



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, JULY 10, 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, July 10, 2019.

2. ROLL CALL

Present: Donaldson, Kent, Jennings, Watty
Absent: MacLeod
Staff Present: Associate Planner Christopher Tan
Community Development Director Jeff Bond

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

4-1. PA 19-038 Design Review and Parking Reduction for a Single-Story Addition at 530 Cornell Avenue – The applicant is seeking Design Review and Parking Reduction approval for a single-story addition at 530 Cornell Avenue. The subject lot is a 5,000-sq.-ft. lot with a 3-bedroom, 1.5-bathroom 1,877-sq.-ft. home built in 1937. The applicant is proposing to add 328 sq. ft. to the existing single-story home. The addition is proposed to accommodate an expansion to the kitchen and master bedroom. The project scope includes adding a new pantry and washer/dryer area. The addition to the home is proposed to be modern in appearance with a shed roof and horizontal wood paneling on the exterior. A new wood deck off the rear of the home is proposed to provide access to the rear yard area. This will result in a 3-bedroom, 2-bathroom, 2,203-sq.-ft. home with a maximum height of 22 feet. A Parking Reduction is required to waive one off-street parking space triggered with the project scope.

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 Categorically exempt from CEQA pursuant to Section 15303 “New Construction or Conversion of Small Structures” of the CEQA Guidelines

Motion to approve PA 19-038 for 530 Cornell Avenue pursuant to the staff report dated July 10, 2019. Donaldson

Seconded by Kent

AYES: Donaldson, Kent, Jennings, Watty
NAYES: None
ABSTAINING: None
ABSENT: MacLeod



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

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3 Chair Watty noted the 14-day appeal period.

4
5 **5. PUBLIC COMMENT**

6
7 None

8
9 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
10 **ITEMS:**

11
12 **6-1. PA 19-037 Design Review & Variance for a New Two-Story Single-Family Home at**
13 **1198 Curtis Street** – The applicant is seeking Design Review and Variance approval for
14 a two-story single-family home at 1198 Curtis Street. The subject site is an 8,176-sq.-ft.
15 vacant lot. The applicant is proposing to build a 4-bedroom, 3.5-bathroom, 2,301-sq.-ft.
16 two-story single-family home with a maximum height of 28 ft. The exterior of the home is
17 proposed to be Craftsman/Modern style with board & batten and 6" shiplap siding.
18 Aluminum-clad windows and doors are proposed throughout the home with gable and
19 hipped roof forms. A variance is required to decrease the rear yard setback from 20 ft. to
20 12 ft. to comply with setback requirements from Codornices Creek. Two off-street
21 uncovered parking spaces are proposed to be located on the driveway pad.

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

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

28
29 Associate Planner Christopher Tan presented the staff report dated July 10, 2019.

30
31 **Thomas Biggs**, applicant/project architect, reported the landscaping along the property line will
32 remain. Trees will be used to screen the property. He attempted to create interest and to break
33 the mass of the rear facade by recessing part of it. If the variance from the rear yard setback is
34 not approved, the bedrooms will be much smaller. With a 12-foot rear yard setback, the interior
35 spaces work well. While the property owner would like a garage, the site is not large enough to
36 accommodate a garage. The exterior will be board and batten wood above horizontal shiplap
37 with watercourse trim. Visible roofs will be standing-seam metal. When asked, Mr. Biggs
38 indicated the mature trees along the rear of the property should remain. More trees could be
39 planted along the rear to create a landscape buffer. The side yard will be the main outdoor space
40 for the house. The setbacks were determined by the top of bank shown on the survey. Visually,
41 the top of bank is the beginning of the slope from the yard to the creek. Mr. Biggs did not know if
42 the storm drain easement contains pipes or a culvert. The City does not maintain the easement.
43 Trees are growing in the easement; therefore, additional landscaping within the easement will
44 probably be acceptable. The windows will be aluminum-clad wood with true divided lites.



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1 PUBLIC HEARING OPENED
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3 **Ari Soglin**, 1196 Curtis Street, did not agree with the characterization of the variance request as
4 modest. If the variance is approved, the new home's shadow will have a greater impact on his
5 rear yard. He questioned whether a survey has been prepared recently for the proposed project.
6 He requested clarification of the height and number of stories of the structure.
7

8 **Suzanne Portnoy**, 1196 Curtis Street, liked the house being set back from the street, the windows
9 facing the creek, and the shape of the house being harmonious with the shape of the lot. Granting
10 the variance would allow a larger home but reduce light, foliage, and space between the project
11 site and the adjacent property. The tradeoff is not worthwhile in light of the housing crisis.
12

