



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF REGULAR MEETING WEDNESDAY, OCTOBER 28, 2020

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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 at 7:00 P.M. on Wednesday, October 28 2020.

2. ROLL CALL

Present: Donaldson, Kent, MacLeod, Jennings, Watty
Absent: None
Staff Present: Planning Manager Anne Hersch
Associate Planner Christopher Tan
City Clerk Anne Hsu

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes of October 14, 2020

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

Commissioner Donaldson clarified his comments on page 1, lines 25-26, to indicate his review of the plans would be inappropriate and, if he did review the plans, he would feel obligated to recuse himself if the project comes before the Commission.

Commissioner MacLeod requested his comments on page 7, line 13, reflect "conditional use permits" rather than "variances."

Motion to approve the minutes for the October 14, 2020 meeting as amended.
Donaldson

Seconded by Kent

AYES: Donaldson, Kent, MacLeod, Jennings, Watty

NAYES: None

ABSTAIN: None

ABSENT: None

Motion passed, 5-0-0-0

4-2. PA20-047 Design Review & Parking Reduction for a Single-Story Addition at 1102

Masonic – The applicant is seeking Design Review & Parking Reduction approval to expand the residence at 1102 Masonic. The subject lot is 5,000 sq. ft. with a 3-bedroom, 1-bathroom, 966-sq.-ft. house built in 1914. The scope includes an addition of 256 sq. ft.



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1 on the south side of the home to accommodate an expanded bedroom, closet and new
2 bathroom. A 200-sq.-ft. addition is proposed at the northwest corner of the home to
3 accommodate an expanded kitchen. This will result in a 3-bedroom, 2-bathroom, 1,422-
4 sq.-ft. home with a maximum height of 19 ft. The Craftsman-style architecture is proposed
5 to remain. One off-street parking space is provided in the detached single-car garage. A
6 Parking Reduction is required to waive the second off-street parking space.
7

8 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
9 and approve the project request subject to the findings and Conditions of Approval.
10

11 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 “New
12 Construction or Conversion of Small Structures” of the CEQA Guidelines.
13

14 Commissioner Donaldson recalled a 1970s Richard Misrach photograph of the house at 1102
15 Masonic with a cactus garden in front. The photograph was published internationally.
16

17 PUBLIC HEARING OPENED

18 None
19

20 PUBLIC HEARING CLOSED
21

22 Chair Watty was pleased to see plans to renovate the house because it has become an eyesore
23 and the plans respect the existing architecture.
24

25 **Motion to approve PA20-047** for 1102 Masonic pursuant to the proposed findings and
26 Conditions of Approval. Donaldson
27

28 Seconded by Jennings

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

30 NAYES: None

31 ABSTAINING: None

32 ABSENT: None
33

34 **Motion passed, 5-0-0-0**

35 Chair Watty noted the 14-day appeal period.
36

37 5. PUBLIC COMMENT

38 **Jeremiah Pinguelo** shared his observation of a near accident at a construction site on Solano
39 Avenue and encouraged the Commission to ensure safety at construction sites is a priority.
40

41 6. DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS: 42

43 **6-1. PA20-043 Design Review, Conditional Use Permit & Parking Exception for an**
44 **Addition at 1036 Curtis** – The applicant is seeking Design Review, Conditional Use
45 Permit and Parking Exception approval for a basement conversion at 1036 Curtis St. The
46 Subject site is a 3,500-sq.-ft. lot with an existing 2-bedroom, 1-bathroom 916-sq.-ft. home
47 built in 1924. The applicant is proposing to convert 1,022 sq. ft. of lower-level space to a
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1 master suite, family room, and utility room. A 50-sq.-ft. addition is proposed at the
2 northwest corner of the home to accommodate a new interior staircase. This will result in
3 a 1,996-sq.-ft., 3-bedroom, 2.5-bathroom home with a maximum height of 15'10." The
4 existing architecture of the home is proposed to remain. A Conditional Use Permit is
5 required to extend the existing nonconforming south wall which is 1'8" where 3'6" is
6 required. A Parking Exception is also required to allow the second off-street parking space
7 in the front yard setback.

8
9 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
10 and approve the project request subject to the findings and Conditions of Approval.

11
12 **CEQA:** The project is Categoricaly exempt from CEQA pursuant to Section 15303 "New
13 Construction or Conversion of Small Structures" of the CEQA Guidelines.

14
15
16 Associate Planner Christopher Tan presented the staff report dated October 28, 2020.

