



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF REGULAR MEETING WEDNESDAY, OCTOBER 14, 2020

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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 7:00 P.M. on Wednesday, October 14, 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

Commissioner Jennings disclosed a social relationship with the applicants at 844 Jackson and announced she would recuse herself from discussion of the item.

Commissioner Donaldson disclosed receipt of an email communication from an architect who attached plans for a project located in Albany. He advised that he did not view the attached plans and replied that his review of the plans would be inappropriate and that if he did so he would recuse himself if the project comes before the Commission.

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes of September 23, 2020

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

Commissioner MacLeod requested his comments on page 4, line 30, be revised to reflect "within walking distance of the BART station."

4-3. PA20-041 Design Review & Conditional Use Permit for a Building Lift & Conversion at 1152 Portland Avenue -- The applicant is seeking Design Review and Conditional Use Permit approval for a building lift and conversion at 1152 Portland Avenue. The subject property is a 5,000-sq.-ft. lot with a 3-bedroom, 2-bathroom, 1,300-sq.-ft. house built in 1918. The project scope includes lifting the entire home 5'-7" and shifting the home east to establish a compliant side yard setback of 5 feet. The applicant is proposing to reconfigure the interior programming for the home. The main level is proposed to accommodate public spaces (kitchen, living, dining, etc.) while the upper level is proposed to accommodate 3 bedrooms, 1 bathroom, a laundry room and a master suite. The existing Craftsman style of the home is proposed to remain. This will result in a 5-bedroom, 2.5-bathroom, 2,541.5-sq.-ft. home with a maximum height of 25'-7". A Conditional Use Permit



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1 is required to extend the nonconforming north wall located 14'-1" where 15 feet is required.
2 A new single-car garage is proposed in the southeast corner of the lot. Off-street parking
3 is proposed in the new garage and driveway.
4

5 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
6 and approve the project request subject to the findings and Conditions of Approval.
7

8 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
9 Construction or Conversion of Small Structures" of the CEQA Guidelines.
10

11 **4-6. PA20-038 Design Review & Conditional Use Permit for a Second-Story Balcony**
12 **Enclosure at 953 Stannage Avenue** -- The applicant is seeking Design Review &
13 Conditional Use Permit approval for a second-story balcony enclosure at 953 Stannage
14 Avenue. The subject property is a 3,751-sq.-ft. lot with a 3-bedroom, 2.5-bathroom, 1,565-
15 sq.-ft. house built in 1928. There is an existing second-story balcony located in the
16 northeast corner of the home. The applicant is proposing to enclose the 80-sq.-ft. balcony
17 to create a new closet for the existing master suite. One new window is proposed on the
18 east side of the enclosure. The exterior of the enclosure is proposed to be clad in painted
19 stucco to match the existing home. A Conditional Use Permit is required to extend the
20 nonconforming north wall located 2.38 feet from the property line where 3.75 feet is
21 required. The existing architecture of the home is proposed to remain. This will result in
22 a 3-bedroom, 2.5-bathroom, 1,645-sq.-ft. home with a maximum height of 20'-6". Two off-
23 street parking spaces are provided in the existing driveway.
24

25 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
26 and approve the project request subject to the findings and Conditions of Approval.
27

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

31 **Motion to approve** Item 4-1 as amended and Item 4-6 of the consent calendar. Jennings
32 Seconded by MacLeod

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

34 NAYES: None

35 ABSTAIN: None

36 ABSENT: None

37 **Motion passed, 5-0-0-0**

38
39 **Motion to approve** PA20-041 for 1152 Portland Avenue pursuant to the proposed
40 findings and Conditions of Approval. Jennings

41 Seconded by MacLeod

42 AYES: Kent, MacLeod, Jennings, Watty

43 NAYES: None

44 RECUSED: Donaldson

45 ABSENT: None

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

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



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1
2 **4-4. PA20-042 Design Review, Parking Reduction & Conditional Use Permit for a Two-**
3 **Level Addition at 629 Talbot Avenue** -- The applicant is seeking Design Review, Parking
4 Reduction and Conditional Use Permit approval for a two-level addition at 629 Talbot
5 Avenue. The subject property is a 3,750-sq.-ft. lot with a 3-bedroom, 1-bathroom, 1,691-
6 sq.-ft. house built in 1938. The applicant is proposing 63 sq. ft. of additional area to the
7 existing ground level and a new 390-sq.-ft. second-story addition. The project scope
8 includes interior remodeling to create a new powder room on the ground floor and a new
9 master suite in the second-story addition. A balcony is proposed off the new master suite.
10 The existing MacGregor style of the home is proposed to remain. This will result in a 3-
11 bedroom, 2.5-bathroom, 1,867-sq.-ft. home with a maximum height of 23'-9". A
12 Conditional Use Permit is required to extend the nonconforming south wall located 3.57
13 feet from the property line where 3.75 feet is required. A Parking Reduction is required to
14 waive the second off-street parking space triggered by the addition.

