



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF SPECIAL AND REGULAR MEETINGS WEDNESDAY, SEPTEMBER 23, 2020

SPECIAL MEETING 5:00 PM

1. STUDY SESSION

1-1. **San Pablo Avenue Specific Plan** – In accordance with the SB-2 grant awarded to the City of Albany, this is the third in a series of meetings to prepare a San Pablo Avenue Specific Plan. This will include a discussion of land use, nodes, project boundaries, and project impacts related to economic equity and racial diversity.

Recommendation: Receive a presentation and provide feedback on these issues.

CEQA: Once draft amendments are prepared, staff will work with a CEQA consultant.

Planning Manager Anne Hersch reported the City was awarded a \$160,000 SB 2 grant to fund this planning effort. The City has applied for a Local Early Action Planning (LEAP) grant in the amount of \$50,000 and is awaiting a response. The key goals for planning efforts are to streamline housing approvals, facilitate affordable housing, and accelerate housing production.

Jean Eisberg, Lexington Planning, presented the staff report. The primary concern is balancing residential and commercial requirements. The Specific Plan will focus on housing issues, but San Pablo is historically a commercial corridor. The discussion in July focused on density, height, transitions, and parking. The team hopes to provide an online community forum in the next few months to reach a broader range of community members. Next steps are to draft the Specific Plan, an Infrastructure Plan, and environmental documents and present them to the public.

Jane Lin, Urban Field Studio, advised that the median home price in Albany is more than \$1 million, which means housing is unaffordable for workforce and middle-income households. The solution is to build more multifamily developments. In Albany, 69 percent of parcels is zoned single-family residential. Single-family housing represents 54 percent of housing stock in the San Pablo Avenue Corridor. The average number of people per household is declining. Affordability and Inclusivity can be promoted through requiring a portion of new units to be affordable at below-market rates; acquiring or using City-owned properties to develop affordable housing; encouraging a range of housing types; encouraging ownership versus rental housing; and reaching out to different stakeholders.

Ms. Eisberg indicated the vast majority of housing in the planning area is multifamily with some single-family housing, primarily fronting Kains and Adams. Commercial uses are 55 percent retail/restaurant, 24 percent office/medical/other, and 21 percent auto. The San Pablo Commercial (SPC) Zoning District currently requires ground-floor commercial development with upper floors being either residential or commercial. The California Department of Housing and Community Development (HCD) may no longer accept sites zoned for mixed use because there is no guarantee that a site would have a residential use. Therefore, some sites or the upper floors of sites may need to be zoned residential.



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1 Christine Firstenberg, Retail Real Estate Resources, related that the asking rents in Albany both
2 before and after COVID-19 are similar, but the contract rents will likely be lower after COVID-19.
3 Rents along San Pablo Avenue are lower than rents along Solano Avenue. The size of the spaces
4 commercial tenants occupy is shrinking but, once tenants have determined the size optimal for
5 them, they are not flexible. Most residential developers prefer not to develop mixed-use projects
6 because additional uses create complications, which increase costs. An entryway, a lobby,
7 commercial space, parking, and loading zones all compete for ground-floor space. Retailers
8 prefer corner locations for maximum exposure and vehicle access. Redevelopment of
9 underutilized one-story commercial spaces will result in smaller retail spaces. Increasing density,
10 also known as upzoning, adds value to the land if the building is multistory. Maintaining retail-
11 only zoning on some parcels is controversial, but it can provide assurances that retail areas will
12 have essential uses such as grocery stores. Building out the interior of a retail space after
13 completion of the shell can cost more money than constructing a new building.

14
15 Ms. Lin addressed the characteristics of a node and the General Plan land use designation of
16 major activity node.

17
18 Ms. Eisberg noted policy options include allowing ground-floor commercial development along
19 the entire corridor; requiring ground-floor commercial uses in specific locations; creating
20 residential-only zoning or prohibiting upper-story commercial development in specific locations;
21 creating commercial-only zoning in certain locations; requiring replacement of existing large-scale
22 retail in kind; creating an incentive for ground-floor commercial uses; and revising the existing
23 design guidelines to enable active ground floors and creating objective zoning standards.

