



# PLANNING & ZONING COMMISSION

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA

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## MINUTES OF THE REGULAR MEETING WEDNESDAY, OCTOBER 23, 2019, 7:00 P.M.

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4 **1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

5  
6 Vice Chair Jennings called the regular meeting of the Planning and Zoning Commission to order  
7 in the City Council Chambers at 7:00 P.M. on Wednesday, October 23, 2019.  
8

9 **2. ROLL CALL**

10  
11 Present: Donaldson, MacLeod, Jennings  
12 Absent: Kent, Watty  
13 Staff Present: Associate Planner Christopher Tan  
14 Planning Manager Anne Hersch  
15

16 **3. EX PARTE COMMUNICATION DISCLOSURES**

17  
18 None  
19

20 **4. CONSENT CALENDAR**

21  
22 **4-1. Planning & Zoning Commission Meeting Minutes October 9, 2019**

23  
24 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
25 and approve the meeting minutes.  
26

27 **Motion to approve** the consent calendar. MacLeod  
28 Seconded by Jennings

29 AYES: MacLeod, Jennings  
30 NAYES: None  
31 ABSTAIN: Donaldson  
32 ABSENT: Kent, Watty  
33

34 **Motion passed, 2-0-1-2**

35 **5. PUBLIC COMMENT**

36  
37 None  
38

39 **6. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**  
40 **ITEMS:**

41  
42 **6-1. Appeal of Planning Staff Decision Regarding New Windows at 706 Gateview Avenue**  
43 – The subject property is a 4,032-sq.-ft. lot with a 4-bedroom 2-bathroom, 1,584-sq.-ft.  
44 home built in 1940. The applicant is appealing Planning Staff decision regarding the  
45 proposed use of false-divided light windows (grids solely between the panels of glass) for  
46 11 new windows. The Albany Residential Design Guidelines prohibit the use of such  
47 windows. The basis of the appeal is due to the property owners' lack of familiarity with  
48 acceptable window types in the City of Albany.



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1  
2       **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
3 the provide feedback to staff. Draft Conditions of Approval are provided should the  
4 Commission decide to take action.

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

8  
9 Associate Planner Christopher Tan presented the staff report dated October 23, 2019.

10  
11       **Joseph Jin**, property owner, reported he as a first-time homeowner was not aware of the Design  
12 Review Guidelines prior to purchasing custom windows for the home. The windows cannot be  
13 returned. The existing windows are single-pane, and many need to be replaced. When asked,  
14 Mr. Jin advised that the existing windows are metal. The entire window will be replaced. **Janet**  
15 **Pak**, property owner, indicated two windows are visible from the street. Other windows on the  
16 front facade become visible as one approaches the house.

17  
18 PUBLIC HEARING OPENED

19  
20 None

21  
22 PUBLIC HEARING CLOSED

23  
24 Commissioner Donaldson did not believe using the new windows would harm the City. The house  
25 is located at the end of a cul-de-sac with little traffic. The Design Review Guidelines are not  
26 requirements. The homeowners ordered quality windows in good faith.

27  
28 Commissioner MacLeod concurred with Commissioner Donaldson's comments. The applicant's  
29 attempt to obtain a permit was another sign of good faith. The issue is a minor aesthetic matter.

30  
31 Vice Chair Jennings expressed concern about granting the appeal setting a precedent for other  
32 projects. However, she understood the property owners' lack of knowledge of the Design  
33 Guidelines. Perhaps Commissioners would consider requiring only the windows on the front  
34 facade to comply with the Design Guidelines. She concurred with comments regarding visibility  
35 and location of the house.

36  
37 Commissioner MacLeod noted the property owners are improving the house by replacing the  
38 windows. He preferred one style of windows throughout the house.

