



**MINUTES OF THE REGULAR MEETING  
WEDNESDAY, SEPTEMBER 11, 2019, 7:00 P.M.**

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3  
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, September 11, 2019.  
8

9 **2. ROLL CALL**

10  
11 Present: Donaldson, Kent, MacLeod, Watty  
12 Absent: Jennings  
13 Staff Present: Associate Planner Christopher Tan  
14 Community Development Director Jeff Bond  
15

16 **3. EX PARTE COMMUNICATION DISCLOSURES**

17  
18 None  
19

20 **4. CONSENT CALENDAR**

21  
22 **4-1. Planning & Zoning Commission Meeting Minutes July 24, 2019**

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

27 **4-2. PA 19-042 Design Review for a Single-Story Rear Addition at 1056 Pomona Avenue**  
28 – The applicant is seeking Design Review approval for a single-story rear addition at 1056  
29 Pomona Avenue. The subject site is a 4,420-sq.-ft. lot with a 3-bedroom, 1-bathroom,  
30 1,197-sq.-ft. home built in 1926. The applicant is proposing a 440-sq.-ft. addition off the  
31 rear of the home to accommodate a proper master suite for the home. The project scope  
32 includes interior remodeling and reconfiguring of the existing programming to accommodate  
33 the master suite. The existing architectural style of the home is proposed to remain. This  
34 will result in a 3-bedroom, 2-bathroom, 1,637-sq.-ft. home with a maximum height of 14'-  
35 6". Parking is provided in the existing detached garage located at the rear of the property.  
36

37 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
38 and approve the proposed project subject to the findings and Conditions of Approval.  
39

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

43 **4-3. PA 19-033 Design Review for Lower Level Conversion at 958 Neilson** – The applicant  
44 is seeking Design Review approval for a lower-level conversion at 958 Neilson. The  
45 subject lot is 2,700-sq.-ft. with an existing 1,155-sq.-ft. 3-bedroom, 2-bathroom home built  
46 in 1927 and added on to in 2015. The applicant is proposing to excavate approximately  
47 340 sq. ft. of the lower level area, creating a 7'10 inch ceiling height and installing a cement  
48 pad. The area will be used for storage. The renovation is not proposed to be conditioned



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1 for habitability at this time. No exterior changes are proposed. Two off-street parking  
2 spaces are provided in the attached garage and driveway.

3  
4 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
5 and approve the proposed project subject to the findings and Conditions of Approval.  
6

7 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New  
8 Construction or Conversion of Small Structures" of the CEQA Guidelines.  
9

10 **Motion to approve** the Consent Calendar. Donaldson

11 Seconded by MacLeod

12 AYES: Donaldson, Kent, MacLeod, Watty

13 NAYES: None

14 ABSTAINING: None

15 ABSENT: Jennings

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

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

19  
20 **5. PUBLIC COMMENT**

21 None

22  
23  
24 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**  
25 **ITEMS:**

26  
27 **6-1. PA 19-037 Design Review & Variance for a New Two-Story Single-Family Home at**  
28 **1198 Curtis Street** – The applicant is seeking Design Review and Variance approval for  
29 a two-story single-family home at 1198 Curtis Street. The subject site is an 8,176-sq.-ft  
30 vacant lot that was subdivided and created in 2010. The applicant is proposing to build a  
31 4-bedroom, 3.5-bathroom, 2,301-sq.-ft. two-story single-family home with a maximum  
32 height of 28 ft. The exterior of the home is proposed to be Craftsman/Modern style with  
33 board & batten and 6" shiplap siding. Aluminum clad windows and doors are proposed  
34 throughout the home with gable and hipped roof forms. A variance is required to decrease  
35 the rear yard setback from 20 ft. to 14 ft. to comply with setback requirements from the  
36 Codornices Creek. Two off-street uncovered parking spaces are proposed to be located  
37 on the driveway pad.

