



**aMINUTES OF THE REGULAR MEETING
WEDNESDAY, APRIL 10, 2019, 7:00 P.M.**

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4 **1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

5
6 Chair Watty called the regular meeting of the Planning and Zoning Commission to order in the
7 City Council Chambers at 7:00 P.M. on Wednesday, April 10, 2019.
8

9 **2. ROLL CALL**

10
11 Present: Donaldson, Kent, Jennings, MacLeod, Watty
12 Absent: None
13 Staff Present: Planning Manager Anne Hersch
14 Associate Planner Christopher Tan
15

16 **3. EX PARTE COMMUNICATION DISCLOSURES**

17
18 None
19

20 **4. CONSENT CALENDAR**

21
22 **4-1. Planning & Zoning Commission Meeting Minutes of March 27, 2019**

23
24 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
25 and approve the meeting minutes.
26

27 Planning Manager Anne Hersch advised that the meeting minutes posted to the City's website do
28 not correspond to the March 27 hearing date; therefore, the item is continued to the next Planning
29 Commission hearing.
30

31 **4-2. PA 19-026 Design Review and Conditional Use Permit for a Second-Story Addition**
32 **at 1605 Sonoma Avenue** – The applicant is seeking Design Review and Conditional Use
33 Permit approval for a second-story addition at 1605 Sonoma Avenue. The subject
34 property is a 5,640-sq.-ft. lot with a 5-bedroom, 4-bathroom, 2,880-sq.-ft. house built in
35 1925. The applicant is proposing to add 221 sq. ft. on the existing second story of the
36 home. The proposed addition will accommodate an additional bedroom for the home.
37 The project scope includes relocating the laundry room to the 2nd floor and relocating one
38 existing bathroom on the 2nd floor. The existing architectural style of the home is
39 proposed to remain. A Conditional Use Permit is required to vertically extend the
40 nonconforming south wall located 4'-8" from the property line. This will result in a 6-
41 bedroom, 4-bathroom, 3,101-sq.-ft. home with a maximum height of 26 feet. Parking is
42 provided in the existing detached garage.
43

44 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
45 and approve the proposed project subject to the findings and Conditions of Approval.
46

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



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Motion to approve Item 4-2 of the Consent Calendar. Jennings
 Seconded by Kent
 AYES: Donaldson, Kent, Jennings, MacLeod, Watty
 NAYES: None
 ABSTAINING: None
 ABSENT: None
Motion passed, 5-0-0-0

Chair Watty noted the 14-day appeal period.

5. PUBLIC COMMENT

None

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

6-1. PA 19-022 Design Review & Parking Reduction for a Two-Level Addition at 1115 Neilson Street – The applicant is seeking Design Review and Parking Reduction approval for a two-level addition at 1115 Neilson Street. The subject site is a 5,450-sq.-ft. lot with a triplex that includes two (2) 587-sq.-ft. 1-bedroom/1-bathroom units and a 1,003-sq.-ft. main dwelling with 2 bedrooms and 1 bathroom in the R-1 Zoning District. The applicant is proposing to add 76 sq. ft. on the main level and a 673-sq.-ft. 2nd story on the main dwelling. The 2nd-story addition is proposed to accommodate two bedrooms, one bathroom, and a roof deck. The existing architectural style of the triplex is proposed to remain. This will result in a 4-bedroom, 2-bathroom, 1,861-sq.-ft. main dwelling with a maximum height of 28 feet. A Parking Reduction is required to waive one off-street parking space.

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

Associate Planner Christopher Tan presented the staff report dated April 10, 2019.

Mark Miura, property owner, did not believe the number of individuals living on the property or the number of vehicles parked on the street would increase as a result of the project. On February 28, 2019, he and the project architect attended the monthly block meeting to present the project plans and receive input. Neighbors raised concerns about parking. The project will increase the size of the two existing garages to provide two off-street parking spaces. The project is the most logical and harmonious way to utilize the existing structure, to align the structure with the community character, and to support the City's need for housing.



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1 **Kerstin Hellman**, project architect, reported new garage doors will improve the aesthetics of the
2 structure. Balconies will provide a buffer between the front units and the street and will increase
3 the value of the units. Landscaping will be drought tolerant. When asked, Ms. Hellman indicated
4 the garages will be 9 feet wide and 19 feet deep. Automatic garage doors are not feasible
5 because of the height of the garages. She had not explored the availability of automatic carriage
6 doors. The width of the garage doors can probably be expanded by 6 inches. The carriage doors
7 will open onto the driveway. The balconies will have roofs and corner columns. The bike parking
8 is essentially a bike rack.

