



# PLANNING & ZONING COMMISSION

Virtual Meeting  
Albany, CA 94706

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## MINUTES OF REGULAR MEETING WEDNESDAY, JANUARY 13, 2021

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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 7:03 p.m. on Wednesday, January 13, 2021.

### 2. ROLL CALL

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

### 3. EX PARTE COMMUNICATIONS

None

### 4. CONSENT CALENDAR

#### 4-1. Planning & Zoning Commission Meeting Minutes of December 9, 2020

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

**4-2. PA 20-066 Request to Vacate Easement at 1198 Curtis Street** – The applicant is seeking Planning Commission approval to vacate an existing private access easement at 1198 Curtis Street. The subject site is an 8,176-sq.-ft. vacant lot located in the R-1 Zoning District within the Watercourse Overlay Zone. The subject property was subdivided from the adjacent property at 1196 Curtis in 2010 and required to have a shared private access easement as a Condition of the final map. The applicant is seeking Commission approval to dissolve the private access easement and create a new, wider curb cut for proper vehicle access. If approved, each property will have a private driveway. The proposal includes an 18-foot-wide curb-cut for 1198 Curtis and a 12'-2"-wide curb-cut for 1196 Curtis. The project scope is limited to the removal of the private access easement and new curb cuts.

**Recommendation:** Staff recommends that the Planning & Zoning Commission table the matter pending project refinement.

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

PUBLIC HEARING OPENED

None



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PUBLIC HEARING CLOSED

**Motion to approve** the consent calendar. Donaldson  
Seconded by MacLeod  
AYES: Donaldson, MacLeod, Momin (Item 4-2), Pilch (Item 4-2), Watty  
NAYES: None  
ABSTAINING: Momin (Item 4-1), Pilch (Item 4-1)  
ABSENT: None  
**Motion passed, 5-0-0-0**

Chair Watty noted the 14-day appeal period.

**5. PUBLIC COMMENT**

None

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

**6-1. PA 20-065 Design Review & Conditional Use Permit for a Two-Story Addition at 1106 Neilson Street** – The applicant is seeking Design Review and Conditional Use Permit approval for a two-story addition at 1106 Neilson Street. The subject property is a 3,750-sq.-ft. lot with a 3-bedroom, 1.5-bathroom, 1,460-sq.-ft. house built in 1927. The applicant is proposing a 760-sq.-ft. second-story addition directly on top of the existing home. The addition is proposed to accommodate a master suite, office, bathroom and bedroom. The existing Craftsman style of the home is proposed to remain. This will result in a 4-bedroom, 3.5-bathroom, 1,914-sq.-ft. home with a maximum height of 22'-7". Parking is provided in the garage and driveway. A Conditional Use Permit is required to extend existing non-conforming walls located 3.3 feet where 3.75 feet is required.

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

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

Associate Planner Christopher Tan presented the staff report dated January 13, 2021.

**Howard McNenny**, project architect, reported that he has discussed the neighbors' concerns about privacy and shade with them. The project will improve privacy and sunlight for the neighbors because of the deck and distance between the homes. Earlier in the day, he observed that the neighbors' blinds were closed on all windows except those facing the street. The roof is as low as possible without affecting the architectural character of the house. When asked, Mr. McNenny indicated the windows will be aluminum-clad wood. Some of the existing windows may be replaced, but that has not been determined. The ceiling of the existing laundry room will be raised so that the floor above is one level.



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1 PUBLIC HEARING OPENED  
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3 **Alison Marshall**, 1104 Neilson Street, advised that the project will shade one side of her home.  
4 The deck will look into her master bedroom and backyard. She questioned the purpose of the  
5 deck when the property owners have told her they do not plan to utilize the deck. In addition, she  
6 consulted an architect who advised her that a different configuration could provide more sunlight  
7 for her dining room.  
8

9 **Jeremiah Pinguelo** suggested the neighbors and property owners mediate the issues. The  
10 Commission does not seem to consider the human aspect of disagreements.  
11

12 **Greg Chiarella**, property owner, related that all but one window was replaced before he moved  
13 into the home. The one window will be replaced. He has worked extensively with Mr. McNenny  
14 to minimize impacts on neighbors. He plans to use the deck periodically. One bedroom in his  
15 home looks into one bedroom in the Marshalls' home, but blinds in both rooms are usually closed.  
16 Elevating the home will reduce views from his home into the Marshalls' home.  
17

18 PUBLIC HEARING CLOSED  
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20 Commissioner Donaldson appreciated the design, the consistency of the addition with the existing  
21 structure, and the materials. The plan set does not include a landscape plan, but the existing  
22 landscaping in the front yard is quite good and recent. The distances between most homes in  
23 Albany are quite small, and window treatments or vegetation is often used to mitigate privacy  
24 impacts. Topographically, the house at 1104 Neilson is higher than the subject house, which  
25 mitigates shade impacts. The window at the top of the stairs and the window in the office could  
26 be modified to increase privacy. Solid railings on the rear deck could mitigate privacy impacts.  
27

28 Commissioner Pilch noted existing bedrooms in each house face one another. The neighbor's  
29 privacy concern may be the deck looking into a bedroom. He concurred with the use of an opaque  
30 railing on the deck. Shade impacts are mitigated by the driveway located between the two  
31 properties. The partial gables are not a concern. A trellis or tall plants on the deck could provide  
32 some screening.  
33

