

# *City of Albany*

## **Planning & Zoning Commission Minutes of May 23, 2018 Meeting**

1 Note: These minutes are subject to Planning & Zoning Commission approval. The minutes  
2 are not verbatim. An audiotape of the meeting is available for public review.

### 3 4 **Regular Meeting**

5  
6 1. **CALL TO ORDER:** The regular meeting of the Planning and Zoning Commission was  
7 called to order by Chair Kent in the City Council Chambers at 7:00 P.M. on  
8 Wednesday, May 23, 2018.

9  
10 2. **PLEDGE OF ALLEGIANCE**

11  
12 3. **ROLL CALL**

13  
14 Present: Giesen-Fields, Watty, Jennings, Kent  
15 Absent: Donaldson  
16 Staff Present: City Planner Anne Hersch  
17 Associate Planner Christopher Tan

18  
19 4. **EX PARTE COMMUNICATION DISCLOSURES**

20  
21 None

22  
23 5. **CONSENT CALENDAR**

24  
25 5-1. **Planning & Zoning Commission Meeting Minutes May 9, 2018**

26 **Recommendation: Approve Planning & Zoning Commission Meeting Minutes.**

27  
28 **Motion to approve** the Minutes of the May 9, 2018 meeting as presented.

29 Giesen-Fields

30 Seconded by: Watty

31 AYES: Giesen-Fields, Watty, Jennings, Kent

32 NAYES: None

33 ABSTAINING: None

34 ABSENT: Donaldson

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

1  
2 **5-2. PA 16-094 Design Review and Conditional Use Permit for a Two-Level Addition**  
3 **at 1131 Evelyn Avenue** – The applicant is seeking Design Review &  
4 Conditional Use Permit approval for a two-level addition at 1131 Evelyn  
5 Avenue. The subject site is 3,100-sq.-ft. lot with a 1-bedroom, 1.5-bathroom  
6 1,206-sq.-ft. house built in 1920. The applicant is proposing a 90-sq.-ft. addition  
7 to the main level and a 444-sq.-ft. addition to the second story. The first-floor  
8 addition will expand the kitchen. The second-story addition includes two  
9 bedrooms, a bathroom, laundry area, and new master suite. The exterior of  
10 the home is proposed to be painted wood siding with a hipped roof. A rear  
11 deck and balcony are proposed. The existing architectural style of the home  
12 is proposed to remain. A Conditional Use Permit is required to vertically  
13 extend the existing nonconforming north wall which is 0.69 feet from the  
14 property line. This will result in a 4-bedroom, 2.5-bathroom 1,740-sq.-ft. home  
15 with a maximum height of 21'-6". Parking is provided in the proposed  
16 driveway.

17 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
18 **review and approve the proposed project subject to the attached findings**  
19 **and Conditions of Approval.**

20  
21 **CEQA: The project is Categorically exempt pursuant to Section 15303 "New**  
22 **Construction or Conversion of Small Structures."**

23  
24 Chair Kent remarked that the planting plan did not comply with guidelines. The  
25 proposed hedges require frequent pruning and watering. In addition, proposed plants  
26 are not native to the area.

27  
28 Commissioner Giesen-Fields suggested the rear yard porch could be lower if neighbors  
29 object. However, no neighbors are present to object.

30  
31 Commissioner Jennings appreciated the applicant considering earlier feedback and  
32 improving the project.

33  
34 **Thomas Biggs**, architect, advised that he would work with staff to revise the landscape  
35 plan. The windows will be aluminum-clad wood with a recess.

36  
37 **Motion to approve PA16-094** for 1131 Evelyn Avenue with staff to work with  
38 the applicant to revise the landscape plan to comply with Bay Friendly  
39 Guidelines and pursuant to the staff report dated May 23, 2018. Giesen-Fields

40 Seconded by: Watty

41 AYES: Giesen-Fields, Watty, Jennings, Kent

42 NAYES: None

43 ABSTAINING: None

44 ABSENT: Donaldson

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

46

1 Chair Kent noted the 14-day appeal period.

2  
3 **6. PUBLIC COMMENT**

4  
5 **Jeremiah** supported the implementation of school zones.

