



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, OCTOBER 9, 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, October 9, 2019.

2. ROLL CALL

Present: Kent, MacLeod, Jennings, Watty
Absent: Donaldson
Staff Present: Associate Planner Christopher Tan
Planning Manager Anne Hersch

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes September 25, 2019

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

4-2. PA 19-047 Design Review for a Two-Level Rear Addition and Conversion at 970

Ventura Avenue – The applicant is seeking Design Review approval for a two-level rear addition and conversion at 970 Ventura Ave. The subject property is a 5,950-sq.-ft. lot with an existing 2-bedroom, 2-bathroom, 2,329-sq.-ft. house built in 1915. The applicant is proposing to build a 112-sq.-ft. addition at the rear of the home to accommodate a new interior spiral staircase for the home. The project scope includes adding a new bathroom, laundry room and legalizing an unpermitted bedroom in the existing lower level, adding 387 sq. ft. to the home. The exterior of the addition is proposed to be painted stucco. Wood clad windows are proposed throughout the home. This will result in a 3-bedroom, 3-bathroom 2,828-sq.-ft. home with a maximum height of 21'-10". Parking is provided in the existing driveway.

Recommendation: Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to 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 the consent calendar. Jennings
Seconded by MacLeod
AYES: Kent, MacLeod, Jennings, Watty
NAYES: None



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1 ABSTAINING: None
2 ABSENT: Donaldson
3 **Motion passed, 4-0-0-1**
4

5 Chair Watty noted the 14-day appeal period.
6

7 **5. PUBLIC COMMENT** 8

9 None
10

11 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING** 12 **ITEMS:** 13

14 Chair Watty recused herself from Items 6-1 and 6-2 as she owns real property located within 500
15 feet of the subject properties.
16

17 **6-1. PA 19-051 Design Review for a Single-Story Rear Addition at 731 Talbot Avenue –**

18 The applicant is seeking Design Review approval for a single-story rear addition at 731
19 Talbot Avenue. The subject property is a 3,750-sq.-ft. lot with a 2-bedroom, 1-bathroom
20 876-sq.-ft. home built in 1926. The applicant is seeking to build a 741-sq.-ft. single-story
21 addition at the rear of the existing home. The addition is proposed to accommodate 1
22 bedroom, 1 bathroom and 2 art studios. A gable roof is proposed for the addition, and the
23 exterior is proposed to be clad in painted cement plaster. A new rear deck is proposed off
24 the addition. The architectural style of the addition will juxtapose the existing home. This
25 will result in a 3-bedroom, 2-bathroom 1617-sq.-ft. home with a maximum height of 17
26 feet. Two off-street parking spaces are provided in the existing driveway.
27

28 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
29 the proposed project and provide feedback to staff. Draft Conditions of Approval are
30 provided should the Commission decide to take action.
31

32 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
33 Construction or Conversion of Small Structures" of the CEQA Guidelines.
34

35 Associate Planner Christopher Tan presented the staff report dated October 9, 2019.
36

37 **Laura Natkins**, project architect, advised that the addition will be located at the rear of the house
38 and will not be visible from the street. Homes with two different roof forms exist in Albany. The
39 owners hope to replace the aluminum siding on the existing house with stucco. When asked, Ms.
40 Natkins indicated the owners do not want a flat roof and plan to use the attic space for storage.
41

42 **Kenneth Gold**, property owner, related that he is a part-time painter and sculptor.
43

44 **Pattie Janater**, property owner, reported she will use her studio for sculpting. There are no plans
45 to use the studios for bedrooms.
46



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1 PUBLIC HEARING OPENED

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3 None

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5 PUBLIC HEARING CLOSED

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7 Commissioner Kent concurred with the architect that the gable roof will not be visible from the
8 front of the house. From a vehicle or across the street, the tip of the gable roof will be visible. He
9 liked the gable roof.

10
11 Commissioner MacLeod remarked that the existing house's design is basic. Modifying aluminum
12 siding is not easy. In the future, the existing house could be modified to complement the addition.
13 For the studios, he would lift the ceiling to obtain more northern light. While the existing house
14 and the addition do not mesh, he could not object to the design. The design of the rear elevation
15 is fine.