13 **Cloud Chavez**, 1191 Santa Fe Avenue, opposed the request for a variance because of the
14 abundance of wildlife around the creek. She did not believe the home could be constructed
15 without removing the trees at the rear of the property. The trees provide habitat for birds, beauty,
16 and privacy. The proposed house is taller than surrounding houses and will obstruct the views
17 for surrounding houses.
18

19 **Kathy Moreno**, owner of 1191 Santa Fe Avenue, remarked that the mature trees are more than
20 12 feet from the fence, and a home cannot be built without removing them. If the Commission
21 grants a variance, the setback should be 16 feet rather than 12 feet. Granting a variance will
22 impact wildlife and neighbors.
23

24 **Roberta Focht**, owner of 1195 Santa Fe Avenue, felt the granting of a variance would infringe on
25 neighbors' rights to use and enjoy their properties. The proposed home is out of scale with the
26 neighborhood. She requested the Commission deny the variance and ensure the home's design
27 respects neighbors and provides adequate light, air, privacy, and open space for each dwelling.
28 She requested the hearing be continued until all neighbors could be notified of the project.
29

30 **Michael Weston**, 1195 Santa Fe Avenue, commented that the proposed house is not a mansion,
31 but it is larger than surrounding houses. The applicant requests a variance to build a larger home.
32

33 PUBLIC HEARING CLOSED
34

35 Commissioner Donaldson noted the height of the proposed house is approximately 28 feet, but
36 the home is raised 3 feet above grade to comply with Flood Insurance Rate Map (FIRM)
37 requirements. The home fits the unique site. The rear yard will be essentially the side yard
38 because the home is oriented to the creek along the side of the property. He could make the
39 findings to grant a variance because of the unique shape of the lot. As a side yard, 12 feet is an
40 ample setback. However, a 20-foot setback from the homes located on Santa Fe would be
41 appropriate. A 2,300-square-foot home is not a large home by Albany standards or for the size
42 of the lot. The floor area ratio and lot coverage for the project are low. The buildable area of the
43 lot is small, not square, and awkward. Imposing a 16-foot setback would not gain anything.
44 Approval of the project could be conditioned to require the preservation of the trees along the
45 fence. The Commission does not normally address shading on adjacent properties.
46

47 Commissioner Jennings felt the issue was the unique shape of the lot and constraints on the lot.
48 Variance requests for projects on this type of lot are not uncommon. A 12-foot setback from the



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1 rear property line does not necessarily create an unreasonable invasion of privacy. The home is
2 larger than many of the surrounding homes, but it is probably not larger than homes that could be
3 built on those surrounding lots. The record and materials support most and perhaps all of the
4 findings to grant a variance. In general, the applicant should request the least variance needed
5 to accomplish the goals for a project. The applicant has not provided any explanation to support
6 the requested 12-foot setback. Perhaps the Commission could continue the hearing so that the
7 applicant could provide information in support of the variance request. A clearer set of guidelines
8 for determining top of bank would be helpful. The applicant seems to have made reasonable
9 assumptions regarding the location of the top of bank.

10
11 Commissioner Kent remarked that the survey does not indicate any natural features of the site
12 but demonstrates the sensitivity of the placement of the architecture to the existing site. He
13 proposed requiring environmentally sensitive landscaping that works with the existing wildlife. An
14 environmentally sensitive landscape plan should be submitted. The proposed house may be
15 larger than surrounding houses, but expansions of the surrounding houses would be allowed. He
16 preferred to continue the hearing so that the applicant can submit plans based on a 16-foot
17 setback and with a lower eave.

18
19 Chair Watty could make three if not four of the findings in support of a variance. The site is unique.
20 Making the finding regarding adverse impacts is a bit of a problem. The Commission has not
21 been given an argument to demonstrate that granting a variance will not negatively impact
22 privacy, light, and shadowing for surrounding properties. If the plans include the trees, the
23 Commission may be able to demonstrate that granting the variance will not cause negative
24 impacts to shadowing, privacy, and light. An applicant should request the least variance that will
25 achieve the program of the project. The size and height of the proposed house can be reduced.

26
27 Commissioner Donaldson was generally happy with the design and materials of the house and
28 the designer's approach to the project. He proposed adding conditions of approval to retain the
29 mature trees along the back fence and to require a creek management plan. The Commission
30 could require a landscape plan.

31
32 Chair Watty indicated the materials comply with the principles for exceptional design. The project
33 is well designed.

34
35 Community Development Director Bond advised that staff is familiar with creek management
36 plans for properties along lower Codornices Creek and can provide a condition of approval for a
37 creek management plan.

38
39 Commissioner Jennings concurred with comments regarding the nice design and appreciated the
40 orientation to the creek.

