



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, JULY 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, July 24, 2019.

2. ROLL CALL

Present: Donaldson, Kent (arrived at 7:14 p.m.), MacLeod, Jennings, Watty
Absent: None
Staff Present: Associate Planner Christopher Tan
Community Development Director Jeff Bond

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes June 26, 2019

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

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

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

Motion to approve the Consent Calendar. Donaldson

Seconded by Jennings

AYES: Donaldson, MacLeod, Jennings, Watty

NAYES: None

ABSTAINING: None

ABSENT: Kent

Motion passed, 4-0-0-1

5. PUBLIC COMMENT

None

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

6-1. PA 19-014 Design Review, Conditional Use Permit & Parking Exception for a Two-Level Addition at 1146 Evelyn Avenue – The applicant is seeking Design Review and



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

1 Conditional Use Permit approval for a two-level addition at 1146 Evelyn Avenue. The
2 subject lot is a 6,445-sq.-ft. lot with a 2-bedroom, 1-bathroom, 1,466-sq.-ft. house built in
3 1950. The applicant is proposing to add 502 sq. ft. to the first floor and 106 sq. ft. to the
4 second floor. The project scope includes a complete interior reconfiguration and remodel,
5 3 new bedrooms and 2 new bathrooms in the main dwelling. The existing architecture of
6 the home is proposed to change to contemporary in appearance. This will result in a 5-
7 bedroom, 3-bathroom, 2,375-sq.-ft. home with a maximum height of 27'-6". A Conditional
8 Use Permit is required to vertically extend the existing nonconforming north and east walls.
9 Parking is provided in the existing garage and parking pad. An exception is required to
10 locate the second off-street parking space in the front yard setback.

11
12 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
13 and approve the proposed project subject to the findings and Conditions of Approval.

14
15 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
16 Construction or Conversion of Small Structures" of the CEQA Guidelines.

17
18 Associate Planner Christopher Tan presented the staff report dated July 24, 2019.

19
20 **Antonio Lao**, applicant, reported the garage and adjoining laundry area and the accessory
21 dwelling unit (ADU) entry will remain at grade while the remainder of the home will be raised 3
22 feet to comply with flood requirements. A transom has been added to the ADU entry so that the
23 entry will match the windows. The living room door is now a bay window. Materials remain the
24 same. The skylight will be revised to comply with the maximum allowable height. When asked,
25 Mr. Lao indicated the fiberglass windows, similar to Marvin windows, will have a thin trim and a 2
26 1/2-inch recess. The window trim will be painted wood. The survey shows the correct
27 measurement of the walnut tree near the back deck. The deck will be modified so that it does not
28 impact the tree's root system.

29
30 PUBLIC HEARING OPENED

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32 **Sandra Lee Beckley**, 1145 Talbot Avenue, related that someone has spoken with a minor in her
33 household regarding the project, but no one has spoken with an adult. The walnut tree has lost
34 some large limbs during the past few winters. It appears someone is moving soil along the creek.

35
36 **Louise Snitz**, 1202 Evelyn Avenue, assumed a portion of the driveway is located on her property,
37 based on the dotted line shown on the plans.

38
39 **William Smith**, 1144 Evelyn Avenue, expressed concern about the size of the proposed home
40 negatively affecting the value of his home. The proposed home will reduce the natural light to his
41 backyard. He questioned whether the ADU entry has been moved toward the street.

42
43 **Lisa Wenzel**, 1144 Evelyn Avenue, noted the space between the proposed house and her home
44 is narrow. The proposed home will be considerably larger than surrounding homes and could
45 negatively affect the value of her home. She requested clarification of the location of the ADU
46 entry.

47
48 PUBLIC HEARING CLOSED



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2 Commissioner Donaldson appreciated the most recent design and the modifications made in
3 response to the Commission's comments. The project conforms with the required rear yard
4 setback. The ADU entrance is located on the side of the home. He hoped the property owners,
5 ADU tenant, and neighbors will cooperate in making the pathway functional. As proposed, the
6 front facade has a large blank area, but landscaping can address the issue. He liked the design
7 of the front entry.

8
9 Commissioner Jennings noted the City encourages, but does not require, the applicant or property
10 owner to conduct outreach with neighbors. The entry door for the ADU appears to open inward
11 such that it will not block the walkway along the side of the house. She appreciated the applicant's
12 efforts to locate the house away from the creek and to address flood requirements. The project
13 conforms to City policies. Commissioner Jennings was comfortable with the second parking
14 space because the property has one off-street parking space and a curb cut located in Albany.
15 She could make the findings for a parking exception.