15
16 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
17 and approve the project request subject to the findings and Conditions of Approval.

18
19 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
20 Construction or Conversion of Small Structures" of the CEQA Guidelines.

21
22 When asked, **Edward Buchanan**, project architect, reported the cross gable minimizes the
23 structure's overall height and reduces the bulk and height when viewed from the backyard. The
24 house at 633 Talbot also has a cross gable. The hot tub is part of the application but will probably
25 be installed in the future. A hot tub will not impact the neighbor's privacy any more than a table
26 and chairs would. The house is a classic MacGregor design. The concept is to build up in order
27 to preserve outdoor space, to match as many details of the original house as possible, and to
28 avoid the appearance of a boxy mass atop the house. Neighbors have expressed privacy
29 concerns regarding the deck and some windows. The deck will be small and accessible via the
30 master bedroom only. The distance between the house and the neighbor to the rear is 100 feet,
31 and three mature trees screen views between the two. The window facing 633 Talbot is located
32 above a bed, is intended to provide light and ventilation, and has a sill height of about 4 ½ feet.

33
34 PUBLIC HEARING OPENED

35
36 **Jeremiah Pinguelo** suggested the Commission continue the item for further discussion and the
37 applicant replace buildings with trees. Neighbors are entitled to retain their views.

38
39 **Susanne Dyckman** expressed concern about privacy and the height of the addition.

40
41 **Michael O'Donnell**, applicant, reiterated the desire to minimize height and mass and appreciated
42 neighbors' concerns. However, lots are small; distances between homes are small; and existing
43 windows face neighbors' homes and yards. The primary consideration for the design is preventing
44 the addition from looming over the backyard. When viewed from the roof, the structures on his
45 property and Ms. Dyckman's property obstruct views between the two homes. The proposed
46 design is probably the best compromise of the competing interests.



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1 **Frank Cebulski**, 627 Talbot, expressed concern regarding privacy and water draining onto his
2 property. The design is nice with the balcony. The hot tub should be placed on the deck rather
3 than the balcony. With three construction projects underway along the street, there is no parking
4 on Talbot or side streets.

5
6 PUBLIC HEARING CLOSED

7
8 Commissioner Kent suggested 48 inches for the height of the railing to address the concern about
9 views from the hot tub. The view into the neighbor's yard could be screened. The rooftop solar
10 panels will be visible from the sidewalk across the street but not from the sidewalk in front of the
11 house.

12
13 Commissioner Donaldson remarked that the building height will be considerably lower than the
14 height limit. His concern about the solar panels being visible from the street has been addressed.
15 Opaque glass in the new windows is not necessary. Blinds and landscaping can obstruct views
16 into homes. Mechanical equipment for a hot tub is much quieter than it formerly was and should
17 not be audible beyond the property line. A taller railing at the hot tub is a good idea. Standard
18 conditions of approval address drainage.

19
20 Commissioner Jennings recommended the applicant consider and address drainage from his
21 property onto other properties. Visibility of solar panels is not necessarily a design flaw.

22
23 Commissioner MacLeod agreed with the architect's comments regarding the view from the hot
24 tub, which may not be used often. A privacy screen above the hot tub would be a good idea. The
25 cross gable is awkward in some views, but it blends with the character of the street and the house
26 at 633 Talbot. He concurred with Commissioner Jennings' comment regarding solar panels.

27
28 Chair Watty appreciated the goal of maintaining the architectural quality of the MacGregor design
29 and the use of real terra cotta tiles. Changing the orientation of the cross gable could change the
30 proportionality of the structure. Most houses in Albany have views into adjacent houses.
31 Regulating privacy is almost impossible; therefore, homeowners should ensure their properties
32 provide the privacy they desire.

