



**MINUTES OF THE REGULAR MEETING  
WEDNESDAY, APRIL 24, 2019, 7:00 P.M.**

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

Chair Watty called the regular meeting of the Planning and Zoning Commission to order in the City Council Chambers at 7:00 P.M. on Wednesday, April 24, 2019.

**2. ROLL CALL**

Present: Donaldson, Jennings, MacLeod, Watty  
Absent: Kent  
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 of March 27, 2019**

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

**4-2. Planning & Zoning Commission Meeting Minutes April 10, 2019**

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

**4-3. PA 19-002 Design Review for New Pylon Sign for Target at 1057 Eastshore Highway**

– The applicant is seeking Design Review approval for a new freestanding pylon sign for Target at 1057 Eastshore Highway. The subject site is 9 acres with an existing 173,362-sq.-ft. building. The applicant is proposing a new 50-foot tall freestanding sign with a width spanning 12'-9". The new sign is proposed to be located approximately in the same location as the existing Target sign on Eastshore Highway. Proposed materials include corrugated aluminum with an illuminated acrylic Target logo. Additionally, the proposed sign will include two signage slots for future tenants on the parcel. The project scope is limited to the proposed sign.

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

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



## PLANNING & ZONING COMMISSION

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA

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1                   **Motion to approve** Items 4-1, 4-2, and 4-3 of the Consent Calendar. Donaldson

2                   Seconded by Jennings

3                   AYES:               Donaldson, Jennings, MacLeod, Watty

4                   NAYES:             None

5                   ABSTAINING:      None

6                   ABSENT:           Kent

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

8  
9                   Chair Watty noted the 14-day appeal period.

10  
11                  **4-4. PA 19-025 Design Review for a Two-Level Addition at 817 Carmel Avenue** – The  
12                  applicant is seeking Design Review approval for a two-level addition at 817 Carmel  
13                  Avenue. The subject site is a 5,000-sq.-ft. lot with a 2-bedroom, 2-bathroom, 1,875-sq.-  
14                  ft. home built in 1929. The project scope includes a two-level, 483-sq.-ft. addition at the  
15                  rear of the home. The addition is proposed to accommodate an expansion to the existing  
16                  sun room on the 1<sup>st</sup> floor and two additional bedrooms with one bathroom on the 2<sup>nd</sup> floor.  
17                  The exterior of the addition is proposed to be clad in cement plaster and wood siding with  
18                  a gable roof to match the existing home. The existing Spanish Revival style of the home  
19                  is proposed to remain. This will result in a 4-bedroom, 3-bathroom, 2,378-sq.-ft. home  
20                  with a maximum height of 24'-11". Parking is provided in the existing garage and driveway.

21  
22                  **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
23                  and approve the proposed project subject to the findings and Conditions of Approval.

24  
25                  **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New  
26                  Construction or Conversion of Small Structures" of the CEQA Guidelines.

27  
28                  Associate Planner Christopher Tan presented the staff report dated April 24, 2019.

29  
30                  PUBLIC HEARING OPENED

31  
32                  **Ling Wright**, 815 Carmel Avenue, expressed privacy concerns because two windows on the  
33                  upper floor of the home face her bedroom and the distance between the homes is approximately  
34                  10 feet.

35  
36                  **Javier Ruiz**, project manager, reported the windows are egress windows. The size of the  
37                  windows can be reduced slightly but not enough to address the privacy concerns. The placement  
38                  is consistent with the pattern of windows on other neighborhood homes. When asked, Mr. Ruiz  
39                  advised that the adjacent home is slightly offset from the subject house.

40  
41                  PUBLIC HEARING CLOSED

42  
43                  Commissioner Donaldson remarked that the overall design is attractive. The small distance  
44                  between adjacent homes is common in Albany. He suggested the homeowners install blinds to  
45                  alleviate the neighbor's privacy concerns. A standard condition of approval should address the  
46                  drainage problem that is well documented in the file.

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1 Commissioner Jennings was sympathetic to the neighbor's concerns; however, the Commission  
2 does not have a basis to deny the project. Perhaps the homeowners would consider an opaque  
3 treatment for the windows.

4  
5 Chair Watty concurred with Commissioners' comments..

6  
7 Commissioner MacLeod opined that windows should be allowed if they conform with setbacks.  
8 The project is well designed and coherent.

