



**MINUTES OF THE REGULAR MEETING  
WEDNESDAY, JANUARY 22, 2020, 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 7:02 P.M. on Wednesday, January 22, 2020.

**2. ROLL CALL**

Present: Donaldson, Kent (arrived at 7:04 pm), MacLeod, Jennings, Watty  
Absent: None  
Staff Present: Associate Planner Christopher Tan  
Planning Manager Anne Hersch

**3. EX PARTE COMMUNICATION DISCLOSURES**

Commissioner MacLeod reported he met with the applicants for the 1215 Portland Avenue project at staff's request on December 18, 2019. They discussed the project design, regulations, and restrictions.

**4. CONSENT CALENDAR**

**4-1. Planning & Zoning Commission Meeting Minutes December 11, 2019**

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

**4-2. PA 19-072 Design Review and Parking Exception for a Single-Story Rear Addition at 1502 Posen Avenue** – The applicant is seeking Design Review and Parking Exception approval for a single-story rear addition at 1502 Posen Avenue. The subject site is a 6,930-sq.-ft. lot with an existing 3-bedroom, 1-bathroom 1,786-sq.-ft. home built in 1921. The applicant is proposing a 340-sq.-ft. addition at the rear of the existing home. The addition is proposed to expand an existing bedroom and kitchen area at the rear of the home. The exterior of the addition is proposed to be clad in painted stucco and will have a gable roof to match the existing home. This will result in a 3-bedroom, 2-bathroom, 2,126-sq.-ft. home with a maximum height of 22'-10". A Parking Exception is required to allow one off-street parking space in the required front setback area.

**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.

**Motion to approve** Consent Calendar Items 4-1 and 4-2. Donaldson  
Seconded by Jennings

AYES: Donaldson, Kent, MacLeod, Jennings, Watty



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1 NAYES: None  
2 ABSTAINING: None  
3 ABSENT: None  
4 **Motion passed, 5-0-0-0**  
5

6 Chair Watty noted the 14-day appeal period.  
7

8 **4-3. PA 19-070 Conditional Use Permit for a Kiri Tara Spa at 1488 Solano Avenue** – The  
9 applicant is seeking a Conditional Use Permit for a massage establishment at 1488 Solano  
10 Avenue. The subject site is a 2,324-sq.-ft. lot with an existing 3,663-sq.-ft. commercial  
11 building built in 1940. The applicant is proposing a new massage establishment by the  
12 name of Kiri Tara Spa. The subject tenant space measures approximately 570 square  
13 feet. A maximum of 5 employees are expected to be on site at any given time. The  
14 proposed operational hours are 11:30 am to 8:30 pm daily. The proposed use does not  
15 increase required off-street parking. A Conditional Use Permit is required for all massage  
16 establishments in the City of Albany. There are no exterior building modifications proposed  
17 under this project scope.  
18

19 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
20 and approve the project request subject to the findings and Conditions of Approval.  
21

22 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15332 "In-  
23 Fill Development Projects" of the CEQA Guidelines.  
24

25 Associate Planner Christopher Tan presented the staff report dated January 22, 2020.  
26

27 **Gulfredo** explained the purpose and techniques of Thai massage. Massage therapists are  
28 licensed and certified. New clients complete a health information.  
29

30 **Sukanna Kiettikhan**, applicant, reviewed the services offered at Kiri Tara Spa. The spa will have  
31 four massage rooms. No modifications will be made to the exterior of the building.  
32

33 PUBLIC HEARING OPENED  
34

35 **Phillip Moss**, 912 Santa Fe Avenue, advised that the Solano Avenue Corridor Plan seeks to  
36 encourage pedestrian-oriented businesses. Kiri Tara Spa is not a pedestrian-oriented business.  
37 Parking in the area cannot support the workers and customers of the spa.  
38

39 **Krista Meadows**, 1486 Solano Avenue, expressed concern regarding the lack of available  
40 parking in the area and the decrease in retail businesses on Solano Avenue.  
41

42 PUBLIC HEARING CLOSED  
43

44 Commissioner Donaldson noted the requirement of a Conditional Use Permit and State  
45 regulations for massage establishments. The applicant is proposing a legitimate business. The  
46 space is small. Mr. Moss' point regarding pedestrian-oriented businesses is well taken; however,  
47 retail businesses in general are not doing well.  
48



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1 Commissioner Kent indicated the spa could be pedestrian-oriented and probably will not have a  
2 high volume of customers. Customers can walk and bike to the location.