33
34 **Motion to approve** PA20-042 for 629 Talbot Avenue pursuant to the proposed findings
35 and Conditions of Approval and an additional condition of approval requiring a 48-inch
36 privacy screen on the north side of the balcony. Kent

37 Seconded by Donaldson

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

39 NAYES: None

40 ABSTAINING: None

41 ABSENT: None

42 **Motion passed, 5-0-0-0**

43
44 Chair Watty noted the 14-day appeal period.

45
46 **4-5. PA20-044 Design Review for a Two-Level Addition at 934 Pomona Avenue** -- The
47 applicant is seeking Design Review approval for a two-level addition at 934 Pomona
48 Avenue. The subject property is a 4,200-sq.-ft. lot with a 2-bedroom, 1-bathroom, 1,086-



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1 sq.-ft. home built in 1916. The applicant is proposing a net addition of 504 sq. ft. spanning
2 two levels to the existing home. The addition is located at the rear of the property and is
3 proposed to accommodate a new family room on the ground floor and a new master suite
4 with balcony on the second floor. The exterior of the addition is proposed to be clad in
5 painted stucco with a gable roof form to match the existing home. A new decorative trellis
6 is proposed on the north side of the addition along with a new wood deck off the west side
7 of the addition providing access to the rear yard. The existing Craftsman style of the home
8 is proposed to remain. This will result in a 3-bedroom, 2-bathroom, 1,590-sq.-ft. home
9 with a maximum height of 25'-8". Two off-street parking spaces are provided in a tandem
10 configuration in the existing detached garage and parking pad.

11
12 **Recommendation:** Staff recommends that the Planning & Zoning Commission review
13 and approve the project request subject to the findings and Conditions of Approval.

14
15 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303 "New
16 Construction or Conversion of Small Structures" of the CEQA Guidelines.

17
18 Commissioner Donaldson noted the plans include a dissipation basin at the rear of the lot to catch
19 runoff. Dissipation basins are not effective because of the clay soil in Albany. A sump pump
20 would be a good alternative. The City Engineer may require the applicant to direct runoff to the
21 curb.

22
23 **PUBLIC HEARING OPENED**

24
25 **Jeremiah Pinguelo** commented on the Planning & Zoning Commission's approval of projects.
26 The City does not monitor construction sites. More emphasis should be placed on comments
27 from neighbors.

28
29 **Christina Ratcliffe**, applicant, advised that she worked with an architect to ensure the addition
30 complements the design of the existing home. In response to a neighbor's concern, she has
31 agreed to relocate the tankless water heater. She has resolved another neighbor's concern about
32 construction affecting the shared driveway. The second-story balcony is small and will not impose
33 additional impacts on privacy. Vegetative screening for the balcony is acceptable if the
34 Commission wishes.

35
36 **PUBLIC HEARING CLOSED**

37
38 Commissioner Kent believed the balcony will respect the neighbor's privacy.

39
40 **Motion to approve** PA20-044 for 934 Pomona Avenue pursuant to the proposed findings
41 and Conditions of Approval. Donaldson

42 Seconded by Jennings

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

44 NAYES: None

45 ABSTAINING: None

46 ABSENT: None

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

48



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1 Chair Watty noted the 14-day appeal period.
2

3 **4-2. PA20-031 Design Review Amendment & Parking Reduction for a Single-Story Rear**
4 **Addition at 844 Jackson Street** -- The applicant is seeking an amendment to a previously
5 approved Design Review application for a single-story rear addition at 844 Jackson Street.
6 The subject property is a 5,000-sq.-ft. lot with a 2-bedroom, 1-bathroom, 1,117-sq.-ft.
7 house built in 1914. The applicant received Design Review and Conditional Use Permit
8 approval for a 150-sq.-ft. addition at the May 27, 2020 Planning & Zoning Commission
9 hearing (PA20-017). The applicant is proposing to add 106 sq. ft. to the previously
10 approved design. The exterior of the addition is proposed to be a combination of hardie
11 cement-board lap siding and shingles with a gable roof form to match the existing
12 architecture of the home. This will result in a 3-bedroom, 2-bathroom, 1,373-sq.-ft. home
13 with a maximum height of 18 feet. Parking reduction findings are required due to the
14 cumulative area, 256 sq. ft., proposed for expansion.
15