39  
40       **Motion to grant** the appeal of the staff decision for 706 Gateview Avenue pursuant to the  
41 proposed findings and Conditions of Approval. Donaldson

42       Seconded by MacLeod

43       AYES:           Donaldson, MacLeod, Jennings

44       NAYES:          None

45       ABSTAIN:       None

46       ABSENT:         Kent, Watty

47       **Motion passed, 3-0-0-2**

48



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1           **6-2. Amendment to Chapter 20.24 “Development Standards” of the Albany Municipal**  
2           **Code establishing All Electric Development Standards for New Construction** – The  
3           City of Albany Planning & Zoning Commission will hold a public hearing to consider  
4           proposed amendments to Chapter 20.24 “Development Standards” of the Albany  
5           Municipal Code establishing development standards for all-electric construction and  
6           forward a recommendation to the Albany City Council.

7  
8           **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
9           the proposed Ordinance and adopt Resolution 2019-10 forwarding a recommendation to  
10          the City Council to adopt All-Electric Development Standards.

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

13  
14          Community Development Director Jeff Bond presented the staff report dated October 23, 2019.

15  
16          PUBLIC HEARING OPENED

17  
18          **Preston Jordan** encouraged the Commission and staff to prepare findings for public health and  
19          safety and to consider implementing all-electric construction through the Building Code in order  
20          to capture more projects.

21  
22          **Dan Johnson** explained that Berkeley set the effective date of its ordinance for January 2020  
23          because the new State Building Code will be available then. Eliminating natural gas from new  
24          construction reduces the cost of construction. Most pollution generated from homes is the result  
25          of using natural gas heating. Six of *Consumer Reports'* top ten stoves were electric. Eliminating  
26          the health and safety concerns associated with the use of natural gas justifies the adoption of the  
27          proposed ordinance.

28  
29          PUBLIC HEARING CLOSED

30  
31          Commissioner MacLeod supported adoption of the proposed ordinance. The efficiency of electric  
32          heat pumps has improved drastically in the last 5-10 years. Indoor air quality is better without  
33          natural gas appliances. Induction cooktops are more efficient and more easily controlled than  
34          gas cooktops.

35  
36          Commissioner Donaldson wanted to know the advantages and disadvantages of all-electric  
37          construction, review an analysis of potential reductions in greenhouse gas emissions, and  
38          understand the rationale for adopting an ordinance at this time. The Climate Action and  
39          Adaptation Plan has little information about all-electric buildings. A breakdown of uses of natural  
40          gas may show a hybrid approach is better than an all-electric approach. This ordinance will be  
41          an effective ban on fireplaces in any new building. He preferred to delay the ordinance in order  
42          to study its potential effects. Incentives may be more useful than a ban.

43  
44          Vice Chair Jennings noted the Commission has discussed all-electric buildings two other times in  
45          the past year. The reasons to support a change in policy are clear. The proposed ordinance is  
46          a fairly modest change. She proposed continuing the item so that the absent Commissioners can  
47          contribute to the conversation. She encouraged staff to draft health and safety findings. She  
48          questioned whether the Building or Planning Code contains a definition of newly constructed



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1 building and whether existing underground gas infrastructure has to be removed prior to new  
2 construction. She suggested deleting Number 2 under exemptions as a duplicate provision and  
3 correcting some typographical errors. The language of Subsections 3 and 4 needs to be  
4 reconciled. The exemption for hardship or infeasibility needs some details. The effective date  
5 could be 30 days after a second reading of the ordinance or January 1, 2020, whichever is later.  
6 She encouraged staff to proactively educate the public about the changes.  
7

8 Commissioner MacLeod preferred to recommend adoption of the proposed ordinance with Vice  
9 Chair Jennings' changes, but continuing it is also appropriate. The savings from eliminating gas  
10 infrastructure can be used for better electrical equipment and indoor air quality.  
11

12 **Motion to continue** consideration of Resolution 2019-10 and to approve the suggested  
13 revisions to the proposed Ordinance. Donaldson