16
17 Vice Chair Jennings believed the program is reasonable, and the addition makes good use of the
18 site. The design of the addition is quite incongruous with the existing house. She requested a
19 rendering that would help the Commission understand how the design conforms to the City's
20 residential design guidelines.

21
22 **Ms. Natkins** reiterated that the difference in roof forms will not be visible from the street. The
23 owners' budget for the project is modest. The property slopes up from the street.

24
25 Vice Chair Jennings preferred to provide feedback rather than act on the project. She was having
26 difficulty finding the proposed addition harmonious with the existing house.

27
28 Commissioner Kent noted the sidewalk is 3-4 feet below the grade of the house, and trees are
29 located on both sides of the house. He could approve the design as proposed. The simplicity of
30 the addition complements the simplicity of the existing house.

31
32 Commissioner MacLeod could approve the design as proposed with the idea that the existing
33 house would be remodeled in the future.

34
35 **Motion to approve PA 19-051** for 731 Talbot Avenue pursuant to the proposed findings
36 and Conditions of Approval. MacLeod

37 Seconded by Kent

38 AYES: Kent, MacLeod

39 NAYES: Jennings

40 RECUSED: Watty

41 ABSENT: Donaldson

42 **Motion passed, 2-1-1-1**

43
44 Vice Chair Jennings noted the 14-day appeal period.

45
46 **6-2. **Study Session** PA 19-050 Design Review & Conditional Use Permit for a House**
47 **Lift and Two-Level Rear Addition at 1215 Portland Avenue** – The applicant is seeking
48 Design Review & Conditional Use Permit approval for a house lift and two-level addition



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1 at 1215 Portland Ave. The subject property is a 5,000-sq.-ft. lot with a 5-bedroom, 2-
2 bathroom 1,876-sq.-ft. house built in 1915 and renovated in 2007. The applicant is
3 proposing to lift the building 3 ft. and build a 156-sq.-ft. addition at the rear of the property.
4 The project scope includes an entire reconfiguration of the interior programming. The ground
5 floor is proposed to accommodate the kitchen, dining, living room, office room and ½
6 bathroom. The upper floor is proposed to accommodate 4 bedrooms, 2 bathrooms and a
7 family room. The entry to the home is proposed to be located on the ground floor. This will
8 result in a 4-bedroom, 3.5-bathroom 1,942-sq.-ft. home with a maximum height of 25 feet.
9 A Conditional Use Permit is required to horizontally and vertically extend the northeast
10 wall, which has a setback of 4'10 and 7.5 ft. is required. Parking is provided in the
11 driveway.

12
13 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
14 the proposed project and provide feedback to the applicant and staff. This is a study
15 session and no action will be taken.

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

19
20 Associate Planner Tan presented the staff report dated October 9, 2019.

21
22 **Amy Dhall**, property owner, reported the downstairs has suffered water intrusion twice in the past
23 year and is uninhabitable. She and her husband plan to pursue an accessory dwelling unit (ADU)
24 in the future, but preventing water intrusion is necessary at the current time. No changes will be
25 made to the existing garage in the current project. When asked, Ms. Dhall indicated the window
26 and doors shown on the garage are existing. The garage cannot be used for parking. The house
27 was built in 1916 and may not survive construction. The plans show options for the house failing
28 during construction. A survey of the property has been submitted. A street tree will have to be
29 moved to accommodate the proposed curb cut.

30
31 **Enrique Eckhaus**, project designer, advised that the existing structure including the roof will be
32 retained but lifted.

33
34 PUBLIC HEARING OPENED

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36 **Maria Norrell**, 636 Talbot, commented regarding a broken fence and overgrown vegetation
37 adjacent to 636 Talbot. She requested the plans contain a commitment to maintain that section
38 of the property. The property owners have not been responsive to her requests.

39
40 Commissioner Kent noted the fence is located on the subject property according to the survey.

41
42 **Vinay Chari**, property owner, recalled one verbal communication with Mr. Norrell and an
43 exchange of emails.

