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
3 the draft Ordinance and adopt Resolution of Intention 2018-04 to amend Sections 20.08
4 “Definitions,” 20.12 “Zoning Districts,” 20.24 “Development Standards,” 20.20 “Regulation
5 of Specific Land Uses,” and 20.28 “Parking” of the Albany Municipal Code.
6

7 Staff also recommends that the matter be continued to a date certain of Wednesday
8 November 28, 2018 so that the Commission may review the final draft and make a formal
9 recommendation to the Albany City Council.
10

11 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).
12

13 Jean Eisberg, Contract Planner, presented the staff report dated November 14, 2018.
14

15 When asked, Commissioner Watty clarified San Francisco's threshold for franchise businesses
16 as being 11 or more locations worldwide. Some franchise businesses may be perceived as small
17 even though they have 50 locations. While she did not know the correct number, Commissioner
18 Jennings supported a threshold of 100 to provide the City with some measure of control over
19 larger chains. Chair Kent questioned whether a threshold of 100 would benefit the City when
20 small franchises have less ability to review and alter plans to comply with design requirements.
21 Commissioner Donaldson noted large franchises' unwillingness to adapt their plans to design
22 requirements. A threshold of 100 seems too high. He expressed concern about having less
23 review of a small franchise that is growing rapidly and that cannot readily adapt their plans.
24 Commissioner Jennings remarked that the City currently has no threshold for franchises, and yet
25 franchises are not rushing to build in Albany. The Commission has discussed applying a threshold
26 to the Solano Commercial District (SC) only. Commissioner Watty suggested the Commission
27 recommend a threshold of 100 and, if needed, change the threshold in the future. San Francisco
28 may have been trying to preserve the individual characteristics of neighborhoods by preventing
29 small chains from populating all neighborhoods. Large franchises seem to focus on large and
30 highly visible signage rather than pedestrian-scale signage. Commissioner Giesen-Fields
31 preferred a threshold of 50, recognizing that the threshold can be changed. Commissioners
32 agreed to retain a threshold of 100 franchise locations.
33

34 Commissioner Watty requested Commissioners' opinions regarding requiring a major use permit
35 for ground-floor office in SC. On Solano, street-facing ground-floor office uses tend to deaden
36 pedestrian activation of the street and should be considered carefully. Commissioner Giesen-
37 Fields suggested requiring a major use permit for professional office uses because many of the
38 existing offices do not encourage foot traffic. He did not oppose professional office uses on
39 Solano but wanted additional review. Commissioner Jennings noted the proposed ordinance
40 distinguishes between professional office and general office, but the two are grouped together in
41 the land use table. Requiring a major use permit for professional office uses could be perceived
42 as a major change from the existing condition on Solano. She did not feel strongly either way.
43 Chair Kent remarked that higher rental rates for retail space could encourage the construction of
44 or conversion to retail space. Commissioner Donaldson was inclined to require major use permits
45 for some categories of businesses. Commissioner Watty supported requiring a major use permit
46 for both general and professional office uses. Commissioner Giesen-Fields supported requiring
47 a major use permit for professional office uses only. A majority of Commissioners supported
48 requiring a major use permit for both general and professional office uses. Commissioners



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1 agreed that office space should be a permitted use in the San Pablo Commercial District (SPC)
2 regardless of its location on either the ground floor or an upper story.

3
4 Chair Kent noted a gym in the CMX District is required to close at 10:00 p.m., but a business
5 serving alcohol in the CMX District is required to close at 11:00 p.m. Commissioner Jennings
6 suggested deleting the hours of operation for gyms in the CMX District. Commissioners
7 concurred.

8
9 Chair Kent recommended "youth" be added to the definition of tutoring/lessons for clarity.

10
11 **Motion to adopt** Resolution of Intention 2018-04 to amend Sections 20.08 "Definitions,"
12 20.12 "Zoning Districts," 20.24 "Development Standards," 20.20 "Regulation of Specific
13 Land Uses," and 20.28 "Parking" of the Albany Municipal Code. Jennings

14 Seconded by: Watty

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

16 NAYES: None

17 ABSTAINING: None

18 ABSENT: None

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

20
21 **Motion to continue** Resolution of Intention 2018-04 to a date certain of November 28,
22 2018. Watty

23 Seconded by: Giesen-Fields

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

25 NAYES: None

26 ABSTAINING: None

27 ABSENT: None

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

29
30 **6-2. Proposed Zoning Code Amendments to Sections 20.24.020 "Site Regulations by**
31 **District: Residential"** – the City of Albany Planning & Zoning Commission will hold a
32 public hearing to consider a recommendation to the Albany City Council for proposed
33 Zoning Code Amendments to Section 20.24.020 "Site Regulations by District:
34 Residential."