17
18 **Howard McNenny**, applicant, reported two parking spaces can be located outside the front yard
19 setback if two cars park in tandem and the first car parks close to the rear of the house. However,
20 based on his observations of residential tandem parking in Albany, the second car typically
21 extends near or onto the sidewalk. He considered alternative locations for the stairway, which
22 causes the parking issue, but could not find a good alternative location. Relocating the stairway
23 to the kitchen would require rebuilding the kitchen. Relocating the stairway to the side would
24 eliminate a bedroom. When asked, **Mr. McNenny** agreed that a statement of maintaining the
25 legal space located in the side yard while achieving the goals of the overall project is not feasible
26 would be fair. The distance from the outside face of the chimney to the property line is 7.98 feet.
27 Relocating the stairway to the center of the house at the existing backdoor would reduce the width
28 of the kitchen such that it would be too small for reasonable use. The stairway shown on sheet
29 A1.1 is more of a ship's ladder than a stairway. The proposal is to remove the existing stairway
30 and construct a Code-compliant stairway.

31
32 PUBLIC HEARING OPENED

33
34 **Jeremiah Pinguelo** remarked regarding the need to construct to seismic and Americans with
35 Disabilities Act (ADA) standards.

36
37 PUBLIC HEARING CLOSED

38
39 Commissioner MacLeod believed granting the parking exception would not be detrimental to
40 anyone. Relocating the stairway to the back of the house would reduce an already small
41 backyard, which also accommodates a studio. He could support the proposed location of the
42 stairway in order to preserve a usable backyard, granting a parking exception, and lifting the
43 house 9 inches as the impact would be negligible. Locating the stairway inside the building
44 envelope would be really difficult. The family room should never be converted to a bedroom as
45 there will not be a secondary means of egress.

46
47 Commissioner Jennings concurred with Commissioner MacLeod's comments. The proposed
48 addition is modest. Increasing the building height less than a foot will not have a significant effect



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1 on neighbors. Based on the architect's comments, relocating the stairway and accomplishing the
2 project scope are not feasible. She could make the findings for a conditional use permit and
3 parking exception.

4
5 Commissioner Donaldson expressed concern about granting the parking exception because he
6 has trouble making the finding that a second parking space is not feasible.

7
8 Commissioner Kent remarked that relocating the stairway to the interior of the house would add
9 expense and compromise the building but is not impossible. The location on the side of the house
10 is logical. He expressed concern regarding approval of the project setting a precedent.

11
12 Chair Watty supported the project as a whole because it preserves the bungalow style of the
13 house while adapting the house for contemporary needs. Expanding the home vertically would
14 have a greater impact on neighbors and the street. She believed the site could not practically
15 provide off-street parking with less than 8 feet of clearance to the chimney. Most jurisdictions
16 require a clearance of 8.5 feet for a parking space adjacent to a solid wall. Relocating the stairway
17 to the interior of the house would disrupt the architecture and prohibitively increase the cost of the
18 project.

19
20 Commissioner Kent could support granting a parking exception because the driveway was meant
21 to be the path of travel to a parking space rather than a parking space. Granting a parking
22 exception is practical and will make the home more livable.

23
24 Commissioner Donaldson expressed concern about setting a precedent by allowing an applicant
25 to construct into a parking space.

26
27 **Motion to approve PA20-043** for 1036 Curtis Street pursuant to the proposed findings, a
28 finding that providing a second conforming, off-street parking space is not feasible, and
29 the proposed Conditions of Approval. Jennings

30 Seconded by MacLeod

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

32 NAYES: None

33 ABSTAINING: None

34 ABSENT: None

35 **Motion passed, 5-0-0-0**

36
37 Chair Watty noted the 14-day appeal period.

38 39 7. NEW BUSINESS

40
41 **7-1. Proposed Amendments to Chapter 20.100 "Procedures" of the Albany Municipal**
42 **Code** – The City of Albany Planning & Zoning Commission will hold a virtual public hearing
43 to consider proposed amendments to Chapter 20.100 "Procedures" of the Albany
44 Municipal Code and forward a recommendation to the Albany City Council.

45
46 **Recommendation:** Staff recommends that the Planning & Zoning Commission adopt
47 Resolution 2020-05 and forward a recommendation to City Council to adopt amendments
48 to Section 20.100 "Procedures" of the Albany Municipal Code.