44
45 **Ms. Dhall** advised that they will replace the existing fence.

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47 PUBLIC HEARING CLOSED
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1 Commissioner Kent requested the applicant submit an accurate landscape plan. The proposed
2 design eliminates many of the charming details of the existing house. When the existing driveway
3 is removed, the property owners will have more access to and can better maintain the rear strip
4 of property.

5
6 Commissioner MacLeod suggested the property owners build a new fence to resolve the issue
7 with the neighbor. The proposal to lift the house is a good idea, but the crawl space should be
8 eliminated. The applicant needs to submit better facades and window treatments, especially on
9 the right elevation. The window design is not harmonious, and there are no elements to make
10 the design interesting. The main-floor entry could have details taken from the existing entry.
11 Extending the nonconforming wall is acceptable. Internal spaces are well-designed and well laid
12 out. He encouraged the applicant to improve the facades and window layout and add design
13 elements. If a street tree has to be removed, it has to be replaced in kind or better.

14
15 Vice Chair Jennings concurred with Commissioners' comments and staff's recommendations.
16 The house needs to be lifted. She expressed concern that the applicant has not provided any
17 evidence in support of extending the nonconforming wall. Perhaps the property owners will
18 construct a fence to resolve the issue with the neighbors.

7. NEW BUSINESS

7-1. Resolution of Intention 2019-09 to Amend Chapter 12 "Planning & Zoning" of the Municipal Code to require all electric utilities for new buildings in the City of Albany.

21
22 **Recommendation:** That the Planning & Zoning Commission adopt Resolution 2019-09
23 to amend Chapter 20 "Planning & Zoning" of the Municipal Code to require all electric
24 utilities for new buildings in the City of Albany.

25
26 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).

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31 Community Development Director Jeff Bond presented the staff report dated October 9, 2019.

32
33 Planning Manager Anne Hersch anticipated the State would adopt a policy concerning all-electric
34 ADUs.

35
36 The Commission discussed an effective date for the ordinance and developers' interest in all-
37 electric projects.

PUBLIC HEARING OPENED

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41 **Preston Jordan** believed the ordinance should be implemented before the project on San Pablo
42 Avenue, between Solano and Marin, returns to the Commission for approval. Reducing
43 greenhouse gas emissions and improving air quality are reasons to prohibit the use of natural
44 gas.

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46 **David McCoard**, Sierra Club, supported adoption of the resolution because all-electric buildings
47 are cheaper to build and operate and provide superior comfort, performance, air quality, and
48 safety.



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PUBLIC HEARING CLOSED

Commissioner MacLeod supported the resolution. It aligns with the City's Climate Action and Adaptation Plan. Unless drastic changes are made to stop burning fossil fuels, climate change will continue. Absent legal barriers, ADUs should not be exempt from the ordinance.

Commissioner Jennings also supported the resolution.

Commissioner Kent believed economics would eventually force the construction of all-electric buildings. He supported the resolution.

Chair Watty appreciated staff presenting the concept and beginning with new construction.

Motion to adopt Resolution 2019-09 to amend Chapter 20 "Planning & Zoning" of the Municipal Code to require all electric utilities for new buildings in the City of Albany.
 Jennings
 Seconded by Kent
 AYES: Kent, MacLeod, Jennings, Watty
 NAYES: None
 ABSTAINING: None
 ABSENT: Donaldson
Motion passed, 4-0-0-1

8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

8-1. Vincent Labiano Abello v. City of Albany

Planning Manager Hersch recalled that the Commission approved an addition to a triplex on Neilson Street. The decision was appealed to the City Council, who upheld the Commission's decision. The appellant has filed a lawsuit against the City and the applicant. Staff has met with the applicant. The applicant has to decide whether to withdraw its application or pursue litigation. The applicant will have to provide the City's defense if he chooses to pursue litigation.

9. NEXT MEETING – Wednesday, October 23, 2019, 7:00 p.m., City Hall Council Chambers, 1000 San Pablo Avenue

10. ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

 Submitted by: Anne Hersch, Planning Manager

 Jeff Bond, Community Development Director