24 25 PUBLIC HEARING OPENED

26
27 **Ed Fields**, Kains Avenue, stated the Specific Plan process is invalid because it does not conform
28 to zoning requirements contained in the General Plan. If the General Plan Land Use Element is
29 amended, elimination of single-family zoning should be considered. He supported increasing
30 affordable housing and anti-racist policies.

31
32 **Susan Schwartz**, Friends of Five Creeks, noted the discussion has not mentioned green space,
33 access to the outdoors, nature, or exercise. Whatever emerges from the public health shutdown,
34 flexibility will be needed to address new housing and commercial situations. Residents of
35 multifamily housing will need access to outdoor spaces that are larger than their homes can
36 provide. The Specific Plan should include green corridors.

37
38 **Nico Nagle**, Bay Area Housing Advocacy Coalition, indicated the Specific Plan is important to the
39 region in order to provide housing. He supported upzoning and building heights of six to eight
40 stories.

41
42 **Nick Peterson** believed the Specific Plan needs careful thought. Increased density is appropriate
43 for some areas of the City.

44
45 **Clay Larson** remarked that the basic premise of the Specific Plan, which is to implement some
46 goal contained in the General Plan, is preposterous. This is a change in the General Plan, which
47 should proceed with a public process. The consultant proposes to eliminate daylight plane,
48 parking, and open space requirements. The goal should be to provide opportunities for housing



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1 that meets the City's Regional Housing Needs Assessment (RHNA) allocation and to distribute
2 housing throughout the City.

3
4 **Kristina Finnegan** was excited by the prospect of additional multifamily housing and retail in
5 Albany and looked forward to additional public discussions of the Specific Plan.

6
7 **David Arkin**, Stannage Avenue, commented that the anticipated increase in residential and
8 mixed-use developments caused by Measure N1 has not occurred and urged the Commission
9 and consultants to explore the reasons. He supported efforts to construct housing, to fulfill
10 regional housing obligations, and to create a vibrant, urban streetscape on San Pablo Avenue.

11
12 **Preston Jordan** did not believe there have been any development projects on San Pablo or
13 Solano since the off-street parking requirements were reduced. Understanding why the
14 reductions have not generated development is a key issue. Maintaining the status quo will not
15 provide a different result. He read from an article published by *The Economist*.

16
17 **Bryan Marten**, Adams Street, understood the City has market-rate housing but almost no low-
18 income housing. He supported changes to encourage in-fill housing. Focusing on San Pablo
19 Avenue to relieve the pressure on housing development is unsound and heightens disparities
20 between the east and west sides of Albany. Increasing building heights and eliminating daylight
21 plane and setback requirements will directly and negatively impact his family and neighborhood.
22 He inquired regarding the reasons for not preparing a specific plan for Solano Avenue, which is
23 near mass transit and is a commercial corridor.

24
25 **Amy Smolens**, Kains Avenue, concurred with comments about outdoor space and supported
26 residential development in the San Pablo Avenue Corridor, unbundled parking, and car-share and
27 bike-share nodes.

28
29 **Veronica Davidson**, San Pablo Avenue, proposed allowing businesses and live/work spaces to
30 utilize outdoor spaces. Bigger retailers are needed in the community and would create a more
31 vibrant community. San Pablo Avenue needs to remain safe and inviting and encourage
32 exchanges at storefronts.

33
34 PUBLIC HEARING CLOSED

35
36 Commissioner Jennings noted the team has outlined creative and thoughtful ideas for optimizing
37 the balance between residential and commercial uses. She supported removing some
38 prescriptive ground-floor retail requirements along the entirety of San Pablo. It is important to
39 make the San Pablo and Solano Avenue intersection work for retail. Locating ground-floor retail
40 at certain nodes is logical. She suggested consideration of another type of node around San
41 Pablo and Monroe to capitalize on the retail development located on the west side of San Pablo.
42 Designating some parcels commercial-only is an interesting idea, but moving away from
43 prescriptive development requirements for portions of blocks is more interesting and will allow
44 more flexibility. Most below-market-rate housing is made possible through subsidies provided by
45 market-rate housing.