3  
4 Commissioner Jennings requested revision of Finding 1. The use is relatively modest.

5  
6 Commissioner MacLeod concurred with Commissioners' comments. The spa will not be a  
7 detriment to the street and will serve the community.

8  
9 Chair Watty advised that the land use of massage is not inherently closed to the street. A  
10 condition of approval could require the storefront to remain transparent and unobscured.

11  
12 **Motion to approve PA 19-070** for 1488 Solano Avenue pursuant to the proposed findings  
13 and Conditions of Approval with the revision of Finding 1 and an additional Condition of  
14 Approval requiring the applicant to maintain an open and transparent storefront.

15 Donaldson

16 Seconded by MacLeod

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

18 NAYES: None

19 ABSTAINING: None

20 ABSENT: None

21 **Motion passed, 5-0-0-0**

22  
23 Chair Watty noted the 14-day appeal period.

### 24 25 **5. PUBLIC COMMENT**

26  
27 **Patrice Ayme**, Gateview, remarked regarding the destruction of Albany Hill and the need for  
28 affordable housing.

### 29 30 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING** 31 **ITEMS:**

32  
33 **6-1. PA 19-050 Design Review & Conditional Use Permit for a House Lift and Two-Level**  
34 **Rear Addition at 1215 Portland Avenue** – The applicant is seeking Design Review &  
35 Conditional Use Permit approval for a house lift, two-level addition, and an entire  
36 reconfiguration of the interior programming at 1215 Portland Ave. The subject property is a  
37 5,000-sq.-ft. lot with a 5-bedroom, 2-bathroom 1,876-sq.-ft. house built in 1915 and  
38 renovated in 2007. The applicant is proposing to lift the building 3 ft. and build a 156-sq.-  
39 ft. addition at the rear of the property. The ground floor is proposed to accommodate the  
40 kitchen, dining, living room, office room and 1.5 bathrooms. The second floor is proposed  
41 to include 4 bedrooms, 2 bathrooms and a family room. The entry to the home is proposed  
42 to be located to the ground floor. This will result in a 4-bedroom, 3.5-bathroom 1,942-sq.-  
43 ft. home with a maximum height of 25 feet. A Conditional Use Permit is required to  
44 horizontally and vertically extend northeast wall which has a setback of 4'10 and 7.5 ft. is  
45 required. Two off-street parking spaces are provided in the driveway. A study session was  
46 previously held on October 9, 2019.



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1                   **Recommendation:** The applicant requested that this matter be agendized for  
2 Commission review. Draft findings and Conditions of Approval are included should the  
3 Commission decide to take action.  
4

5                   **CEQA:** The project is Categorically Exempt pursuant to Section 15303 "New Construction  
6 or Conversion of Small Structures" of the CEQA Guidelines.  
7

8 Chair Watty and Commissioner Donaldson recused themselves from the item as they have  
9 interests in real property located within 500 feet of the subject property.  
10

11 Associate Planner Tan presented the staff report dated January 22, 2020.  
12

13                   **Amy Dhall**, property owner, reported the purpose of the project is to raise and waterproof the  
14 house and to relocate the entry and living areas to the ground floor. She has worked extensively  
15 with staff and revised plans numerous times since the study session in October. She explained  
16 her calculation of floor area ratio for the project. She believes the project complies with all  
17 applicable design guidelines. When asked, Ms. Dhall advised that she added the roof deck to  
18 comply with the outdoor space requirement. The City Planner stated in an email that her home  
19 does not have outdoor space, even though she has a rear yard. The recent additions to the  
20 project are the landing, the balcony, and the roof deck. Several neighbors have sent emails to  
21 the City supporting the project.  
22