6  
7 **7. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**  
8 **ITEMS:**

9  
10 **7-1. PA18-034 Temporary Use Permit for Night Nation Run at Golden Gate Fields**  
11 **(1100 Eastshore)** – The applicant is seeking a Temporary Use Permit for a one-  
12 day event to hold a 2.5K fun run at Golden Gate Fields (1100 Eastshore) on  
13 Saturday, October 6, 2018 from 5 pm-10:30 pm. The course will be fully  
14 contained on the Golden Gate Fields property. The event requires advance  
15 ticket purchases and only ticketed attendees are admitted. Beer and wine  
16 will be offered onsite, and there will be a DJ stage. Event parking will be  
17 provided onsite in the parking lot.

18 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
19 **review and approve the proposed project subject to the attached findings**  
20 **and Conditions of Approval.**

21  
22 **CEQA: The project is Categorically exempt pursuant to Section 15323**  
23 **“Normal Operations of Facilities for Public Gatherings.”**

24  
25 City Planner Anne Hersch presented the staff report dated May 23, 2018.

26  
27 **Frank Brown**, Night Nation Run co-owner, explained the route of the run. Barricades will  
28 separate runners from traffic. Cars will utilize the Gilman Street entrance to access the  
29 Golden Gate Fields parking lot. The event is open to all ages and revolves around music.  
30 Over the prior three years, Night Nation Run has held events in the U.S., Canada,  
31 Australia, and Japan, and has generated more than \$0.5 million for Stand Up to Cancer.  
32 In most cities, it is a community event. Typically, events are held at athletic facilities.

33  
34 **PUBLIC COMMENTS OPENED**

35  
36 **Robert Cheasty**, resident, supported the event as it meets all zoning requirements and  
37 does not impact the community.

38  
39 **PUBLIC COMMENTS CLOSED**

40  
41 Commissioner Giesen-Fields supported the project as a temporary event that does not  
42 cause any permanent damage to the area. He preferred use of the Gilman Street  
43 entrance because it decreases the possibility of traffic overflowing into the public area of  
44 Buchanan Street parking and into access for the Bulb.

1 Commissioner Watty liked the idea of using Golden Gate Fields outside of race days and  
2 bringing a diversity of outdoor uses to the area.

3  
4 Commissioner Jennings concurred with prior comments.

5  
6 Chair Kent felt use of the Gilman Street entrance would exacerbate the awkwardness of  
7 the intersection, but the Police Department recommended use of the Gilman entrance.

8  
9 **Motion to approve PA18-034** for Golden Gate Fields (1100 Eastshore) pursuant  
10 to the staff report dated May 23, 2018. Jennings

11 Seconded by: Giesen-Fields

12 AYES: Giesen-Fields, Watty, Jennings, Kent

13 NAYES: None

14 ABSTAINING: None

15 ABSENT: Donaldson

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

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

19  
20 **7-2. PA 18-032 Design Review & Conditional Use Permit for Second Story**

21 **Apartments at 1309 Solano Ave.**– The applicant is seeking Design Review &  
22 Conditional Use Permit approval for legalization of two apartment units on the  
23 second floor of the building at 1309 Solano Ave. The subject site is a 2,940-sq.-  
24 ft. lot with an existing 4,500-sq.-ft. mixed-use building built in 1941. The  
25 applicant is proposing to legalize two upstairs apartments and provide Code  
26 compliant egress and fire sprinklers. A Conditional Use Permit is required to  
27 waive the off-street parking requirements for the proposed apartment  
28 legalization. The property has no off-street parking. Minor exterior changes to  
29 the rear of the building are required for emergency exiting.

30 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
31 **review and approve the proposed project subject to the attached findings**  
32 **and Conditions of Approval.**

33  
34 **CEQA: The project is Categorically exempt pursuant to Section 15303 “New**  
35 **Construction or Conversion of Small Structures.”**

36  
37 City Planner Hersch presented the staff report dated May 23, 2018.