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

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

22 Commissioners Jennings and Kent recused themselves from this item.
23

24 Associate Planner Christopher Tan presented the staff report dated October 14, 2020.
25

26 PUBLIC HEARING OPENED 27

28 **Buddy Williams**, applicant, refuted the allegations in the neighbor's written comments and
29 explained that he and his wife were approved for additional funding and that cost estimates for
30 the project were lower than expected. Consequently, he and his wife reviewed the approved
31 plans in order to obtain the most value for the cost and submitted an amendment. The addition
32 will be 17 feet away from the property line with the neighbor. The additional square footage will
33 be located primarily on the south side of the house and away from the neighbor. The north and
34 west walls will remain in the same location, and the north wall will not have windows. With the
35 addition, the house will be 11 feet short of the maximum setback, 10 feet below the height limit,
36 and more than 1,100 square feet below the allowed floor area ratio. The addition will extend 2
37 feet more than the previously approved addition.
38

39 **Jeremiah Pinguelo** expressed concern about the safety of children and dogs near construction
40 areas. He encouraged the Commission to continue the item in order to consider neighbors'
41 comments.
42

43 **Benjamin Hensler** supported the project because it will be a significant improvement to the
44 property. The homeowner has made extensive exterior and interior improvements that have
45 benefitted the neighborhood. Increasing the size of the home will address the mismatch of
46 Albany's housing stock and the size of families. Because the property owners are architects, they
47 can be counted on to build a high-quality addition.
48



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1 **Carrie Thaler** indicated the project contradicts the applicants' reasons for requesting a variance
2 on May 27, 2020. It is neither fair nor appropriate to transfer without review the variance granted
3 for a 150-square-foot project to a 256-square-foot project that does not qualify for or require
4 encroachment into setback areas. The proposal should be viewed as a new, standalone project.
5 If the parking variance is based on the original and amended proposals, then the variance should
6 also be based on the original and amended proposals. Applicants' piecemeal approach is not
7 appropriate and should not be approved. She requested the applicants not develop the setback
8 areas between their and her properties and proceed in a way that does not cause harm to her,
9 her husband, and her property.

10 11 PUBLIC HEARING CLOSED

12
13 Commissioner MacLeod noted the Commission grants conditional use permits for the extension
14 of nonconforming walls regularly. Without undue hardship, the applicant could push the addition
15 over 2 feet. The project will not be more impactful or harmful to the neighbor. The neighbor's
16 view of the addition will not change with the additional square footage. A three-bedroom home is
17 appropriate for the lot. The previous design for the rear wall is better than the current design. It
18 needs the doors or a window for architectural interest. However, the homeowners are the only
19 ones who will see it. He was inclined to support the application. Working from home is not a legal
20 basis to postpone or stop construction. Hours of construction and construction noise and dust
21 are regulated by the Building Department.

22
23 Commissioner Donaldson recalled that his reason for opposing the previous project was the
24 extension of the nonconforming wall into the setback. The Zoning Code has been amended to
25 allow the extension of nonconforming walls, but the Commission should be judicious in allowing
26 it. The applicants' reasons for amending the project are plausible. This is a modest addition to
27 the home. Findings for the parking reduction can be made.

28
29 Chair Watty noted the conditional use permit was approved in the previous application and is not
30 before the Commission. Design Review and the parking exception are before the Commission.
31 The project does not increase the intensity of use because the number of bedrooms does not
32 change. A shower and a slightly larger closet and pantry will not affect vehicular demand. She
33 supported a parking reduction. She preferred the French doors on the rear wall, but removing
34 them is not detrimental to the project. Removing the doors could reduce the amount of noise
35 coming from the backyard. The rear facade typically is not visible from neighboring properties.
36 The project is modest when it could be much larger. Conditions of approval are appropriate for
37 addressing concerns about construction noise and hours.

38
39 **Motion to approve** PA20-031 for 844 Jackson Street pursuant to the proposed findings
40 and Conditions of Approval. Donaldson

41 Seconded by MacLeod

42 AYES: Donaldson, MacLeod, Watty

43 NAYES: None

44 RECUSED: Kent, Jennings

45 ABSENT: None

46 **Motion passed, 3-0-2-0**

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



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5. PUBLIC COMMENT

Jeremiah Pinguelo reiterated his encouragement for the Planning & Zoning Commission to consider neighbors' concerns.