9
10 PUBLIC HEARING OPENED

11
12 **Alison Marshall**, 1104 Neilson Street, explained that Neilson has one lane when vehicles are
13 parked along the street. Two homes on the street have accessory dwelling units (ADU), and two
14 cars are associated with each ADU. The driveways at the project site are unusable for parking.
15 She asked the Commission to deny the request for a parking reduction.

16
17 **Dan Marshall** requested the Commission not waive the off-street parking requirement. Public
18 safety access on Neilson Street is challenging because the street is narrow.

19
20 **Jean Safir**, 1129 Neilson Street, remarked that both garages and both driveways are too narrow
21 for people to exit vehicles parked in the garages and driveways.

22
23 **Nancy Gurian**, 1112 Neilson Street, noted parking congestion along and the narrow width of
24 Neilson Street. Visitors to 1115 Neilson will increase parking congestion. The project should
25 provide three off-street parking spaces.

26
27 **Naomi Roht-Arriaza**, Tevlin Street, expressed concern about the project creating shade on the
28 common area between Neilson and Tevlin. The rear windows on the second-story addition will
29 look directly into her home. The second-story addition should be moved toward the front of the
30 house.

31
32 **Lisa Van Zantwyk**, Tevlin Street, requested renderings or plans showing the addition to the main
33 dwelling unit so that neighbors can determine the impacts of the second-story addition.

34
35 **Phiroze Nagarvala**, 1133 Neilson Street, commented that cars will never be parked in the
36 driveways or garages of the project site. Neilson Street is dangerous. He urged the Commission
37 to deny the request for a parking reduction.

38
39 **Elisabeth Lhoest**, 1117 Neilson Street, did not object to the home being remodeled. Children
40 walk along Neilson to reach the school and the park. More cars parked on the street will increase
41 the difficulty of traveling on Neilson and decrease the visibility of oncoming traffic and pedestrians.

42
43 **Vincent Labiano Abello** referred to Code sections that state a multifamily dwelling is a
44 nonconforming use in an R-1 district and that a building containing a nonconforming use cannot
45 be enlarged. The staff report ignores the prohibition of enlarging a building with a nonconforming
46 use. The exceptions do not apply to multifamily dwellings. The courtyard is a usable open space
47 enclosed with three walls. The project does not meet the requirement for exceptional design.



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1 The second-story addition does not minimize the project's height and bulk. The garages can be
2 expanded.

3
4 **John Guardalabene**, 1092 Tevlin Street, expressed concern about staff's interpretation of the
5 Municipal Code. The project is required to provide three off-street parking spaces, but it does not
6 provide any parking spaces. The second-story addition at the rear of the structure will impact
7 neighbors' privacy. The courtyard is usable space and should be included in the floor area ratio.

8
9 **Barry Kamil**, 1112 Neilson Street, expressed concerns about traffic volume and speed along
10 Neilson Street and the narrow width of Neilson. The applicant should be required to provide three
11 off-street parking spaces.

12
13 **Tonya Noda**, property owner, advised that the density of the structure will not change because
14 of the need for housing in Albany.

15
16 **Steve Miura**, property owner, indicated he originally planned to convert the property into a single-
17 family home. He is willing to accept any decision of the Commission.

18
19 PUBLIC HEARING CLOSED

20
21 Commissioner Donaldson understood the concerns about the traffic and width of Neilson Street;
22 however, the concerns do not fall within the Commission's purview. Staff has correctly analyzed
23 and applied the City's regulations. The project will provide two off-street parking spaces, which
24 will benefit the neighborhood. The Design Review Guidelines call for carriage-style garage doors.
25 The structure is a legal nonconforming use. The Municipal Code allows the expansion of legal
26 nonconforming structures used for residential purposes. Many multifamily dwellings are located
27 in R-1 districts because they were constructed prior to adoption of the Zoning Map. Staff has
28 correctly interpreted Code provisions for floor area ratio. The courtyard should not be included in
29 floor area ratio. The project will not impact the open space between Neilson Street and Tevlin
30 Street. The project will not impact the privacy of neighbors living on Tevlin Street because of the
31 distance between homes on Neilson and Tevlin. The project will improve the appearance and
32 the value of the home. During his visits to the site, parking was available on Neilson Street. The
33 balcony design could be more contemporary, and the corner posts could be smaller.