9  
10 **Motion to approve PA 19-025** for 817 Carmel Avenue pursuant to the staff report dated

11 April 24, 2019. Jennings

12 Seconded by Donaldson

13 AYES: Donaldson, Jennings, MacLeod, Watty

14 NAYES: None

15 ABSTAINING: None

16 ABSENT: Kent

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

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

20  
21 **5. PUBLIC COMMENT**

22  
23 None

24  
25 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**  
26 **ITEMS:**

27  
28 **6-1. PA 19-014 Design Review & Conditional Use Permit for a Two-Level Addition at 1146**  
29 **Evelyn Avenue** – The applicant is seeking Design Review and Conditional Use Permit  
30 approval for a two-level addition at 1146 Evelyn Avenue. The subject lot is a 6,445-sq.-ft.  
31 lot with a 2-bedroom, 1-bathroom, 1,566-sq.-ft. house built in 1950. The applicant is  
32 proposing to add 502 sq. ft. to the first floor and 106 sq. ft. to the second floor. The project  
33 scope includes a complete interior reconfiguration and remodel, 3 new bedrooms and 2  
34 new bathrooms in the main dwelling. The existing architecture of the home is proposed  
35 to change to contemporary in appearance. This will result in a 5-bedroom, 3-bathroom,  
36 2,375-sq.-ft. home with a maximum height of 27'-6". A Conditional Use Permit is required  
37 to vertically extend the existing nonconforming north, east and south walls. Parking is  
38 provided in the existing garage and parking pad.

39  
40 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
41 the revised application scope and provide feedback to the applicant and staff.

42  
43 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section 15303 "New  
44 Construction or Conversion of Small Structures" of the CEQA Guidelines.

45  
46 Associate Planner Tan presented the staff report dated April 24, 2019.

47



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1 **Antonio Lao**, applicant, explained the process he used to determine the top of natural creek bank  
2 and the creek setback. A portion of the north wall is the only nonconforming condition in the  
3 project. The sash material for the front windows will be aluminum. The reveal will be  
4 approximately 3 inches. The vertical window on the front facade has been moved to the side.  
5 The accessory dwelling unit (ADU) will likely be a rental unit. Locating the ADU entry on the side  
6 of the building will increase the safety, maintenance, and lighting of the area and distinguish the  
7 ADU entry from the house entry.

8  
9 PUBLIC HEARING OPENED

10  
11 **Louise Snitz** inquired about the distance of the creek setback, compliance with the setback, and  
12 the square footage of the home. In addition, she asked if the homeowner plans to install a fence  
13 on the south side of the property because she would like to have one.

14  
15 Associate Planner Tan advised that the creek setback is 20 feet, and the applicant proposes to  
16 comply with the setback. The total square footage of the home is 2,911 square feet. The plans  
17 do not show a fence.

18  
19 **William Smith** expressed concern that the ADU entry or a fence could compromise emergency  
20 access to his property.

21  
22 PUBLIC HEARING CLOSED

23  
24 Commissioner Donaldson stated the project is complicated by a lack of information or a lack of  
25 clear information. The City's creek development requirements are inadequate. He questioned  
26 the accuracy of the FIRM map. The project is located in the floodplain and flood insurance will  
27 be required. The project will probably have to be redesigned to comply with FEMA requirements.  
28 He was comfortable with the applicant utilizing the City of Berkeley requirement for a 30-foot  
29 setback from the centerline of the creek. The front facade feels empty. The design of the south  
30 side will make a very attractive space. He had no issues with the existing parking space at the  
31 front of the property.

32  
33 Commissioner MacLeod appreciated the applicant decreasing the height of the skylight, but it  
34 could be lower without impacting interior light. The window pattern, especially in the front, is more  
35 coherent. He understood the rationale for placing the ADU entry on the side. He was fine with  
36 the front parking space, the creek-side design, and the creek setback. He could not comment  
37 regarding constructing above the floodplain. As a practical matter, the green roof will not be  
38 visible. He encouraged the homeowner to maintain shared space with the neighbor.

39  
40 Commissioner Jennings requested staff obtain technical information from City engineering and  
41 legal staff regarding requirements for construction within the floodplain. She appreciated the  
42 design revisions in response to Commissioners' comments. The overall design is nice. She had  
43 no difficulty with the vertical extension of the nonconforming wall. In the absence of any defined  
44 standards, the applicant's approach to the creek setback is plausible. The project in relation to  
45 the creek is consistent with other homes along the creek. Privacy should not be an issue along  
46 the south side of the property due to the setback, trees, and vegetation.



1 Planning Manager Hersch suggested the applicant work with the engineer from another  
2 development project located in the floodplain.

3  
4 Chair Watty concurred with comments regarding the creek setback. She suggested the applicant  
5 consider recessing the garage door 3 1/2 feet, placing the ADU entry perpendicular to the front  
6 facade, and reversing the staircase to the ADU. The design that holds the two-story wall at the  
7 primary entrance is much stronger than the cantilevered design. She requested the applicant  
8 submit a window section with revised plans.