46
47 Commissioner Donaldson believed the planning area boundaries are okay. Commercial and
48 residential uses are needed and should be balanced. There may be an argument for some



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1 residential-only and commercial-only parcels along San Pablo. Ground-floor residential uses may
2 be feasible. The small size of parcels may be the biggest constraint for redeveloping the San
3 Pablo Corridor. The Commission should carefully review redevelopment of the few large parcels.
4 He wanted to focus commercial uses in the main node, if possible. The San Pablo and Solano
5 node needs to become a vibrant commercial corner. The San Pablo and Solano intersection is a
6 main node for the corridor, and gateways are located at each creek. Features for nodes should
7 include public gathering spaces and additional height and density. The Plan can support
8 economic diversity, but racial diversity is a separate issue. He proposed reallocating funding for
9 the Specific Plan to the Housing Choice Plan.

10
11 Commissioner Kent remarked that development of ground-floor residential in the San Pablo
12 Corridor is possible, but developments on San Pablo in surrounding cities appear dismal.
13 Ground-floor retail may be preferable to ground-floor residential. Eliminating commercial uses
14 and reducing development standards will provide a more efficient structure with more units, but
15 that will not lower the cost of units. A height limit of 50 feet for larger parcels would probably be
16 best. He did not believe zoning could affect racial diversity. Creating a Specific Plan that
17 encourages development will add more housing units, which is probably the best the City can do
18 to increase racial diversity. Open space is crucial to integrating new housing into the community.
19 In an urban area, wider sidewalks and landscaping encourage people to walk the community and
20 meet one another.

21
22 Commissioner MacLeod believed the priority should be creating more housing, particularly
23 affordable housing. A vibrant streetscape will encourage pedestrian activity. He was a bit
24 resistant to designating parcels as residential-only because they will create dead spaces. Limiting
25 residential-only to mid-block parcels may work. Structuring zoning to obtain desired commercial
26 uses is complicated. The San Pablo Corridor can be the meeting place of east and west Albany.
27 Housing is a great way to create future economic activity. The City may need to change its
28 inclusionary zoning ordinance to require more affordable units. He wanted better modeling for
29 buildings of different heights. The north end of San Pablo can accommodate the highest
30 development levels because it is within walking distance of the BART station.

31
32 Chair Watty agreed with comments regarding taller building heights and increased density at the
33 northern end of San Pablo and having some type of gateway at the southern boundary of the
34 planning area. The main node should be located at San Pablo and Solano. She suggested staff
35 talk with the property owners to learn of constraints on retail spaces located on the corners of
36 Solano and San Pablo. She did not favor dedicating sites along San Pablo as commercial-only
37 or residential-only. Ground-floor residential is disruptive to street activity. The priority is a street
38 frontage with some predominance of commercial activity on a parcel-by-parcel basis. Perhaps
39 the City should develop criteria to grant a use permit for ground-floor residential and an incentive
40 for a developer to build out the shell for larger commercial tenants. Around gateways and nodes,
41 smaller commercial tenants should occupy smaller, more intimate spaces, which will bring down
42 the price point. Smaller commercial tenants play into the race and social equity conversation by
43 increasing the likelihood of people opening their first businesses. Higher density with a mix of
44 bedroom counts diversifies the demographics of the community and increases the likelihood of
45 rental housing.

2. ADJOURNMENT OF STUDY SESSION



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REGULAR MEETING 7:00 PM

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Watty called the regular meeting of the Planning and Zoning Commission to order at 7:14 P.M. on Wednesday, September 23, 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

Associate Planner Christopher Tan announced that Chair Watty had contacted him regarding a window on the front facade of the house at 910 Tulare Avenue. The applicant has agreed to revise the window so that the project can remain on the consent calendar. The window will be wood or aluminum clad with three-dimensional mullions on the exterior of the glazing.

4-1. Planning & Zoning Commission Meeting Minutes of July 22, 2020

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

4-2. PA 20-032 Conditional Use Permit for a Commercial to Residential Conversion at 910 Tulare Avenue

The applicant is seeking Conditional Use Permit approval to convert an existing commercial building into a residential single-family home at 910 Tulare Avenue. The subject property is a 4,140-sq.-ft. lot with an existing 1,186-sq.-ft. commercial building located in the Solano Commercial Zoning District and built in 1925. A Conditional Use Permit is required for all ground floor residential uses located in the Solano Commercial Zoning District. The project scope includes interior remodeling to accommodate residential habitation. The existing architectural style of the home is proposed to remain. This will result in a 2-bedroom, 2-bathroom, 1,186-sq.-ft. home with a maximum height of 14 feet. There is no expansion proposed to the existing building envelope. Two off-street parking spaces are provided in the existing 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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1 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
2 Construction or Conversion of Small Structures" of the CEQA Guidelines.
3

