



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, MARCH 11, 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 7:00 P.M. on Wednesday, March 11, 2020.

2. ROLL CALL

Present: Donaldson, Kent, MacLeod, Jennings, Watty
Absent: None
Staff Present: Planning Manager Anne Hersch

3. EX PARTE COMMUNICATION DISCLOSURES

None

4. CONSENT CALENDAR

Planning Manager Anne Hersch requested a continuance of Item 4-3, 900 Santa Fe Avenue, to a date uncertain.

4-1. Planning & Zoning Commission Meeting Minutes of February 12, 2020

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

Motion to approve the meeting minutes of February 12, 2020, as presented. Donaldson
Seconded by Kent

AYES: Donaldson, Kent, MacLeod, Jennings, Watty
NAYES: None
ABSTAINING: None
ABSENT: None

Motion passed, 5-0-0-0

4-2. PA 20-008 Design Review for a Two-Level Addition at 954 Talbot Avenue – The

applicant is seeking Design Review approval for a two-level addition at 954 Talbot Avenue. The subject property is a 5,000-sq.-ft. lot with an existing 3-bedroom, 1.5-bathroom, 1,596-sq.-ft. single-family home built in 1929. The applicant is proposing a total of 822 sq. ft. of area to the home. The project scope includes remodeling and expanding the existing kitchen and adding a new master suite on the proposed 2nd story of the home. This will result in a 4-bedroom, 2.5-bathroom, 2,418-sq.-ft. home with a maximum height of 25'-5". The Mediterranean architecture of the home is proposed to remain. Two off-street parking spaces are provided in the detached garage and driveway.

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



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1000 San Pablo Avenue, Albany, CA

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

Chair Watty recused herself from this item.

Planning Manager Hersch presented the staff report dated March 11, 2020.

PUBLIC HEARING OPENED

Susan Abrahamson expressed concerns about the project blocking sunlight into her backyard, windows providing views into her backyard and bedrooms, and the loss of views from her bedrooms. Her home is located behind the subject property. Another neighbor to the rear of the property has the same concerns.

PUBLIC HEARING CLOSED

Jonah Blumenfeld, property owner, advised that he spoke with the neighbor to the south of the property, and the neighbor had no objections to the project.

Jack Backus, project architect, believed the distance of 12 feet 11 inches between the south facade of the addition and the property line would be sufficient to maintain a sense of privacy. He preferred to retain the triple windows for the view. The distance between the rear facade of the house and the rear property line is approximately 37 feet. One window provides light for the stairwell, and the remaining two windows lead into a small office space. The distance between the homes is about 57 feet, which should be sufficient to provide privacy. The property owners are willing to plant trees to screen the views, if the Commission wishes. The window into the closet will provide light and break up the facade. The window into the bathroom will provide light and views but can be obscured with a window treatment. The downstairs room is listed as storage on the original plans because of the stairs and the ceiling height. With reconstruction of the stairs to the addition, the downstairs room will be reclaimed as habitable space with the existing ceiling height of 7 feet 3 inches. The room is not being used currently.

Commissioner Donaldson appreciated the architect's thorough and complete plan set. He urged the architect to consider clerestory windows on the south side of the master bedroom. Clerestory windows will provide light and wall space for furniture. The height of the addition probably will not shade the neighbor's backyard because of the distance the house is set back from the rear property line.

Commissioner Kent suggested using 10-15-foot tall plants rather than clerestory windows to provide privacy.

Vice Chair Jennings supported the project with the applicants' agreement to consider changing the design to provide privacy.

Commissioner MacLeod supported the project as designed. The Planning Code does not provide a right to privacy. Window treatments for the front windows can provide the homeowners with privacy.



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Motion to approve PA 20-008 for 954 Talbot Avenue pursuant to the proposed findings and Conditions of Approval and subject to the possible modifications discussed during the hearing. Donaldson

Seconded by MacLeod

AYES: Donaldson, Kent, MacLeod, Jennings

NAYES: None

RECUSED: Watty

ABSENT: None

Motion passed, 4-0-1-0

Vice Chair Jennings noted the 14-day appeal period.

4-3. PA 20-005 Conditional Use Permit for Tonpai Thai Massage at 900 Santa Fe Avenue

– The applicant is seeking a Conditional Use Permit for Tonpai Thai Massage at 900 Santa Fe Avenue. The subject site is a 2,486-sq.-ft. lot with an existing 3,339-sq.-ft. commercial building built in 1928. The applicant is proposing a new massage establishment by the name of Tonpai Thai Massage in 970-sq.-ft. upstairs tenant space. A maximum of 5 employees are expected to be on site at any given time. The proposed operational hours are 10:00 am to 8:00 pm daily. The proposed use does not increase the off-street parking requirement. A Conditional Use Permit is required for all massage establishments in the City of Albany. There are no exterior building modifications proposed under this project scope.