38  
39 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
40 and approve the proposed project subject to the findings and Conditions of Approval.  
41

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

45 Associate Planner Christopher Tan presented the staff report dated September 11, 2019.

46  
47 **Thomas Biggs**, applicant/project architect, emphasized the constraints on the property and the  
48 resulting need for a variance. He has increased the rear setback from 12 feet to 14 feet in



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1 response to Commissioners' concerns. Reducing the size of the house further will negatively  
2 impact interior spaces. The site plan does not depict all existing trees. Trees along the rear  
3 property line serve as a screen, and more plants can be added to increase the screening. The  
4 floor area ratio of the proposed house is considerably less than what could be built on other lots  
5 in the neighborhood. The proposed project would be a great addition to the neighborhood. He  
6 recommended the Commission include a condition of approval to preserve the existing  
7 landscaping. When asked, Mr. Biggs explained that the raised portion of the roof ties together  
8 the other roof forms, creates an entry element, and adds interest. The upper roof extends into  
9 the setback. There are no utilities located on the lot.

### 10 PUBLIC HEARING OPENED

11  
12  
13 **Kathy Moreno**, owner of 1195 Santa Fe Avenue, expressed concern about the potential removal  
14 of trees located at the rear of the property and requested the applicant be required to preserve  
15 the trees.

### 16 PUBLIC HEARING CLOSED

17  
18  
19 Commissioner Donaldson remarked that increasing the setback further would compromise the  
20 livability of the interior spaces. A 2,100-square-foot house is not overly large. The applicant has  
21 done a nice job with the design. The applicant has indicated the existing trees will be preserved.  
22 The existing trees provide a nice screen along the rear yards of the adjoining neighbors.  
23 Vegetation along the creek is quite dense and adds to the cover of the site. He supported the  
24 project as currently proposed.

25  
26 Commissioner Kent agreed that the project is well-designed. The applicant does not propose to  
27 develop a lot of the open space. He liked the blue elderberries proposed in the landscape plan.  
28 The building faces the creek and the street such that it does not impact the neighbors' privacy.  
29 With respect to the concern raised in the letter from the resident at 1198 Curtis Street, the subject  
30 property is different from 1198 Curtis because the creek runs along the side of the subject property  
31 rather than the rear.

32  
33 Commissioner MacLeod encouraged the applicant to construct an all-electric home. The  
34 proposed house is not a large house in terms of square footage, especially given the lot size. He  
35 was comfortable with trading the side yard for the rear yard with respect to granting the variance.  
36 There will be plenty of open space on the lot. The raised portion of the roof does not add to the  
37 design, does not relate to the lower rooms, extends into the 20-foot rear setback, and adds to the  
38 bulk and height of the house on that side. There is a great deal of variation in window size and  
39 configuration, and more consistency would be better. The right-side elevation depicts a blank  
40 wall to address privacy concerns, but it is not an attractive facade. It could have some more  
41 windows or other features.

42  
43 Chair Watty explained that she weighed taller ceilings and a livable home against the roof  
44 encroaching into the setback and the cost of construction when considering the taller roof form.  
45 The Commission could add a condition of approval to require a tree protection plan to address  
46 the neighbor's concern about privacy. The rear landing and stairs could be converted to a window  
47 to protect the existing trees and address the neighbor's concern about privacy. The applicant is  
48 proposing high-quality materials. The design meets the standard for exceptional design even



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1           though the standard is not required. The proposed home will not affect light for the adjacent  
2 neighbor on Curtis Street.

3  
4           Commissioner Kent disagreed with removing the rear deck and suggested the applicant reduce  
5 the depth of the deck from 8 feet to 4 feet. The applicant proposes planting myrtles among the  
6 trees to increase privacy for the neighbor; although, they may not grow well under the existing  
7 trees.

8  
9           Chair Watty alternately proposed requiring a tree protection plan. If the tree protection plan finds  
10 constructing the stairs and landing will negatively impact the existing trees, the stairs and landing  
11 will be removed. In granting a variance, the Commission must find that it will not adversely affect  
12 the surrounding neighborhood. Preservation of the trees as a buffer is an important part of  
13 granting the variance.