38  
39 **Andrew Woolman**, architect, reported square footage of the apartments is  
40 approximately 700 and 900 square feet. The second story was originally used for  
41 apartments, converted to office space, and then converted back to apartments. As a  
42 two-unit residential use, a second means of egress is not required. The proposed means  
43 of egress is escape windows. The stairs and hallway at the front of the building will be fire-  
44 contained and separate from the units. When asked, Mr. Woolman stated in proposing  
45 the width of the runway he attempted to balance disruption to the roof with a space  
46 wide enough for a person to await rescue. Placement of the exterior window with the

1 egress window is odd, but they are intended to provide daylight into units and egress  
2 from units. The two residential units are fire-separated from each other, the two  
3 commercial units below, and the exterior stairs and hall.

4  
5 PUBLIC COMMENTS OPENED

6  
7 None

8  
9 PUBLIC COMMENTS CLOSED

10  
11 Commissioner Watty would not support removing the two residential units since they are  
12 occupied or mandating off-street parking. The two windows that appear to have been  
13 installed without a permit should be replaced with picture or casement windows of wood  
14 or aluminum-clad wood and with no grills or with true divided lites. The brown box  
15 between the windows on the front facade should be cleaned and patched.

16  
17 Commissioner Jennings suggested the City require compensation for tenants if they are  
18 required to vacate the premises. The tenants should not bear the burden of the landlord  
19 not following the rules.

20  
21 Commissioner Giesen-Fields concurred with Commissioner Jennings' sentiments and  
22 Commissioner Watty's comments regarding the windows.

23  
24 Chair Kent concurred with prior comments.

25  
26 **Motion to approve PA 18-032** for 1309 Solano Avenue with a requirement for  
27 the applicant to obtain a building permit to replace the two front windows  
28 with picture or casement windows of aluminum clad or wood materials with  
29 3D simulated lites or no lites; to remove the sign on the front facade and  
30 patch the area with stucco material; and pursuant to the staff report dated  
31 May 23, 2018. Jennings

32 Seconded by: Giesen-Fields

33 AYES: Giesen-Fields, Watty, Jennings, Kent

34 NAYES: None

35 ABSTAINING: None

36 ABSENT: Donaldson

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

38  
39 Chair Kent noted the 14-day appeal period.

40  
41 **7-3. Proposed Zoning Code Amendment to Section 20.40.040 "Density Bonus" of**  
42 **the Albany Municipal Code.** Notice is hereby given that the City of Albany  
43 Planning & Zoning Commission will hold a public hearing to consider a  
44 recommendation to the Albany City Council for a proposed Zoning Code  
45 Amendment to Sections 20.40.040 "Density Bonus" of the Albany Municipal  
46 Code.

1 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
2 **adopt Resolution 2018-02 forwarding a recommendation to the Albany City**  
3 **Council to amend Section 20.40.040 "Density Bonus" of the Albany Municipal**  
4 **Code.**

5  
6 **CEQA: The project is exempt pursuant to Section 15061(b)(3).**  
7

8 Contract Planner Jean Eisberg presented the staff report dated May 23, 2018.  
9

10 Commissioner Jennings questioned the consistency of Section C(5) with Table H-2 with  
11 respect to childcare facilities. She suggested "no more than" be replaced with "up to" in  
12 Section C(1), (2), and (3) and deleting "to" before "amending" in the title of the draft  
13 resolution.  
14

15 Commissioner Watty expressed concern that the wording of Section D(1)(a) could lead  
16 to the use of poor-quality exterior materials.  
17

18 Commissioner Giesen-Fields concurred with Commissioner Watty's concern.  
19

20 Chair Kent noted the application checklist applies to single-family residential projects  
21 rather than large multifamily residential projects. He questioned whether the statement  
22 that staff could have additional application requirements complies with the requirement  
23 for a standard process. The City needs to require a stormwater plan.  
24

25 Commissioners agreed with Commissioner Giesen-Fields' suggestion to delete  
26 "architectural design requirements" from Section D(1)(a).  
27

28 **Motion to adopt Resolution 2018-02** forwarding a recommendation to the  
29 Albany City Council to amend Section 20.40.040 "Density Bonus" of the Albany  
30 Municipal Code with modifications to make Section C(5) consistent with  
31 Table H-2 with respect to childcare facilities; revise the language of Section  
32 C(1), (2), and (3) and the title of the draft resolution; to revise the submittal  
33 checklist; and delete "architectural design requirements" from Section  
34 D(1)(a). Giesen-Fields  
35 Seconded by: Watty  
36