34
35 Commissioner Kent noted the applicant is building within the legal boundary, and the project's
36 impact on neighbors' privacy will not be as great as perceived. The impact to privacy would not
37 be sufficient to deny the project. A development project is not responsible for increasing the
38 safety of the street. Cars parked along the street act as a traffic calming measure. Widening the
39 garages would increase construction costs, but it would benefit the project for many years and
40 provide usable parking spaces.

41
42 Commissioner Jennings concurred with Commissioners' comments. Neighbors should pursue
43 their concerns about street safety with the Traffic and Safety Commission and the City Council.
44 Based on the story poles, the second-story addition will be relatively modest, especially in relation
45 to the two houses north of the project. The project will add one bedroom to the residence and
46 preserve two ADUs. The garages should be functional and used. She preferred the bike parking
47 be secure and covered.

48



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1 Commissioner MacLeod agreed with staff's findings concerning the nonconforming use and the
2 expansion of the structure. The second-story addition is relatively modest, is located within the
3 setbacks, is relatively invisible from the street, and is not taller than the adjacent home. He did
4 not agree with comments that the project is massive and bulky. The Commission cannot mandate
5 the applicant enlarge the garages beyond the dimensions required by the Code. Excavating one
6 of the garages to provide tandem parking spaces would be excessively expensive and remove a
7 large amount of dirt. Creating two legal off-street parking spaces is an improvement. The
8 balconies, particularly the front columns, make the house project further forward. He suggested
9 the applicant remove the balcony roofs and columns, treat the railing more like the upper railing,
10 and install awnings over the doors. The project will be a vast improvement for the neighborhood
11 and will benefit the City and the neighborhood.

12
13 Chair Watty remarked that the project pragmatically adds one bedroom to the triplex and two off-
14 street parking spaces. The two parking spaces could be altered to be more usable and to make
15 the project better. She concurred with Commissioner MacLeod's comments regarding the
16 balconies. Aligning the sidewalls of the garages with the wings of the two units, moving the
17 retaining walls at the courtyard toward the walkway, and moving the retaining walls at the outside
18 of the garages toward the property line could create usable garages and driveways. Automatic
19 carriage doors that swing out are available in the marketplace. The triplex is a transition between
20 the two neighbors to the north and the smaller buildings to the south. Transom windows on the
21 rear facade of the addition could alleviate neighbors' concerns about privacy. Through the
22 exceptional design standard, the Commission can request massing modifications to the project.

23
24 Commissioner Kent noted moving the retaining walls could affect the steps.

25
26 Commissioner Donaldson did not favor widening the garages. The constraining factor is the door
27 width, and that should be addressed. Without a great deal of additional construction, the garage
28 doors could be 8 or 8.5 feet wide.

29
30 Commissioner Kent believed the garage doors should be wider to be more usable.

31
32 **Ms. Hellmann** reported the retaining walls are the same width as the garage walls. The garage
33 doors could be wider. If the garage interior is 9 feet wide, the garage doors could be 8 or 8.5 feet
34 wide.

35
36 Chair Watty suggested a condition of approval to require the garage doors to be 8 feet wide with
37 the architect to determine the revisions needed to accomplish that.

38
39 Commissioner Donaldson proposed adding a condition of approval for redesign of the balconies
40 with staff having the authority to approve the redesign.

41
42 Commissioner MacLeod disagreed with the suggestion to reduce the size of the windows on the
43 rear of the addition. The applicant deserves a view into his backyard just as the neighbors have
44 views into their backyards.

45
46 Chair Watty advised that she made the suggestion as a compromise for neighbors.
47



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1 **Ms. Hellmann** offered to use casement windows or double-hung windows for the rear of the
2 addition and to obscure the bottom portion of the windows.
3

4 **Motion to approve PA 19-022** for 1115 Neilson Street pursuant to the staff report dated
5 April 10, 2019 and with additional conditions of approval to require (1) a garage door width
6 of 8 feet approximately, (2) three covered and secure bicycle parking spaces, (3) redesign
7 of the front porches with awnings over the windows and railings around the perimeter, and
8 (4) windows with visibility obscured at eye level and below on the rear of the addition.