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

6-1. PA20-039 Design Review & Conditional Use Permit for a New Coffee Kiosk at 1035 Eastshore Highway -- The applicant is seeking Design Review and Conditional Use Permit approval for a new coffee kiosk at 1035 Eastshore Highway. The subject property is a 45,628-sq.-ft. lot with an 8,307-sq.-ft. vehicle showroom and service center built in 2015 and located in the CMX Zoning District. The applicant is proposing to build a new 200-sq.-ft. detached coffee kiosk with drive-thru service. The project scope includes modification to existing parking lot circulation to accommodate a pick-up lane, pass-thru lane and nine (9) Tesla charging stations. The coffee kiosk is proposed to be clad in corrugated metal paneling with operable windows, metal sunshades, a skylight, photovoltaics on the roof, curved signage and a 30-foot high flagpole. The maximum height of the coffee kiosk structure is proposed to be 16 feet. A Conditional Use Permit is required for all new uses in the CMX Zoning District.

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.

Associate Planner Tan presented the staff report dated October 14, 2020.

Philip Banta, applicant, reported the kiosk will serve as an amenity principally for patrons of the existing business and the charging stations. Commissioner MacLeod's comments were germane, and the plans have been modified to address as many of them as possible. Patrons who drive up without preordering through the app will be directed to the app parking spaces to download the app and submit their orders. He does not expect people will exit the freeway to patronize the kiosk. When asked, **Mr. Banta** indicated some patrons may come from Target. The kiosk will not serve a well-known coffee brand and, therefore, will not attract a significant number of patrons. A walk-up window is available for patrons. The dealership owner will own and manage the kiosk. The traffic lanes and areas will be striped. The pass-thru lane allows a patron to leave the drive-thru lane to park or exit the business. The plans are inaccurate with respect to the lane turning into Target.

PUBLIC HEARING OPENED

Tim Southwick, property owner, explained the process for ordering and obtaining coffee at the kiosk.



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1 **Jeremiah Pinguelo** inquired regarding the cost of coffee, the name of the business and app, the
2 brand of coffee, the flag to be flown, and an ability to order and pay at the kiosk. Traffic will back
3 up into the intersection.

4 PUBLIC HEARING CLOSED

5
6
7 Planning Manager Anne Hersch advised that the name of the business is Joe Coffee. The app
8 can be downloaded from the business website. Chair Watty added that patrons can walk up to
9 the kiosk for service.

10
11 Commissioner Jennings observed that most charging stations are not near amenities. Based on
12 a Target representative's statements at a prior Commission hearing, she agreed with the
13 applicant's statement that people will not leave the freeway to get coffee. With the pandemic's
14 effect on retail business, this business model may be more successful than anticipated.
15 Pedestrian access within the site has been addressed.

16
17 Commissioner Donaldson supported the project.

18
19 Commissioner Kent indicated his concerns have been addressed and supported the project.

20
21 Commissioner MacLeod related that the applicant altered the site plans to address his questions.
22 Target will likely notify the owner if vehicles block the intersection. He appreciated the applicant
23 enlarging the ADA parking space and the walking zone next to the kiosk. The charging stations
24 will be a major improvement for Albany. The kiosk design is good and compatible with the
25 showroom. He encouraged the applicant to convert parking spaces next to the walking zone into
26 an outdoor seating area.

27
28 Chair Watty concurred with the suggestion to convert parking spaces into a seating area. The
29 applicant has not proposed changes to the current traffic flow.

30
31 **Motion to approve** PA20-039 for 1035 Eastshore Highway pursuant to the proposed
32 findings and Conditions of Approval and additional conditions of approval requiring the
33 applicant to consider outdoor seating and submit a compliance report after a year of
34 operations. Donaldson
35 Seconded by MacLeod
36 AYES: Donaldson, Kent, MacLeod, Jennings, Watty
37 NAYES: None
38 ABSTAINING: None
39 ABSENT: None
40 **Motion passed, 5-0-0-0**

41
42 Chair Watty noted the 14-day appeal period.

43 7. NEW BUSINESS

44
45 7-1. None
46
47



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1 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

2
3 Planning Manager Hersch announced the Commission's December meeting is scheduled for
4 December 9, 2020.

5
6 Commissioner Donaldson shared information about a new book on the history of Albany, which
7 includes a chapter about MacGregor and his homes in Albany.

8
9 **9. NEXT MEETING –** October 28, 2020, City Hall Council Chambers, 1000 San Pablo Avenue or
10 virtual meeting pursuant to state and county guidance

11
12 **10. ADJOURNMENT**

13
14 The meeting was adjourned at 9:20 p.m.

15
16
17
18 _____
Submitted by: Anne Hersch, Planning Manager

19
20
21 _____
Jeff Bond, Community Development Director