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 15332 "In-Fill Development Projects" of the CEQA Guidelines.

PUBLIC HEARING OPENED

Tom Newton, 922 Santa Fe Avenue, noted the business would be the second massage parlor within a distance of 200 feet. Massage parlors generate a lot of car traffic, and there is no consideration for off-street parking. He did not recall a retail business occupying the location in the past. There is no elevator for customers.

PUBLIC HEARING CLOSED

Motion to continue PA 20-005 for 900 Santa Fe Avenue to a date uncertain. Donaldson
Seconded by Jennings

AYES: Donaldson, Kent, MacLeod, Jennings, Watty

NAYES: None

ABSTAINING: None

ABSENT: None

Motion passed, 5-0-0-0



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1 **5. PUBLIC COMMENT**

2
3 None

4
5 **6. DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

6
7 **6-1. **Study Session** Review of a New Residential Mixed-Use Building at 1600 Solano**
8 **Avenue** – The applicant is seeking preliminary feedback for a new residential mixed-use
9 building at 1600 Solano Avenue. The subject property is a 5,127-sq.-ft. lot with an existing
10 1,543-sq.-ft. commercial building built in 1925. The subject site is zoned Solano
11 Commercial. The applicant previously received approval for PA 10-019 that included a
12 6,200-sq.-ft. commercial building. The project approvals are expired, and the scope was
13 not pursued. The applicant is proposing to utilize California State Density Bonus Law to
14 construct a mixed-use building with 18 residential units and a dental practice on the ground
15 floor. The proposed project will require waivers and concessions from the Zoning Code to
16 allow a 45-foot height limit and to reduce the parking requirements. Four off-street parking
17 spaces are proposed for the project. This is a study session and no action will be taken
18 on this item.

19
20 **Recommendation:** The Planning & Zoning Commission review the project and provide
21 feedback to the applicant and staff. This is a study session and no action will be taken.

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

25
26 Planning Manager Hersch presented the staff report dated March 11, 2020.

27
28 **PUBLIC HEARING OPENED**

29
30 **Steve Brokken** remarked that waiving the parking requirement would have a significant impact
31 on parking in the neighborhood. The first floor of the project could be parking rather than office
32 space. He encouraged the Commission to consider alternative designs for parking.

33
34 **Kelly Smith**, 923 Ordway, concurred with Mr. Broken's comments regarding parking. Reducing
35 the parking requirement by eight spaces is not fair when she was denied a parking reduction of
36 one space for her home.

37
38 **Simon Dobjinski**, 910 Ordway, commented that on-street parking on Ordway is occupied virtually
39 all day. Drivers often double park and block driveways. The project would add 20-30 cars to
40 already congested streets.

41
42 **Alana Bar David** indicated the project will increase traffic and parking congestion. A traffic study
43 for the intersection of Ordway and Solano is needed.

44
45 **Howard Graves**, 913 Ordway Street, believed the project does not meet local housing
46 requirements for the City Council to grant waivers. A dental clinic would not qualify for a parking
47 waiver. The project would severely impact the health and safety of the neighborhood. Any
48 significant apartment project should require a traffic study and the addition of signal lights.



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2 **Eric Swing** related that usually less than five on-street parking spaces are available in the
3 evenings. An additional 18 cars would exceed capacity. He inquired about Density Bonus Law
4 parking requirements, grounds for the City Council to deny application of the Density Bonus Law,
5 affordability of units, and number of affordable units.
6

7 **Matt Suffner** stated traffic and parking in the area are a nightmare and dangerous. Business
8 owners in the area have expressed their parking concerns to him.
9

10 **Lawrence Jossens**, 914 Ventura, indicated the proposed building is jarring and a massive
11 change to the structure of Albany. He questioned the impacts of allowing multifamily residential
12 buildings on the subject property and other properties in the Solano Commercial Zoning District.
13 The project does not comply with the General Plan.
14

15 **Dan Johnson**, 907 Ramona Avenue, did not believe typical residents of the project would own
16 vehicles. The project would generate revenue for Solano merchants and the Albany Unified
17 School District.
18

19 **Alison Grinstead**, 911 Ordway, felt the building's size and proportions would not be compatible
20 with the neighborhood and Albany.
21

22 **Shelly Kahane**, 919 Ordway Street, supported development of affordable housing and projects
23 that maintained the feel of the community and respected the existing neighborhoods. The project
24 would not accomplish any of those things. The oversized building would damage the historical
25 features of the neighborhood and create health and safety concerns. She did not believe the
26 project qualified for the Density Bonus Law.
27