9  
10 **7. NEW BUSINESS**

11  
12 **7-1. Proposed Amendments to Chapter 20.32 “Signs” of the Albany Municipal Code –**  
13 As part of the 2019-2021 City Council Strategic Plan, the Planning & Zoning Commission  
14 will initiate efforts to amend Chapter 20.32 “Signs” of the Albany Municipal Code.

15  
16 **Recommendation:** Staff recommends that the Planning & Zoning Commission adopt  
17 Resolution 2019-07 a Resolution of Intention to amend Chapter 20.32 “Signs” of the  
18 Albany Municipal Code.

19  
20 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).

21  
22 Planning Manager Hersch presented the staff report dated April 24, 2019.

23  
24 PUBLIC HEARING OPENED

25  
26 **Peter Goodman** remarked that the Arts Committee felt murals would be a great contribution to  
27 the vitality of the City's commercial districts. He suggested the Commission define a mural such  
28 that it is clearly not signage.

29  
30 PUBLIC HEARING CLOSED

31  
32 Chair Watty reported the use of color and language associated with a specific business  
33 distinguishes a sign from a mural. Language providing clarity about murals and signage could be  
34 included in the Code revisions. Each zoning district should have different sign standards. The  
35 Solano district could have more conservative but pro pedestrian and business signage. Projecting  
36 signs and blade signs are critical. In the Solano and San Pablo districts, signs should not cover  
37 character-defining features of buildings. In the Solano district, sign illumination is important.  
38 Signs should be placed below transom level and indirectly illuminated or halo lit. In the San Pablo,  
39 CMX, and Waterfront districts, signs can be slightly larger and illuminated but should not cover  
40 character-defining building features. Monument signs should be allowed in the Waterfront and  
41 Cleveland districts only. The number of signs on a storefront should be limited, and the size  
42 should be based on the size of the frontage. When a business closes, signage should be required  
43 to be removed within a specific timeframe. Perhaps the Commission can discuss the primary  
44 building face when buildings are located on corner lots and have separate and distinct commercial  
45 spaces. Roof signs should be prohibited on Solano and San Pablo. The Code limits commercial  
46 or identifying nameplates to 1 square foot in area, and "per business" should be added to the  
47 language.



## PLANNING & ZONING COMMISSION

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1 When asked, Planning Manager Hersch advised that provisions within Chapter 20.32 address  
2 abandonment of signage, but the City does not have the resources to enforce the provisions.  
3

4 Commissioner Jennings agreed with defining objective standards for signage size, lighting, and  
5 location. When an applicant proposes a sign that complies with the standards and that is allowed  
6 in the district, the Commission should not have to review it. The Commission should review  
7 proposed sign programs, or an applicant request for an exception. Perhaps the Code provisions  
8 about authority to review could be reduced or eliminated. Banners should be exempt if they are  
9 temporary.  
10

11 Commissioner Donaldson suggested the Commission utilize the San Pablo Avenue Design  
12 Guidelines as a reference for signage standards in the San Pablo district. He suggested staff  
13 contact Anne Burns at the City of Berkeley for recommendations regarding signage. He  
14 concurred with having different regulations for each zoning district. He questioned whether the  
15 Commission should review City signage. He concurred with requiring storefront signage to be in  
16 proportion to the storefront.  
17

18 Commissioner MacLeod concurred with comments regarding different regulations for each zoning  
19 district based on whether the district is oriented to pedestrians, autos, or freeways. He liked the  
20 concept of integrating signage with architectural features and not obscuring architectural features.  
21 The Commission should consider limitations or standards for awnings.  
22

23 **Motion to adopt Resolution 2019-07**, a Resolution of Intention to amend Chapter 20.32,  
24 "Signs," of the Albany Municipal Code. Donaldson

25 Seconded by Watty

26 AYES: Donaldson, Jennings, MacLeod, Watty

27 NAYES: None

28 ABSTAINING: None

29 ABSENT: Kent

30 **Motion passed, 4-0-0-1**  
31

### 32 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

#### 33 **8-1. May 8, 2019 meeting Cancelled**

34 Planning Manager Hersch reported an appeal of the Commission's decision for 1115 Neilson has  
35 been filed and is scheduled for the June 17 Council meeting.  
36

### 37 **10. NEXT MEETING** – Wednesday, May 22, 2019, 7:00 p.m., City Hall Council Chambers, 1000 San 38 Pablo Avenue

### 39 **11. ADJOURNMENT**

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41  
42 The meeting was adjourned at 9:19 p.m.  
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48 Submitted by: Anne Hersch, Planning Manager



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Jeff Bond, Community Development Director