14 Seconded by Jennings

15 AYES: Donaldson, MacLeod, Jennings

16 NAYES: None

17 ABSTAIN: None

18 ABSENT: Kent, Watty

19 **Motion passed, 3-0-0-2**  
20

21 **6-3. Amendment to Chapter 20.32 "Signs" of the Albany Municipal Code** – The City of  
22 Albany Planning & Zoning Commission will hold a public hearing to consider proposed  
23 amendments to Chapter 20.32 "Signs" of the Albany Municipal Code and forward a  
24 recommendation to the Albany City Council.  
25

26 **Recommendation:** Staff recommends that the Planning & Zoning Commission review  
27 the proposed Ordinance and adopt Resolution 2019-11 forwarding a recommendation to  
28 amend Chapter 20.32 "Signs" of the Albany Municipal Code.  
29

30 **CEQA:** The project is exempt pursuant to Section 15061(b)(3).  
31

32 Planning Manager Anne Hersch presented the staff report dated October 23, 2019.  
33

34 PUBLIC HEARING OPENED  
35

36 None  
37

38 PUBLIC HEARING CLOSED  
39

40 Commissioner Donaldson suggested the Planning & Zoning Commission review monument and  
41 freestanding signs proposed in the San Pablo Commercial zoning district. Commissioner  
42 MacLeod and Vice Chair Jennings agreed with the suggestion.  
43

44 Commissioner Donaldson recommended adding parking strip to the examples of City Property  
45 and Public Rights-of-Way.  
46

47 Commissioners discussed Section 20.32.060.C and Table 1.20.32.050.  
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1 Vice Chair Jennings suggested changing the date signage shall be removed from a closed  
2 business to 30 days from the date of closure; moving Section 20.32.030 to follow Section  
3 20.32.010; removing commercial mascot from Section 20.32.030; deleting "constitutionally  
4 protected" from Section 20.32.035; and using defined terms throughout the proposed Ordinance.  
5 Street banner and window sign-temporary are shown as exempt from a permit in Section  
6 20.32.045; however, Table 1.20.32.090 shows a permit is required for them. The list in Section  
7 20.32.065 is not necessary given Table 1.20.32.075 and Table 1.20.32.090. The second  
8 sentence of Section 20.32.070 can be deleted, and "except as provided in Section 20.32.035"  
9 can be added to the beginning of the paragraph. Either Table 1.20.32.075 or Table 1.20.32.090  
10 could be deleted. Section 20.32.085 needs an introductory phrase. Section 20.32.085.A needs  
11 clarifying as to whether the total applies to a lot or frontage or something else. Perhaps Section  
12 20.32.085 and Section 20.32.095 could be sequential. Section 20.32.100 could be clarified to  
13 indicate when the provision applies.  
14

15 Commissioner Donaldson suggested adding a footnote for Banner in Table 1.20.32.090 indicating  
16 a banner is exempt for 30 days only. In Table 1.20.32.075, "applications referred by Community  
17 Development Director" should remain in the provisions if the table is deleted.  
18

19 **Motion to continue** consideration of Resolution 2019-11 to November 13, 2019.  
20 Jennings

21 Seconded by Donaldson

22 AYES: Donaldson, MacLeod, Jennings

23 NAYES: None

24 ABSTAIN: None

25 ABSENT: Kent, Watty

26 **Motion passed, 3-0-0-2**  
27

### 28 7. NEW BUSINESS

### 30 8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

#### 32 8-1. Housing Legislation Update

33  
34 Planning Manager Hersch reported new housing laws will take effect January 1, 2020. Staff will  
35 attend a seminar to learn about the new laws. Revisions to the accessory dwelling unit ordinance  
36 will begin in January.  
37

38 **9. NEXT MEETING** – Wednesday, November 13, 2019, 7:00 p.m., City Hall Council Chambers,  
39 1000 San Pablo Avenue  
40

### 41 10. ADJOURNMENT

42  
43 The meeting was adjourned at 9:01 p.m.  
44  
45  
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47 Submitted by: Anne Hersch, Planning Manager  
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Jeff Bond, Community Development Director