14  
15                   **Motion to approve PA 19-037** for 1198 Curtis Street pursuant to the proposed findings  
16 and Conditions of Approval with the applicant to obtain a tree protection plan from a  
17 certified consulting arborist to ensure the rear deck and proposed plantings will not harm  
18 the existing trees. Kent  
19                   Seconded by Donaldson  
20                   AYES:           Donaldson, Kent, MacLeod, Watty  
21                   NAYES:           None  
22                   ABSTAINING: None  
23                   ABSENT:          Jennings  
24                   **Motion passed, 4-0-0-1**

25  
26           Chair Watty noted the 14-day appeal period.

27  
28           **6-2. PA 18-037 Design Review & Density Bonus Application for a Townhouse Project at**  
29 **Northwest Corner of Portland & Kains Ave. (634 Kains)** – The applicant is seeking  
30 Design Review and Density Bonus application approval for a new multifamily townhouse  
31 project proposed in an existing parking lot at the northwest corner of Kains and Portland  
32 Avenues. The project scope includes nine (9) 3-bedroom, 3-bathroom 1,955-sq.-ft.  
33 attached townhouses with a height of 35 ft. One off-street parking space is provided for  
34 each unit in the attached garages. The applicant will also pursue a lot line adjustment to  
35 consolidate four parcels into two. The request includes a waiver for reduced front and rear  
36 setbacks and height limit/daylight plane, and a concession for encroachment of the front  
37 stoops into the side setback, as allowed under State Density Bonus Law. The project  
38 includes one below-market-rate unit under the City’s Inclusionary Housing Ordinance and  
39 State Density Bonus Law.

40  
41           **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
42 and forward a recommendation to the City Council approving the project entitlements.

43  
44           **CEQA:** Staff recommends that the proposed project be considered Categorical exempt  
45 from the requirements of CEQA per Section 15332, “In-Fill Development” of the CEQA  
46 Guidelines, which exempts in-fill development. A supporting analysis for this exemption  
47 has been prepared.



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1 Commissioner Donaldson recused himself from the item as he has an ownership interest in real  
2 property located within 500 feet of the subject property; although, he disagreed with having to  
3 recuse himself as the distance between the two nearest points of the properties measures 498  
4 feet.

5  
6 Community Development Director Jeff Bond felt the State law requiring recusal is intended to be  
7 a minimum standard. The loss of Commissioner Donaldson's experience and wisdom is  
8 unfortunate, but his recusal demonstrates that the Commission is acting in an ethical manner. To  
9 the best of his knowledge, the 500-foot distance is measured corner to corner.

10  
11 Contract Planner Jean Eisberg presented the staff report dated September 11, 2019.

12  
13 **Lisa Vilhauer**, Branagh Development, reported one curb cut on Portland will be removed, which  
14 will create one on-street parking space. The restaurant and Taco Bell have a parking agreement,  
15 but Branagh Development is not a party to the agreement.

16  
17 When asked, **David Trachtenberg**, project architect, suggested bikes could be parked in the  
18 garage or an outdoor shed or hung on a wall or from the garage ceiling. Alternatively, the back  
19 bedroom could be converted to bike storage. Bikes would have to be carried through the house  
20 to reach the backyard. Unit 9 has a side yard where bikes could be parked. The architects  
21 decided early in the process to place the principal living space on the top floor, and the gable roof  
22 maximizes the volume of that space. The gable roof provides some scale and a house-like quality  
23 to the project. Branagh Development agrees to construct an all-electric project, and the location  
24 of mechanical equipment will be determined at a later time.

### 25 26 PUBLIC HEARING OPENED

27  
28 **Ed Fields**, noted single-family residential uses are located around the project site. The original  
29 eight-unit configuration is feasible if the property fronts on Portland Avenue. He inquired  
30 regarding conditional use permits placed on the parcel as part of developing the Sizzler  
31 restaurant. The applicant is providing one low-income unit in order to obtain the density bonus  
32 and waivers. There is no daylight plane on Kains Avenue, and the setback has been reduced to  
33 9 feet.

34  
35 **Maureen Crowley**, 616 Kains Avenue, believed the so-called ADA unit was placed on the end of  
36 the development in order to have frontage on Portland. Reducing the 15-foot setback to 9 feet  
37 will preclude off-street parking. The development will cause the loss of eight on-street parking  
38 spaces. A daylight plane on Kains is important because it is a narrow, crowded street. She  
39 inquired about the location for trash cans and the height of the privacy fence.