9 Donaldson

10 Seconded by Jennings

11 AYES: Donaldson, Kent, Jennings, MacLeod, Watty

12 NAYES: None

13 ABSTAINING: None

14 ABSENT: None

15 **Motion passed, 5-0-0-0**
16

17 Chair Watty noted the 14-day appeal period.
18

19 At this point, Chair Watty allowed public comment for Item 4-2.
20

21 **Zion Lee** inquired about the process that allowed the Commission to approve the project without
22 allowing the public to speak. He had submitted a speaker card for the item. The addition will
23 block the view and most of the sunlight from one bedroom in his home. He encouraged the
24 Commission to review the project.
25

26 Chair Watty explained the process of the Consent Calendar.
27

28 Planning Manager Hersch reported the project proposes to increase the rear roofline of the home
29 to accommodate an additional bedroom. Associate Planner Tan added that the second-story
30 addition was constructed with a conditional use permit. The applicant proposes to relocate a
31 bathroom and add a bedroom.
32

33 Commissioner Jennings commented that Mr. Lee could appeal the Commission's decision during
34 the appeal period as the Commission was not in a position to reverse its approval at the current
35 time.
36

37 When asked, **Mr. Lee** indicated his daughter has spoken with the property owners and suggested
38 reducing the extension from 12 feet to 10 feet or moving the extension to the other side of the
39 structure.
40

41 Chair Watty suggested Mr. Lee's daughter continue her conversation with the property owners.
42

43 **6-2. Proposed Zoning Establishment for the Parcel Located at the Northwest Corner of**
44 **Cleveland and Washington Avenue** – Notice is hereby given that the City of Albany
45 Planning & Zoning Commission will hold a public hearing to consider a Zoning
46 classification establishment for the parcel located at the northwest corner of Cleveland
47 Avenue and Washington Avenue. The subject site is a vacated Caltrans easement that
48 has a General Plan land use classification of High Density Residential and Parks and



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1 Open Space (Pierce Street Park). The corresponding zoning classifications, R-3 High
2 Density Residential and PF Public Facilities are proposed to be established for physical
3 property.

4
5 **Recommendation:** Staff recommends that the Planning & Commission:
6

- 7
- 8 • Adopt Resolution 2019-05, making findings of consistency pursuant to Section 15162
9 of the California Environmental Quality Act (CEQA) Guidelines.
 - 10 • Adopt Resolution 2019-06 forwarding a recommendation to the City Council to
11 establish zoning classifications for the parcel located at the northwest corner of
12 Cleveland and Washington Avenues.
- 13

14 **CEQA:** The project is exempt from CEQA review pursuant to Section 15162 as the
15 General Plan Environmental Impact Report (EIR), which was adopted and certified in
16 2016, analyzed residential and public facility uses on the subject parcel. No new
17 substantial changes have occurred which would require additional analysis for the
18 proposed zoning.

19
20 Planning Manager Hersch presented the staff report dated April 10, 2019.

21
22 PUBLIC HEARING OPENED

23
24 **Omar and Maria Saba**, Cleveland Avenue, expressed confusion about the lack of zoning for the
25 property when he had received notice that 60 units of low-income housing will be constructed on
26 the property. Adding housing will worsen traffic and parking on Cleveland and Washington
27 Avenues. This property should be part of the park. He wanted to know about the tenants of the
28 low-income housing project.

29
30 **Robert Uhrhammer**, 745 Pierce Street, noted the need for open space in Albany. He suggested
31 the proposed property line run parallel with the south edge of Calhoun Street in order to maximize
32 the public facility area and to provide a parking area for the park.

33
34 **Jeremiah** supported the construction of low-income housing. An ecological study of the property
35 should be conducted.

36
37 PUBLIC HEARING CLOSED

38
39 In response to questions, Planning Manager Hersch clarified that the Commission's action will
40 establish zoning for the property. The two sites have General Plan land use designations but no
41 zoning classification. A development application for the site has not been submitted. A housing
42 developer is negotiating with the City for future development of the site. The developer is
43 beginning to engage with the community regarding a future housing project. The developer has
44 proposed subterranean onsite parking. The location of the property line is consistent with the
45 General Plan and the developer's need for at least an acre of real property for the housing
46 development. The geometry of the proposed property line is affected by the topography of the
47 site. As part of the Commission's action, the park would also be zoned public facilities. The
48 potential housing development would be 100 percent affordable and would help the City achieve



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1 its Regional Housing Needs Assessment (RHNA) goals. The City is currently deficient in unit
2 generation for low-income and very-low-income housing. The goal of the Commission's action is
3 to zone the property consistent with its use. The park has been constructed, but subsequent
4 phases have not been designed or approved. The City original intended to build a Public Works
5 maintenance facility on the site.
6

7 Commissioner Kent commented that the site felt awkward for housing. Shopping and transit are
8 near the site.
9

10 Commissioner MacLeod agreed that Albany lacks park space, but there are significant reasons
11 to construct housing.
12