- 4 **4-3. PA 20-030 Design Review and Parking Reduction for a Single-Story Rear Addition**
5 **at 521 Curtis Street** – The applicant is seeking Design Review and Parking Reduction
6 approval for a single-story rear addition at 521 Curtis Street. The subject property is a
7 3,750-sq.-ft. 2-bedroom, 2-bathroom, 1,019-sq.-ft. house built in 1928. The project scope
8 includes a new 409-sq.-ft. addition at the rear of the existing home. The addition is
9 proposed to accommodate a new family room and convert an existing bedroom into a
10 master suite. The exterior is proposed as clad in painted stucco and a gable roof with clay
11 tile detailing to match the existing home. Slider doors are proposed off the rear of the
12 addition to provide access to the rear deck and yard area. The existing architectural style
13 of the home is proposed to remain. There is one off-street parking space provided in the
14 existing garage. A Parking Reduction is required to waive the second off-street parking
15 requirement triggered with the proposed addition.
16

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

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

- 23 **4-4. PA 20-036 Design Review for a New Second-Story Deck at 1016 Peralta Avenue** –
24 The applicant is seeking Design Review approval for a new second-story deck at 1016
25 Peralta Avenue. The subject property is a 4,375-sq.-ft. lot with a 3-bedroom, 2-bathroom,
26 1317-sq.-ft. house built in 1930. The subject lot slopes downward toward the rear of the
27 property. The applicant is proposing to build a new deck at the rear of the home. The deck
28 is proposed to be located directly off the kitchen with access stairs to the rear yard area
29 below. The material of the deck is proposed to be wood. The project scope does not
30 include the expansion of the primary dwelling unit and is limited to the deck alone. The
31 existing architectural style of the home is proposed to remain. No additional parking is
32 triggered under this project scope.
33

34 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
35 and approve the project request subject to the findings and Conditions of Approval.
36

37 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
38 Construction or Conversion of Small Structures" of the CEQA Guidelines.
39

40 **Motion to approve** the consent calendar. Donaldson
41 Seconded by Jennings

42 **AYES:** Donaldson, Kent, MacLeod, Jennings, Watty

43 **NAYES:** None

44 **ABSTAINING:** None

45 **ABSENT:** None

46 **Motion passed, 5-0-0-0**
47

48 Chair Watty noted the 14-day appeal period.



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5. PUBLIC COMMENT

Jeremiah Pinguelo wanted the City to implement traffic calming measures on Solano Avenue and school zones.

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

6-1. PA 20-029 Design Review for a New Rooftop Deck at 511 Carmel Avenue – The applicant is seeking Design Review approval for a new rooftop deck at 511 Carmel Avenue. The subject property is a 3,750-sq.-ft. lot with a 3-bedroom, 2-bathroom, 1,555-sq.-ft. single-story house built in 1926. The project scope includes the creation of a new rooftop deck at the rear of the home. The roof deck is proposed to be 257 sq. ft. in area and 11'-5" above adjacent grade. The materials proposed for the deck are steel posts, cedar wood horizontal paneling, steel bracing, steel guardrails and a canvas sunshade spanning the proposed deck area. Potted, vegetation screening is proposed on top of the deck. This project scope does not include expansion to the existing building area. No internal work to the home is proposed under this project scope. No additional parking requirements are required 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: Staff recommends that the Planning & Zoning Commission review and approve the project request subject to the findings and Conditions of Approval.

Associate Planner Tan presented the staff report dated September 23, 2020.

Andrew Sullivan, property owner, reported a neighbor's two-story building looks into his yard and blocks sunlight to his rear yard. A large tree also blocks sunlight to the patio area. His family has been using the roof as an informal roof deck. The proposed roof deck is a way to create outdoor space and increase his family's safety. The roof deck has been designed to address neighbors' concerns about light and privacy and to complement the house. When asked, **Mr. Sullivan** indicated vegetation along the property line was planted in 2009 and has reached its maximum height.