41
42 **Motion to continue PA 19-037** for 1198 Curtis Street to a date uncertain. Jennings
43 Seconded by Donaldson
44 AYES: Donaldson, Kent, Jennings, Watty
45 NAYES: None
46 ABSTAINING: None
47 ABSENT: MacLeod
48 **Motion passed, 4-0-0-1**



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7. NEW BUSINESS

7-1. Draft Climate Action and Adaptation Plan Strategies – Staff will present an overview of the planning process and discussion of the planning and zoning sector goals and actions in the draft Climate Action & Adaptation Plan.

Recommendation: Review draft document, provide comments, and make a recommendation to Council to approve the Climate Action and Adaptation Plan.

CEQA: N/A

CivicSpark Climate Fellow Elizabeth Carrade presented the staff report dated July 10, 2019 and the draft Climate Action and Adaptation Plan (CAAP).

Commissioner Donaldson suggested the "If Not Albany, Who?" section could be a message from the City Council. He questioned whether use of renewable energy through East Bay Community Energy is helping the environment or helping people feel good about using renewable energy and whether the City is relying too heavily on participation in East Bay Community Energy (EBCE) for the success of the CAAP. The CAAP should encourage and incentivize the use of solar panels and solar water heaters for single-family and multifamily properties. The CAAP could include a goal for active transportation to increase by 1 percent. The CAAP does not address the impacts of Uber, Lyft, and other rideshare companies on greenhouse gas emissions and congestion. Eliminating natural gas usage is not an incremental step. Item 2.1.8 should reflect recent actions regarding mixed-use districts. In Item 1.1.1, requiring all-electric for major retrofits will be costly for property owners. Item 1.2.11 may need to include revisions to Title 24. A farmers market was established in Albany, but it was not successful. Item 3.2.5 could be deleted. Item 4.2.6 may need to include El Cerrito and Contra Costa County. The CAAP should include a policy related to design and build new rain gardens or retention basins to reduce flood hazards. The CAAP should acknowledge the implementation of C3 requirements for all nonexempt new development.

Commissioner Kent suggested deleting "are the norm" from the second bullet under Equitable on page 8. The third bullet appears to be written for a community much larger than Albany. The City could do more to preserve trees and require a permit to remove a significant tree of a certain species and size. The process for obtaining a permit to install a charging station should be relatively easy.

Commissioner Jennings felt the priority to reduce emissions from transportation is not reflected in the action items. The issue of first-mile and last-mile transportation should be a priority. Perhaps, the CAAP could explore Albany Unified School District's (AUSD) efforts to reduce emissions and ways the City can collaborate with AUSD. A goal of increasing density limits would be appropriate. Item 2.2.2 could be clarified to indicate whether it would apply to individual homes. She generally favored a requirement for all-electric new construction implemented in phases or over a relatively long period and exceptions to the requirement.

Chair Watty commented that finding a solution to the first-mile and last-mile issue is critical and pragmatic. The expectation that restaurants and residents will replace their gas stoves with electric stoves is not realistic. Maybe the CAAP could discuss the different types of gas and



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1 electric appliances and their advantages and disadvantages. The accessory dwelling unit (ADU)
2 program accomplishes Item 2.1.8. In Item 2.1.7, projects are allowed to build to approved
3 densities. The Municipal Code contains mixed land use zoning classifications throughout the city.
4 Item 2.2.2 should refer to the Building Code rather than the Planning Code. In planning, retrofit
5 applies more to seismic retrofits than to a remodel or renovation project.
6

7 Community Development Director Bond related that Item 2.1.7 is intended to review Code
8 restrictions that limit development to a density lower than that contained in the General Plan.
9

10 PUBLIC HEARING OPENED

11 None
12

13 PUBLIC HEARING CLOSED
14

15
16 **7-2. Association of Bay Area Governments (ABAG)/Metropolitan Transportation**
17 **Commission (MTC) Planned Development Area (PDA) Update** – ABAG/MTC is
18 requesting a letter of interest from City staff regarding potential modifications to land use
19 policies and regulations in the San Pablo & Solano Mixed-Use Neighborhood Priority
20 Development Area.
21

22 **Recommendation:** Provide feedback to staff

23
24 **CEQA:** N/A
25

26 Community Development Director Bond reported ABAG/MTC's form letter will be relatively easy
27 to complete. MTC/ABAG wants a formal commitment to amend the PDA by 2025, which fits with
28 plans to complete the General Plan Housing Element prior to working on the PDA amendment.
29

30 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

31
32 Associate Planner Tan advised that the City Council upheld the Commission's decision regarding
33 the project for 1115 Neilson Street.
34

35 **9. NEXT MEETING** – Wednesday, July 24, 2019, 7:00 p.m., City Hall Council Chambers, 1000 San
36 Pablo Avenue
37

38 **10. ADJOURNMENT**

39
40 The meeting was adjourned at 9:19 p.m.
41
42

43
44 _____
45 Submitted by: Anne Hersch, Planning Manager
46

47
48 _____
49 Jeff Bond, Community Development Director