35
36 **Recommendation:** Staff recommends that the Planning & Zoning Commission adopt
37 Resolution 2018-05 forwarding a recommendation to the City Council to amend Section
38 20.24.020 "Site Regulations by District: Residential" of the Albany Municipal Code.

39
40 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).

41
42 Associate Planner Christopher Tan presented the staff report dated November 14, 2018.

43
44 Commissioner Watty preferred not to use the word "prohibit" but to allow a review of projects on
45 a case-by-case basis. Many homes in Albany were constructed prior to the implementation of
46 zoning controls and have unique circumstances. The Commission could have a finding that an
47 exception is allowed because the applicant is proposing an extension in the same plane as an
48 existing nonconforming wall. Perhaps the language of subpart a should be "over or under an



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1 existing wall or foundation." The introductory language should be "[e]xceptions to setback
2 requirements may be made in the case of an addition to a residential structure."
3

4 Commissioner Jennings concurred with Commissioner Watty's concern about expressly
5 prohibiting actions. Review on a case-by-case basis should be allowed. In subpart c, "strictly"
6 should be deleted. In subparts b and c, "further encroach" and "further encroachments" should
7 be clarified by a parenthetical stating "(e.g., a nonconforming wall which encroaches one (1) foot
8 into a required setback shall not be permitted to encroach two (2) feet)" or by language such as
9 "the extension shall not increase the degree of encroachment."
10

11 Commissioner Giesen-Fields concurred with clarifying "further encroach" in subparts b and c. He
12 preferred the Code state a prohibition because it provides clear direction to applicants. The
13 professional should design a project that complies with Code requirements.
14

15 Chair Kent suggested subpart b state "[e]xisting, nonconforming walls which encroach into the
16 required setback areas may be extended in a vertical and/or horizontal plane, subject to design
17 review by the Planning & Zoning Commission and obtaining a use permit" along with the final
18 sentence. This language would cover all the walls.
19

20 Commissioner Jennings supported Chair Kent's suggestion from a policy perspective. If the
21 language distinguishes between vertical and horizontal extensions and among front, side, and
22 rear setbacks, the language should include reasons for the distinctions.
23

24 Commissioner Watty questioned whether the Commission is attempting to clarify the rules or
25 amend the rules to align with desired policy objectives. She could support deleting "Front Wall"
26 from subpart b and stating "[n]onconforming walls which encroach into the required setback may
27 be extended in a vertical or horizontal plane subject to design review by the Planning & Zoning
28 Commission and obtaining a use permit."
29

30 Commissioner Donaldson believed the language should have a specific provision for side yards.
31 Thousands of homes in Albany have very narrow side yards, and he reviews side yard setbacks
32 carefully. He had no objection to using the words "strictly" and "prohibit" with respect to side
33 yards. A vertical extension can be allowed because it does not narrow the setback. These rules
34 should be clear.
35

36 Commissioner Jennings remarked that under certain circumstances granting a use permit or a
37 variance could result in a better project.
38

39 Commissioner Giesen-Fields agreed with Commissioner Donaldson regarding a focus on side
40 yards. Setbacks originate from a life, health, and safety requirement. Side yard setbacks are
41 necessary because many homes in Albany have zero lot lines or very small distances between
42 adjacent homes.
43

44 Planning Manager Anne Hersh reported the most recent language, which has been drafted during
45 the discussion, would allow a horizontal nonconforming wall to be extended with a use permit.
46 Staff also included language of "extend in a vertical plane over or under an existing wall or
47 foundation."
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1 Commissioners agreed to delete "or foundation."
2

3 **Motion to adopt** Resolution 2018-05 forwarding a recommendation to the City Council to
4 amend Section 20.24.020 "Site Regulations by District: Residential" of the Albany
5 Municipal Code as revised during the meeting. Watty

6 Seconded by: Jennings

7 AYES: Watty, Jennings, Kent

8 NAYES: Donaldson, Giesen-Fields

9 ABSTAINING: None

10 ABSENT: None

11 **Motion passed, 3-2-0-0**
12

13 **7. NEW BUSINESS**

14 None
15

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17 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

18 None
19

20
21 **9. NEXT MEETING** – Wednesday, November 28, 2018, 7:00 p.m., City Hall Council Chambers,
22 1000 San Pablo Avenue
23

24 **10. ADJOURNMENT**

25
26 The meeting was adjourned at 8:35 p.m.
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30 _____
Submitted by: Anne Hersch, Planning Manager
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33 _____
34 Jeff Bond, Community Development Director
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