23 Planning Manager Anne Hersch clarified that the project was noticed for a hearing on  
24 December 11, 2019; however, the hearing was continued because of a lack of a quorum of the  
25 Planning Commission. Her email to Ms. Dhall included suggestions to improve the circulation  
26 from the main living quarters into the backyard, which the Commission often considers when  
27 reviewing projects. The email clearly stated Ms. Dhall could utilize the suggestion or not. There  
28 is no mandatory requirement for open space. The applicant may incorporate a roof deck into the  
29 project, but City staff has not required it.  
30

31 PUBLIC HEARING OPENED  
32

33 None  
34

35 PUBLIC HEARING CLOSED  
36

37 Commissioner Kent was not pleased with the project design, particularly the roof deck. The roof  
38 deck is awkward to access and probably will not be pleasant for everyday use. The entry is  
39 serviceable, and the home appears industrial. The interior is laid out well. The roof deck will be  
40 a major expense and provide little benefit.  
41

42 Vice Chair Jennings believed the applicant has made a good faith effort to respond to comments.  
43 The current design is an improvement over the original design. She could make the findings for  
44 the project. The roof deck is unnecessary.  
45

46 Commissioner MacLeod advised that he told the applicant in December that the roof deck is not  
47 needed to comply with any requirement. The roof deck is too large, but a smaller roof deck with



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1 a partial railing could look odd. The picture windows in the front facade could be broken up. A  
2 lower railing would look better. The use of different materials tis good. The floor plan is good.  
3

4 **Motion to approve PA 19-050** for 1215 Portland Avenue pursuant to the proposed  
5 findings and Conditions of Approval and with a caveat that the rooftop deck and railing  
6 and the stairs accessing it are optional and not necessarily a part of the approval. Kent

7 Seconded by MacLeod

8 AYES: Kent, MacLeod, Jennings

9 NAYES: None

10 RECUSED: Donaldson, Watty

11 ABSENT: None

12 **Motion passed, 3-0-2-0**  
13

14 Vice Chair Jennings noted the 14-day appeal period.  
15

16 **6-2. \*\*Study Session \*\* PA 19-067 Design Review for a New Single-Family Home at 836**

17 **Hillside Avenue** –The applicant is seeking Design Review approval for a new single-  
18 family home at 836 Hillside Avenue. The subject site is a 6,237-sq.-ft. vacant lot located  
19 in the R-1 Zoning District with the Hillside Overlay. The applicant is proposing to build a  
20 new 4-bedroom, 3.5-bathroom, 3,209-sq.-ft. two-story home with a maximum height of  
21 28'-11". The home is proposed to be contemporary in appearance with a combination of  
22 wood, vertical board-form concrete, and stucco cladding on the exterior of the home.  
23 Exterior decks and a courtyard are proposed for the home. Parking is proposed in the  
24 attached two-car garage located at the front of the property. This is a study session and  
25 no action will be taken on this project.  
26

27 **Recommendation:** The Planning & Zoning Commission review the project and provide  
28 feedback to the applicant and staff. This is a study session and no action will be taken.  
29

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

33 Commissioner Kent recused himself from the item because he has an interest in real property  
34 located within 500 feet of the project.  
35

36 Associate Planner Tan presented the staff report dated January 22, 2020.  
37

38 **Miki Hirai**, project architect, reported the height of the structure is approximately 7 feet below the  
39 maximum height limit, if the height is measured from the street level. The building gradually steps  
40 down the steeply sloped lot. The front yard will feature a courtyard with a path to access the  
41 home. Homes along Hillside Avenue have geometric forms, large overhangs, flat roofs, and large  
42 expanses of glass.  
43

44 PUBLIC HEARING OPENED  
45

46 **John Ford** remarked that the project will obstruct the views from his home and decrease the  
47 value of his home. Parking in the area is limited. Story poles have not been installed.  
48



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1 **Paul Ford** commented that few homes on the downside of Hillside Avenue have second stories.  
2 Parking during and after construction is a concern. The community enjoys the views from the  
3 property site.

### 4 PUBLIC HEARING CLOSED

5  
6  
7 Commissioner MacLeod appreciated the modern style and geometric complexity of the house.  
8 The rear of the home should be stepped down to meet the ground. Sinking the house one level  
9 would create an attractive and harmonious project. This type of project would benefit from an  
10 elevator.

11  
12 Commissioner Jennings liked the living space and the courtyard at the street level. The rear of  
13 the house with its dead space is a concern. Most homes in the area sink into the hill organically.  
14 The design is attractive. The street level should be used to measure the structure height.