28 **Peter Goldberg**, 909 Ordway, did not oppose development of the property, but the project
29 appeared to make use of the Density Bonus Law in an inappropriate way.
30

31 **Julie Ballar**, Ordway Street, advised that the Conditions of Approval for the 2013 project
32 recognized the environmental and historic value of the oak tree near the corner of the project.
33 Traffic from Marin speeds through the area.
34

35 **Karen Lismer**, 914 Ordway, opposed the project because it would make the street even more
36 hazardous. Patients for the dental office would impact traffic and parking during afterschool
37 hours. A traffic signal and speed bumps would help reduce vehicle speeds.
38

39 **Carol Seifer**, Tacoma, commented regarding the number of children who live on the short block
40 of Tacoma and traffic and parking on Tacoma. She suggested a traffic signal and a project with
41 fewer housing units and more parking would be helpful.
42

43 **Kava Massih**, project architect, reported the prior project was practically impossible to construct
44 given the constraints placed on the project. Both he and the owners are aware of the neighbors'
45 concerns.
46

47 PUBLIC HEARING CLOSED
48



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1 Commissioner Jennings indicated a mixed-use residential development with the highest allowed
2 density is an appropriate use for the site. She did not believe the project at its current scale
3 qualifies for the density bonus. The applicant has not provided an analysis of an affordability plan.
4 The project with the density bonus appears to amend the zoning and perhaps the General Plan.
5 The applicant should submit a design concept and affordability information to support granting a
6 density bonus. Under the Density Bonus Law, mixed-use projects can qualify for the density
7 bonus. Active ground-floor uses are encouraged in the area.

8
9 Commissioner Donaldson agreed with Commissioner Jennings' comments. He could not accept
10 the proposed floor area ratio or the requested parking reduction. He supported the proposal for
11 a mixed-use project with housing, but he did not know the right amount of housing for the project.
12 In 2013, the Commission analyzed the project thoroughly, and he would support some of the
13 same Conditions of Approval for another project on the site. An existing building on Ensenada
14 appears to be approximately 40 feet tall, but it provides off-street parking. The parking
15 requirement of one space per 200 square feet for a medical office likely provides the correct
16 amount of parking for demand. The applicant should demonstrate how a medical office can
17 operate without the required number of spaces. Parking for the housing units will probably be
18 unbundled. He would have difficulty approving a proposal for less than half a parking space per
19 residential unit. Residents' expectations to park in front of their homes are not realistic.
20 Implementing the Solano Complete Streets Plan could improve the safety of the intersection. The
21 project does not seem to comply with requirements for usable open space.

22
23 Commissioner Kent advised that the dangerous traffic situation at the intersection falls within the
24 City's purview. Projects are less viable if the City forces them to provide parking. A few buildings
25 on Solano have four stories, but they do not improve the neighborhood. Unfortunately, the City
26 does not have an ordinance protecting trees. Patient drop-off for the dental office could be a
27 major issue.

28
29 Commissioner MacLeod believed the Solano Commercial Corridor is the perfect location for high-
30 density development. There is a nationwide movement to eliminate minimum parking standards.
31 Some communities are enacting maximum parking standards. One way to reduce the cost of
32 housing units is to reduce parking requirements. The project needs a large bike room. He could
33 support traffic studies or better study of ways to reduce vehicle speeds. A four-story building is
34 appropriate for a commercial corridor. The number of housing units is too high. Parking
35 requirements can be reduced, but ADA-accessible spaces are required for residential units. In
36 general, he supported the project. He concurred with comments regarding ground-floor parking
37 and submission of affordability information.

38
39 Chair Watty reported the Density Bonus Law is complicated. Discussing incentives and
40 concessions is difficult without understanding the project's affordable housing. The City is
41 required to approve incentives unless it determines the incentives will not reduce costs and will
42 have specific adverse impacts on public health and safety of the physical environment. In
43 addition, the City must waive required local development standards in order to construct the onsite
44 affordable housing. She supported the concept of a ten-unit project that includes onsite affordable
45 housing and an active ground-floor commercial use and analysis of preserving the old trees. She
46 would not support a full ground-floor parking garage.