37 AYES: Giesen-Fields, Watty, Jennings, Kent

38 NAYES: None

39 ABSTAINING: None

40 ABSENT: Donaldson

41 **Motion passed, 4-0-0-1**  
42

43 **7-4. \*\*Study Session\*\* Economic Development Strategic Plan Implementation:**  
44 **Recommendations for Zoning Ordinance Revisions Streamline, Commercial**  
45 **Development Review, Uses and Development Regulations – Staff**  
46 recommends that the Planning & Zoning Commission review and provide

1 feedback on the proposed recommendations for Zoning Ordinance revisions  
2 that seek to streamline the review and permit process for commercial  
3 development.

4 **Recommendation: Staff recommends that the Planning & Zoning Commission**  
5 **review the proposed changes and provide feedback to staff. This is a study**  
6 **session and no action is required.**

7  
8 **CEQA: The project is exempt pursuant to Section 15061(b)(3).**

9  
10 Contract Planner Eisberg presented the staff report dated May 23, 2018.

11  
12 Commissioner Giesen-Fields believed allowing multifamily dwellings, transitional housing,  
13 supportive housing, community assembly, homeless shelters, and single-residency hotels  
14 in the CMX district with a use permit would be an opportunity for more housing. The CMX  
15 district has a lot of real estate, and its isolation from the rest of the City may not cause  
16 public opposition. Under the proposed changes, tutoring uses would be allowed in the  
17 CMX district. A mixed-use project with groundfloor retail and affordable housing could  
18 be viable in the CMX district. Commissioner Jennings indicated housing was not part of  
19 Contract Planner Eisberg's task. A separate discussion of housing opportunities would be  
20 worthwhile.

21  
22 Commissioner Watty preferred uses for building materials sales and service, open storage  
23 areas, be a non-permitted land use in the San Pablo district. A use permit should be  
24 required for offices general and professional on the ground floor in the Solano district.  
25 She could support some language for food and beverage preparation in the custom  
26 manufacturing definition. Operational conditions for custom manufacturing should state  
27 clearly for corner lots that the provision for the first 15 feet to be retail does not extend the  
28 entire length of the side street. Commissioner Watty supported earlier closure for  
29 restaurants with alcohol service.

30  
31 In a discussion of hours of operation for gyms, Commissioners felt an 8:00 p.m. closure was  
32 generally too early. Commissioners debated a different closure time for each district; a  
33 later closure time for the San Pablo and CMX districts and requiring a minor use permit for  
34 the Solano district; a later closure time in all districts with the knowledge that hours of  
35 operation could be reduced through the hearing process; and retaining the 8:00 p.m.  
36 closure time with the knowledge that an applicant could request a later hour.  
37 Commissioners generally concurred with setting an 8:00 p.m. closure time in the Solano  
38 district and a 10:00 p.m. closure time in the San Pablo and CMX districts.

39  
40 In a discussion of restrictions for chain stores/restaurants on Solano, Commissioners  
41 supported some type of restrictions and requested staff present models from other  
42 communities for their consideration.  
43

1 Commissioner Jennings suggested language regarding the equipment used in custom  
2 manufacturing be clarified to allow electronic equipment, such as 3D printers, that does  
3 not produce noise, odors, or toxins.

4  
5 **8. NEW BUSINESS**

6  
7 **9. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

8  
9 City Planner Hersch reminded Commissioners of the Solano Complete Streets workshop  
10 the following Wednesday.

11  
12 **10. NEXT MEETING: June 13, 2018**

13  
14 **11. ADJOURNMENT**

15  
16 The meeting was adjourned at 8:59 P.M.

17 Next regular meeting: Wednesday, June 13, 2018 at 7:00 P.M. at Albany City Hall.

18  
19  
20 \_\_\_\_\_  
21 Submitted by: Anne Hersch, City Planner

22  
23  
24 \_\_\_\_\_  
25 **Jeff Bond, Community Development Director**