15  
16 Commissioner Donaldson appreciated the contemporary style of architecture. The height of the  
17 house in the front and the dead spaces in the rear are concerns. The bedroom level needs to be  
18 relocated beneath the main living level. Perhaps the main level could be raised closer to the  
19 street. The house is too massive when viewed from the street. The rear of the house needs to  
20 step down with the hillside. The garage could be located closer to the street. The landscape plan  
21 should cover the entire lot, including the space beneath the rear of the house.

22  
23 Chair Watty interpreted the Code as measuring the height from the front of the lot line. That  
24 interpretation implies a two-story structure at the street, but the development pattern along the  
25 street is one-story structures. The entryway provides a "meeting the public realm" element. The  
26 rest of the structure should follow the topography of the lot. The architecture is excellent, but the  
27 massing and the siting of the massing are concerns.

28  
29 Commissioner Donaldson compared the project to the house at 850 Hillside Avenue and referred  
30 to the view of 850 Hillside Avenue from the base of the hill. Projects should step down the hill.

31  
32 Commissioner MacLeod remarked that a 40-foot limit is too high, especially when adjacent homes  
33 are compact and fairly low to the ground. He requested the applicant include a downhill  
34 streetscape in the next submission. The east elevation appears a bit unresolved.

35  
36 In response to a question from **Jeff Gibson**, project architect, Commissioner Donaldson indicated  
37 his main concern with the home at 850 Hillside is the view of the home from the base of the hill,  
38 even though the house is more massive at the street than other homes along the street.

## 39 40 7. NEW BUSINESS

41  
42 **7-1. Proposal for Forum on Housing in Albany** – The City Council has authorized the Social  
43 and Economic Justice Commission (SEJC) to organize a housing forum to be scheduled  
44 in Spring 2020 on new housing laws, solicit and explore different voices on how the City  
45 can be best positioned to respond, learn about the nature of the "housing crisis," housing  
46 affordability and the impact of housing cost on people experiencing homelessness. The  
47 City Council requested that representatives of the SEJC consult with the Planning &  
48 Zoning Commission for direction.



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**Recommendation:** The Planning & Zoning Commission receive the presentation from the Social and Economic Justice Committee representative and provide feedback.

**CEQA:** N/A

Bart Grossman, Social & Economic Justice Commission (SEJC) Chairman, shared data demonstrating the need for affordable housing in Albany. The SEJC is proposing a housing forum to provide information about housing and to discuss the future of housing. The forum could be scheduled just before or during East Bay Housing Organizations' (EBHO) housing week. Senator Skinner's office and EBHO have tentatively committed to provide speakers for the forum.

PUBLIC HEARING OPENED

None

PUBLIC HEARING CLOSED

Commissioner Donaldson recommended the forum include information about the housing goals of the General Plan and Housing Element. There may be opportunities for more affordable housing in Albany. The Planning & Zoning Commission is reactive rather than proactive in relation to housing. The Cities of Berkeley and El Cerrito may have information or insights to share.

Commissioner Kent suggested affordable housing developers and market-rate developers could talk about how they look for sites and their requirements for projects.

Chair Watty remarked that the community needs to understand the definition of affordable housing, the financing of affordable housing projects, Albany's role in the housing crisis, the importance of increasing the supply of market-rate housing; and the accessory dwelling unit (ADU) program. A critical conversation for the community is the tradeoffs required to increase affordability.

Commissioner Jennings concurred with topics of Albany's role in the housing crisis and the goals of the Housing Element and added community involvement in long-term planning.

Commissioner MacLeod proposed topics include higher density housing and increasing building heights as a way to increase housing production and provide some affordable housing.

### 8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

#### 9. NEXT MEETING – Wednesday, February 12, 2020, 7:00 p.m., City Hall Council Chambers, 1000 San Pablo Avenue

Chair Watty announced the Commission will hold a study session for the Albany Hill residential development on Wednesday, January 29, 2020, at 7:00 p.m.



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**10. ADJOURNMENT**

The meeting was adjourned at 9:35 p.m.

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Submitted by: Anne Hersch, Planning Manager

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