47



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1 **6-2. Proposed Amendments to Chapter 20.20.080 "Secondary Residential Units" of the**
2 **Albany Municipal Code** – The City of Albany Planning & Zoning Commission will hold a
3 public hearing to consider proposed amendments to Chapter 20.20.080 "Secondary
4 Residential Units" of the Albany Municipal Code and forward a recommendation to the
5 Albany City Council.
6

7 **Recommendation:** The Planning & Zoning Commission review and adopt Resolution
8 2020-01 forwarding a recommendation to the City Council to adopt amendments to
9 Accessory Dwelling Unit regulations.
10

11 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).
12

13 Planning Manager Hersch presented the staff report dated March 11, 2020. Section
14 20.20.080.D.1.b.ii should be 850 square feet, and the language of Section 20.20.080.E.1 will be
15 clarified.
16

17 PUBLIC HEARING OPENED
18

19 None
20

21 PUBLIC HEARING CLOSED
22

23 Commissioner Jennings suggested line 20 of the resolution state "and became effective on
24 January 1, 2020;" the addition of "accessory dwelling units, formerly referred to in our Code as
25 secondary dwelling units" to the resolution and use of accessory dwelling unit throughout the
26 resolution; single-family structure in Section 20.20.080.C.5.c may need to be primary dwelling;
27 the addition of a definition of primary dwelling unit; clarification of ministerial approval in Section
28 20.20.080.D.3.a; Section 20.20.080.D.3.b state "from the date that the City deems an application
29 to be complete;" single-family dwelling in Section 20.20.080.D.3.b.iii may need to be primary
30 dwelling; the addition of "rented for an initial term of 30 days or longer" in Section 20.20.080.E.5;
31 staff review connection fee and capacity charge in Sections 20.20.080.E.10 and 11 or add a
32 definition of impact fee; clarification of Section 20.20.080.F.1.c and change 800 square feet to
33 850 square feet; staff consider adding reference to the 3-foot side and rear setbacks in Section
34 20.20.080.F.2; clarification of Section 20.20.080.F.7; and staff ensure the Zoning Code contains
35 a definition of structure.
36

37 Commissioner Donaldson suggested changing primary structure to primary dwelling structure in
38 Section 20.16.020.1.
39

40 Chair Watty suggested the addition of expansion of an existing building to accommodate an ADU
41 in Section 20.20.080.D.1 and staff review Section 20.20.080.D.1.c for allowing more than one
42 ADU in a multifamily dwelling with four units. Perhaps the definitions can be incorporated into the
43 general glossary section of the Municipal Code.
44

45 Planning Manager Hersch requested the Commission continue the item for a second review.
46

47 Commissioner MacLeod stated the requirement for fire sprinklers in ADUs, if required in the
48 primary residence, could be burdensome and discourage the construction of ADUs.



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2 **Motion to continue** review and adoption of Resolution 2020-01 to March 25, 2020. Kent
3 Seconded by Jennings
4 AYES: Donaldson, Kent, MacLeod, Jennings, Watty
5 NAYES: None
6 ABSTAINING: None
7 ABSENT: None
8 **Motion passed, 5-0-0-0**

9
10 **6-3. Proposed Amendments to 20.20.040 "Home Occupations" of the Albany Municipal**
11 **Code** – The Albany Planning & Zoning Commission will review Resolution of Intention
12 2020-02 initiating amendments to Chapter 20.20.040 "Home Occupations" of the
13 Municipal Code.

14
15 **Recommendation:** The Planning & Zoning Commission review and adopt Resolution
16 2020-02, a Resolution of Intention to amend Chapter 20.20.040 "Home Occupations" of
17 the Albany Municipal Code.

18
19 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).

20
21 Planning Manager Hersch presented the staff report dated March 11, 2020.

22
23 PUBLIC HEARING OPENED

24
25 None

26
27 PUBLIC HEARING CLOSED

28
29 **Motion to adopt Resolution 2020-02**, a Resolution of Intention to amend Chapter
30 20.20.040 "Home Occupations" of the Albany Municipal Code. Jennings
31 Seconded by Donaldson
32 AYES: Donaldson, Kent, MacLeod, Jennings, Watty
33 NAYES: None
34 ABSTAINING: None
35 ABSENT: None
36 **Motion passed, 5-0-0-0**

37
38 **7. NEW BUSINESS**

39
40 **7-1. None**

41
42 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

43
44 **8-1. San Pablo Avenue Specific Plan Meeting on Monday, March 30, 2020 at the Albany**
45 **Community Center**

46
47 Planning Manager Hersch announced the meeting may be postponed due to public health
48 concerns.



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8-2. Albany Hill Residential Development Update – Trumark Homes is no longer pursuing a development project

Planning Manager Hersch reported she received an email from Trumark Homes stating they have withdrawn from the project. Staff will present information to the Council in April regarding amending hillside zoning.

9. NEXT MEETING – Wednesday, March 25, 2020, 7:00 p.m., City Hall Council Chambers, 1000 San Pablo Avenue

10. ADJOURNMENT

The meeting was adjourned at 9:41 p.m.

Submitted by: Anne Hersch, Planning Manager

Jeff Bond, Community Development Director