13 Chair Watty clarified that zoning the property as R-3 does not mean affordable housing will be
14 built on the site. The R-3 zoning allows a certain number of units to be constructed on the site.
15

16 Commissioner Jennings stated zoning the parcel R-3 is appropriate and extends the R-3 zoning
17 on adjacent properties. The General Plan does not call for single-family zoning for the site.
18

19 **Motion to adopt** (1) Resolution 2019-05 making findings of consistency pursuant to
20 Section 15162 of the California Environmental Quality Act (CEQA) Guidelines and (2)
21 Resolution 2019-06 forwarding a recommendation to the City Council to establish zoning
22 classifications for the parcel located at the northwest corner of Cleveland and Washington
23 Avenues. Jennings

24 Seconded by MacLeod

25 AYES: Donaldson, Kent, Jennings, MacLeod, Watty

26 NAYES: None

27 ABSTAINING: None

28 ABSENT: None

29 **Motion passed, 5-0-0-0**
30

31 7. NEW BUSINESS

32
33 **Jeremiah** proposed a stop sign be installed on Monroe Street at its intersection with Tenth Street.
34

35 Planning Manager Hersch advised that the right-of-way is located in the University of California's
36 jurisdiction.
37

38 8. OLD BUSINESS

39
40 **8-1. ** Study Session** PA 19-002 Design Review for New Pylon Sign for Target at 1057**
41 **Eastshore Highway** – The applicant is seeking Design Review approval for a new
42 freestanding pylon sign for Target at 1057 Eastshore Highway. The subject site is 9 acres
43 with an existing 173,362-sq.-ft. building. The applicant is proposing a new 50-foot tall
44 freestanding sign with a width spanning 12'-9". The new sign is proposed to be located
45 approximately in the same location as the existing Target sign located along Eastshore
46 Highway. The materials for the new sign are proposed to be corrugated aluminum with
47 an illuminated acrylic Target logo. Additionally, the proposed sign will include two signage



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1 slots for future tenants on the parcel. The project scope is limited to the proposed sign.
2 This is a study session and no action will be taken on this date.
3

4 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
5 the proposed project request and provide feedback to the applicant and staff. This is a
6 study session and no action will be taken.
7

8 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section 15332 "In-
9 Fill Development Projects" of the CEQA Guidelines.
10

11 Planning Manager Hersch presented the staff report dated April 10, 2019.
12

13 **Greg Friel**, applicant representative, reported the sign background has been reduced to the
14 Target logo. The two spaces for future tenants remain. The sign needs to be at least 50 feet in
15 height to be visible from the freeway. The sign contains the minimum number of elements to
16 identify the stores.
17

18 PUBLIC HEARING OPENED
19

20 **Jeremiah** remarked that the sign could be a hazard in the event of an earthquake and will distract
21 drivers on the freeway. The tenant spaces are too small to be effective. A business could occupy
22 the space.
23

24 PUBLIC HEARING CLOSED
25

26 Commissioner Kent indicated the current sign proposal is an improvement over the previous
27 proposal. The sign will help motorists find the store. Other businesses have signs along the
28 freeway. He could support the sign as proposed.
29

30 Commissioner Jennings appreciated the simpler design. She was not comfortable with the height
31 but understood the need for a 50-foot tall sign. She could support the proposal.
32

33 Commissioner Donaldson concurred with Commissioner Jennings' comments.
34

35 Commissioner MacLeod preferred the minimal yet elegant design. People will recognize the logo.
36 The proposed size is appropriate for the size of the development and for freeway use. He also
37 could support the current sign design.
38

39 When asked, **Mr. Friel** explained the lighting of the sign.
40

41 Chair Watty remarked that the sign appears too tall in the southbound photo simulation but
42 reasonable in the northbound simulation.
43

44 Commissioner Donaldson suggested a support stanchion one-third the width of the sign board
45 could be more aesthetically appealing. However, the sign board should not look as though it's
46 perched atop a pole.
47



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1 Commissioner MacLeod agreed that the sign should not appear unbalanced or spindly. The
2 Commission has complete discretion in reviewing future proposals for signage.
3

4 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

5
6 **10. NEXT MEETING** – Wednesday, April 24, 2019, 7:00 p.m., City Hall Council Chambers, 1000 San
7 Pablo Avenue
8

9 **11. ADJOURNMENT**

10
11 The meeting was adjourned at 9:53 p.m.
12
13

14
15 _____
16 Submitted by: Anne Hersch, Planning Manager
17

18
19 _____
20 Jeff Bond, Community Development Director