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

4 Associate Planner Tan presented the staff report and memorandum dated October 28, 2020.
5

6 PUBLIC HEARING OPENED
7

8 **Jeremiah Pinguelo** requested the call for public comment include a reference to the agenda
9 item.
10

11 PUBLIC HEARING CLOSED
12

13 Commissioner Jennings indicated the proposed amendments are sensible and pragmatic. She
14 suggested Section 20.100.010(E)(3)(a) state "For matters that are subject to review by the
15 Community Development Director, the date and time by which public comment must be received
16 ..." and Subsection (b) state "For matters that are subject to review by the Planning & Zoning
17 Commission, the date and time of the hearing and the physical or virtual location of the hearing
18" She urged staff to ensure references to hearings in the administrative approval process are
19 deleted. In Section 20.100.050(C)(2)(a), "of the public hearing" should be deleted from the final
20 sentence. The proposed amendment for Subsection (a) should not affect the public's ability to
21 provide written and verbal comments or to appeal a decision. The requirement for a Resolution
22 of Intention appears to be an administrative hurdle without a meaningful purpose. Without a
23 Resolution of Intention, proposed amendments will be presented at three public hearings prior to
24 their adoption. Section 20.100.070(B) may need to state "an amendment may be initiated by the
25 City Council, the Planning & Zoning Commission, or an affected landowner." The proposed
26 amendments for public notice, posting of public notice, and story poles will probably have little
27 affect on the standard practice but will simplify the process.
28

29 Commissioner Donaldson proposed amending Section 20.100.010(E)(3) to delineate notices for
30 administrative review from notices for Planning & Zoning Commission hearings. The proposed
31 deletion of Section 20.100.010(E)(4)(a) is acceptable and follows standard practice. Section
32 20.100.050(C)(2)(b) should state language similar to "shall grant or deny the application for design
33 review no earlier than the close of business on the date on which public comments are due." The
34 final sentence of Subsection (b) should not be deleted. The requirement for a Resolution of
35 Intention should not be deleted.
36

37 Chair Watty suggested requiring a Resolution of Intention for substantive or comprehensive Code
38 amendments but not for cleanup amendments. Perhaps the agenda item for announcements
39 could include notice of upcoming Code amendments. Commissioner Jennings believed the
40 Commission would hold in-depth discussions of substantive Code amendments and request
41 additional discussions regardless of staff presenting a Resolution of Intention. Commissioner
42 Donaldson felt a Resolution of Intention serves as a notice to the Commission of proposed Code
43 amendments. If staff presented proposed amendments along with a Resolution of Intention, the
44 Commission could provide feedback at that time and make a recommendation to the Council at
45 a subsequent meeting.
46

47 Commissioner MacLeod agreed with deleting the requirements for posting a notice onsite and for
48 a public hearing in the administrative review process. Story poles should not be required for minor



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1 things. A Resolution of Intention requires meeting time without adding value and does not curtail
2 debate. He concurred with staff announcing that proposed Code amendments will be presented
3 to the Commission. Deleting the requirement for a Resolution of Intention will not harm the public.
4

5 Commissioner Kent noted the terms "public meeting" and "design review" may be confusing. The
6 proposed amendments are fine.
7

8 Chair Watty suggested a mandate for applicants to submit color renderings, axonometric
9 drawings, or some combination thereof relative to adjacent structures when story poles are not
10 required for new construction. Residential additions up to 400 square feet that are located at the
11 front or side of a home should be presented to the Commission. Proposals to significantly alter
12 commercial storefronts along Solano Avenue should be presented to the Commission because
13 the storefronts have a special architectural character.
14

15 Commissioner Donaldson indicated secondary residential units should be removed from Table
16 11.
17

18 **Motion to continue** this item to a date certain of December 9, 2020. Donaldson

19 Seconded by MacLeod

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

21 NAYES: None

22 ABSTAINING: None

23 ABSENT: None

24 **Motion passed, 5-0-0-0**
25

26 8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

27 8-1. Planning Commissioner Applications 2021-2023 Term

28 Planning Manager Anne Hersch announced Commissioners interested in re-applying for the
29 Commission should submit their applications.
30

31 9. NEXT MEETING – December 9, 2020, City Hall Council Chambers, 1000 San Pablo Avenue or 32 virtual meeting pursuant to state and county guidance

33 10. ADJOURNMENT

34 The meeting was adjourned at 9:02 p.m.
35
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37

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41 _____
42 Submitted by: Anne Hersch, Planning Manager
43
44

45 _____
46 Jeff Bond, Community Development Director