### 40 41 PUBLIC HEARING CLOSED

42  
43 Commissioner MacLeod requested a copy of the shared parking agreement, if it can be obtained.  
44 The agreement should be a separate issue from review of the townhouse project.

45  
46 The Planning & Zoning Commission recessed for approximately 5 minutes.  
47



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1 Commissioner Kent suggested staff analyze parking in more detail in their report to the City  
2 Council.

3  
4 Chair Watty commented that the project provides a different housing type and serves a different  
5 demographic than most residential developments. Three buildings across Kains and one  
6 adjoining the project site have gable roofs. The parcel and development are large enough that  
7 the project creates its own context and can stand out more than a typical mid-block development.  
8 Staggering the decks and open spaces creates architectural variation and privacy.

9  
10 When asked, **Mr. Trachtenberg** advised that the steel frame seems to be the most direct way to  
11 provide sun protection for the decks. It may be possible to remove some of the horizontal  
12 elements and still be able to stretch the fabric between the vertical elements. That option can be  
13 explored further.

14  
15 Chair Watty concurred with staff's rationale for determining the project fronts onto Portland. The  
16 project's increased density means the units will be slightly smaller and a bit more affordable than  
17 typical multiunit residential projects. The requested waivers, concession, and incentives are  
18 logical. A variety of methods can be utilized to resolve any parking issues. Fully compliant parking  
19 can be a condition of approval.

20  
21 Community Development Director Jeff Bond understood the concern about parking for the other  
22 two uses centered on procedure rather than design. Family-sized housing is a bit more expensive  
23 and a bit larger than typical residential projects, but it serves a population that could benefit from  
24 living in Albany.

25  
26 Commissioner Kent noted the proposed street trees are fine the way they are. The planting strip  
27 is a good place for street trees. There appears to be space in the garages for bike storage. He  
28 liked the staggered decks because they add privacy and variety. The layout of the driveways  
29 preserves on-street parking as much as possible.

30  
31 Commissioner MacLeod commented that the project is a great in-fill project. He liked the material  
32 palette and supported the concession for the stoop. The stairs could be moved forward to create  
33 more room in the garage. The ground-floor bedroom could be an ADA unit. He expressed  
34 disappointment with the project's bike parking, roof line, and green building design. He  
35 recommended the applicant consider passive house certification and expressed little concern  
36 regarding parking on the other parcels because any issues can be resolved.

37  
38 Commissioner Kent suggested bikes could be stored beneath the landing of the garage stairs.

39  
40 Chair Watty recalled that the Commission previously suggested gable roofs for the project.

41  
42 Commissioner Kent preferred the gable roof because it is unique, and the angles add interest.

43  
44 **Motion to approve Resolution 2019-08** recommending the City Council approve PA 18-  
45 037 for Portland and Kains Avenues with amendments to direct (1) the applicant to modify  
46 the plans to provide space that will accommodate more than one bike parking space for  
47 each unit or modify the development plan to accommodate a greater number of bicycle



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1 parking spaces within units and (2) staff to resolve any issues with parking on the other  
2 two parcels such that there is clear understanding the parking is Code-compliant. Watty  
3 Seconded by Kent  
4 AYES: Kent, MacLeod, Watty  
5 NAYES: None  
6 RECUSED: Donaldson  
7 ABSENT: Jennings  
8 **Motion passed, 3-0-1-1**

9  
10 **7. NEW BUSINESS**

11  
12 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

13  
14 **9. NEXT MEETING** – Wednesday, September 25, 2019, 7:00 p.m., City Hall Council Chambers,  
15 1000 San Pablo Avenue

16  
17 **10. ADJOURNMENT**

18 The meeting was adjourned at 9:10 p.m.

19  
20  
21  
22 \_\_\_\_\_  
23 Submitted by: Anne Hersch, Planning Manager

24  
25  
26 \_\_\_\_\_  
27 Jeff Bond, Community Development Director