Edward Buchanan, project architect, advised that the railing's transparency and height will preserve privacy without casting shadows on the neighbors' properties. The roof deck complies with setbacks and the height limit and is aesthetically pleasing.

PUBLIC HEARING OPENED

Deborah DeMott expressed concerns regarding noise and privacy and requested modification of the height and transparency of the railing, relocation of the stairway, and replacement of vegetation on the roof.



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1 **Jeremiah Pinguelo** agreed with relocating the staircase and suggested placing a fire extinguisher
2 on the roof deck and nonslip treads on the stairs.
3

4 **Jon Garfield** indicated the proposed sunshade will obstruct views and create shadows and is
5 unnecessary. Freestanding umbrellas are an alternative. The applicant should submit plans for
6 electrical features. There have been loud, late-night gatherings at the home, and more can be
7 reasonably expected with the addition of the roof deck.
8

9 PUBLIC HEARING CLOSED

10
11 Commissioner Kent noted the roof eave would be head-height for a person standing on the roof
12 deck, and kids will be able to easily climb from the roof deck to the rest of the roof, both of which
13 should be modified. The window just above the top of the deck will have to be replaced with
14 tempered glass. The purpose of the roof deck seems to be access to sunlight, but the applicant
15 proposes a shade structure. Constructing the roof deck is within the applicants' rights. The roof
16 deck will likely have less impact than a second-story addition. Privacy concerns could be
17 addressed with replacing the existing hedge or planting a taller hedge on the neighbor's property.
18 The deck planters shown in the plans could be too large and heavy for a roof deck.
19

20 Commissioner Donaldson believed the roof deck complies with design guidelines and will be
21 invisible from the street. The applicants have the right to build a feature like this. He concurred
22 with comments regarding landscaping.
23

24 Commissioner Jennings agreed with Commissioner Donaldson's comments. The posts for the
25 sunshade probably will be visible from the street. Umbrellas would be a practical solution to the
26 sunshade, but the applicants may not want umbrellas.
27

28 Commissioner MacLeod concurred with Commissioners' comments. If there are fixed electrical
29 light fixtures, they should be shielded from neighbors. The sunshade may be retractable or
30 removable.
31

32 Chair Watty remarked that roof decks on one-story buildings may not need to be presented to the
33 Planning & Zoning Commission if they comply with zoning requirements. Google street view
34 shows the rear yard shaded and the roof open to sunlight. Privacy is subjective, and privacy
35 impacts are difficult to regulate with zoning controls. Homeowners should mitigate privacy
36 concerns on their own properties.
37

38 **Motion to approve** PA 20-029 for 511 Carmel Avenue pursuant to the proposed findings
39 and Conditions of Approval. Donaldson

40 Seconded by MacLeod

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

42 NAYES: None

43 ABSTAINING: None

44 ABSENT: None

45 **Motion passed, 5-0-0-0**

46
47 Chair Watty noted the 14-day appeal period.
48



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1 **7. NEW BUSINESS**

2
3 **7-1. None**

4
5 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

6
7 **8-1. Building Permit & Planning Application Activity in 2020**

8
9 Planning Manager Hersch reported the number of applications filed in 2020 has declined only
10 slightly. The number of applications filed in March 2020 exceed those filed in March 2019.
11 Approximately 48-60 permits have been issued per month. This seems to indicate residents are
12 comfortable with investing in their properties. Because of modified work accommodations, permit
13 issuance and plan check are now digital. That will continue into the future as it saves paper,
14 costs, and time.

15
16 **8-2. November/December 2020 Rescheduled Meeting Date**

17
18 Planning Manager Hersch advised that the Planning & Zoning Commission's regular first meeting
19 in November would fall on Veterans Day, a holiday, and the regular second meeting would fall on
20 the day before Thanksgiving. The regular second meeting in December would fall in the week of
21 Christmas. Staff proposes scheduling one meeting for both November and December on
22 December 2, 2020. Commissioners concurred.

23
24 **9. NEXT MEETING** – October 28, 2020, City Hall Council Chambers, 1000 San Pablo Avenue or
25 virtual meeting pursuant to state and county guidance

26
27 **10. ADJOURNMENT**

28
29 The meeting was adjourned at 8:08 p.m.

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33 _____
34 Submitted by: Anne Hersch, Planning Manager

35
36
37 _____
Jeff Bond, Community Development Director