34 Commissioner McLeod liked the overall design of the project. Windows on most Albany homes  
35 look into adjacent homes. In his experience, decks are not used frequently; therefore, an opaque  
36 railing on the north side should be fine. The distance between the homes is adequate for sunlight,  
37 and the deck will improve the neighbor's access to sunlight. The south elevation of the addition  
38 would look more uniform if the narrow windows were the same width as the windows near the  
39 bay. The partial gables look odd and should be removed. Opaque glazing in the lower half of the  
40 window at the top of the stairs and clerestory windows in the office would be fine.  
41

42 Commissioner Momin appreciated the intention to continue the original style of the house. The  
43 deck will mitigate shade impacts but compromise privacy. Full-height screening will be more  
44 beneficial than opaque railing. With the glass partition between the office and stair and a larger  
45 window between the stair and the deck, the large window in the office could be reduced in size or  
46 eliminated. Because of the different floor heights at 1104 and 1106 Neilson and 1104 Neilson's  
47 location north of the subject property, 1104 Neilson will receive ample sunlight during the morning  
48 and evening hours. There are too many window sizes and types. Placing the upstairs bathroom



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1 in a prime location within the house is not ideal. The horizontal window in the bathroom is not  
2 compatible with the bay window. The partial gables may be intended to break up the massing,  
3 but eyebrow awnings above the windows would look better. The type of window proposed for the  
4 rear of the master bedroom should be used at the front of the house.  
5

6 Chair Watty related that shade and privacy issues often conflict. The neighbors may prefer a  
7 different configuration, but the property owners have made some sensitive decisions. Each  
8 person has a different tolerance for privacy, and property owners change. However, neighbors  
9 should attempt to reach compromises. The window at the top of the stair could be removed, and  
10 a skylight installed. A solid railing along the north side of the deck can increase privacy and hide  
11 clutter. The railing could also be taller than 42 inches. The addition should be compatible but not  
12 seamless with the original structure. The window pattern on the south elevation should be more  
13 uniform.  
14

15 **Motion to approve PA 20-065** for 1106 Neilson Street pursuant to the proposed findings  
16 and Conditions of Approval and additional Conditions of Approval to replace the window  
17 at the top of the stair with a skylight or transom window, install a 42-inch-tall solid railing  
18 along the north side of the deck, and work with staff to regularize the window pattern on  
19 the south elevation, all subject to staff approval. Donaldson

20 Seconded by Pilch

21 AYES: Donaldson, MacLeod, Momin, Pilch, Watty

22 NAYES: None

23 ABSTAINING: None

24 ABSENT: None

25 **Motion passed, 5-0-0-0**  
26

27 Chair Watty noted the 14-day appeal period.  
28

### 29 7. NEW BUSINESS

30 None  
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### 33 8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

#### 34 8-1. Planning Commission Chair & Vice Chair Reorganization

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37 Commissioner Donaldson nominated Commissioner Watty for the office of Chair. Commissioner  
38 Pilch nominated Commissioner MacLeod for the office of Chair; however, Commissioner  
39 MacLeod declined the nomination.  
40

41 AYES: Donaldson, MacLeod, Momin, Pilch, Watty

42 NAYES: None

43 ABSTAINING: None

44 ABSENT: None

45 **Nomination approved, 5-0-0-0**  
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47 Commissioner MacLeod nominated Commissioner Pilch for the office of Vice Chair.  
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1           AYES:           Donaldson, MacLeod, Momin, Pilch, Watty  
2           NAYES:           None  
3           ABSTAINING: None  
4           ABSENT:          None  
5           **Nomination approved, 5-0-0-0**

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7           **8-2.    2023-2031 Housing Element**

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9           Planning Manager Anne Hersch announced Barry Miller is the City's consultant for preparation of  
10          the 2023-2031 Housing Element, which will probably begin in February 2021. Rincon Consultants  
11          will take the lead for California Environmental Quality Act (CEQA) review.

12  
13          Commissioners discussed requirements for the Housing Element, the Regional Housing Needs  
14          Allocation (RHNA) and methodology, the University of California's (UC) proposed student housing  
15          development, and the San Pablo Avenue Specific Plan.

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17          PUBLIC HEARING OPENED

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19          **Eric Biber** noted recent changes in State laws that increase the powers of local governments to  
20          provide for housing and the obligations to do so. He shared provisions that should be included in  
21          the Housing Element.

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23          **Jeremiah Pinguelo** asked if a Commissioner is assigned to attend the 2x2x2 meetings. UC's  
24          proposed development will provide 800 units, but the project will eliminate open space.

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26          PUBLIC HEARING CLOSED

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28          **9.    NEXT MEETING** – January 27, 2021, City Hall Council Chambers, 1000 San Pablo Avenue or  
29          virtual meeting pursuant to state and county guidance

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31          **10.   ADJOURNMENT**

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33          The meeting was adjourned at 8:44 p.m.

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38          Submitted by: Anne Hersch, Planning Manager

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41          \_\_\_\_\_  
41          Jeff Bond, Community Development Director