16
17 Commissioner MacLeod commended the applicant for making good faith efforts to address the
18 Commission's concerns. The size of the home is appropriate to the size of the lot. The project
19 complies with setback requirements. The Commission generally allows the extension of
20 nonconforming walls. A 3-foot passageway provides adequate access to the ADU entry. The
21 design and windows are fine. He questioned whether the green roof will provide a benefit to the
22 property owner. He was uncomfortable with the second parking space because it is not located
23 entirely within the property; however, the second parking space has been in use for 40 or 50
24 years.

25
26 Commissioner Kent remarked that the landscape plan, as submitted, and the survey are not
27 informative. As part of exceptional design, the Commission could require the submission of a
28 bona fide landscape plan. The property owner may want to obtain written documentation granting
29 access to and use of the second parking space. The surrounding homes are not set back from
30 property lines as much as the project is. Because of the awkward setbacks for the creek, the
31 home's interior spaces are dynamic. The main entry will be visible from the street and have a
32 cozy feel. The steps of the deck are a bit overdone, and the deck almost bumps into the trunk of
33 the walnut tree. Perhaps the applicant could submit an arborist's report. If the walnut tree is not
34 healthy, it could be replaced with a tree species compatible with the creek.

35
36 Chair Watty did not anticipate the project shading the neighbor's backyard as the house will have
37 approximately the same depth as the neighbor's house. As described, the windows should
38 comply with the exception design standard. The home's appearance could change drastically
39 based on the windows used for the project. She concurred with the suggestion for the applicant
40 to submit an arborist's report. The second parking space is a concern.

41
42 Planning Manager Anne Hersch reported the applicant could recess the garage door 1 foot to
43 create two Code-compliant parking spaces, one in the garage and one on the parking pad in front
44 of the garage.

45
46 Commissioner Donaldson concurred with the suggestion for an arborist's report. The property
47 owner needs a long-term creek protection or landscape plan. The project improvements will
48 probably increase the value of homes surrounding the project.



1
2 **Mr. Lao** proposed an alternate access route to the second parking space.

3
4 Chair Watty noted the alternate route would eliminate landscaping in front of the home.

5
6 **Motion to continue PA 19-014** for 1146 Evelyn Avenue pursuant to the proposed findings
7 and Conditions of Approval with additional Conditions of Approval requiring the applicant
8 to submit and follow any recommendations in an arborist's report and to recess the garage
9 door 1 foot such that Code-compliant parking spaces are created within the garage and
10 on the parking pad outside the garage. Donaldson

11 Seconded by MacLeod

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

13 NAYES: None

14 ABSTAINING: None

15 ABSENT: None

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

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

19
20 **7. NEW BUSINESS**

21
22 **7-1. Cannabis Policy Update** – Pursuant to Ordinance 2017-07, a summary report detailing
23 commercial cannabis activities in other jurisdictions in California has been prepared for
24 Commission review.

25
26 **Recommendation:** Receive report. No action required.

27
28 **CEQA:** N/A

29
30 Planning Manager Hersch presented the staff report dated July 24, 2019.

31
32 Chair Watty shared her experiences with cannabis regulations and development projects in San
33 Francisco. The perception that cannabis dispensaries will increase crime is incorrect. Laboratory
34 testing facilities and manufacturing facilities offer opportunities for economic growth without the
35 general negative connotations of cannabis.

36
37 Commissioner Kent recalled a prior time when shops in Oakland did not report crimes in an effort
38 to foster the perception of low and no crime.

39
40 Commissioner Jennings explained that the proposal to review cannabis activities stemmed from
41 a desire to revisit Albany's prohibition of cannabis. One challenge of regulating the cannabis
42 industry is the prohibition attitude of many jurisdictions. Staff may want to include additional data
43 from San Francisco and Berkeley in the report to the Council.

44
45 Commissioner Donaldson expressed interest in learning the degree of difficulty Albany residents
46 face in purchasing cannabis and cannabis products, the number of cannabis deliveries in Albany,
47 the proximity of cannabis dispensaries to Albany, and the number and nature of inquiries staff has
48 received with respect to projects for cannabis businesses.



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2 Planning Manager Hersch advised that staff receives inquiries as to whether the City allows
3 cannabis about every other month. Over the past year and a half, one party has expressed a
4 serious interest in a facility on Cleveland Avenue.

5
6 Commissioner MacLeod remarked that the Council should consider allowing cannabis
7 dispensaries within the City. Finding a suitable location outside buffer zones would be difficult.
8 The black market for cannabis is destructive.

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10 PUBLIC HEARING OPENED

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12 None

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14 PUBLIC HEARING CLOSED

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16 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

17
18 **8-1. August Recess**

19
20 **9. NEXT MEETING** – Wednesday, September 11, 2019, 7:00 p.m., City Hall Council Chambers,
21 1000 San Pablo Avenue

22
23 **10. ADJOURNMENT**

24
25 The meeting was adjourned at 8:19 p.m.

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28 _____
29 Submitted by: Anne Hersch, Planning Manager

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33 Jeff Bond, Community Development Director