



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF REGULAR MEETING WEDNESDAY, MAY 12, 2021

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1. CALL TO ORDER

Chair Watty called the regular meeting of the Planning and Zoning Commission to order at 7:00 p.m. on Wednesday, May 12, 2021.

2. ROLL CALL

Present: Donaldson, MacLeod, Momin, Pilch, Watty
Absent: None
Staff Present: Planning Manager Anne Hersch
Associate Planner Christopher Tan

3. EX PARTE COMMUNICATIONS

None

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes of April 28, 2021

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

4-3. PA21-025 Design Review and Parking Reduction for a Single-Story Rear Addition at 532 Pomona Avenue – The applicant is seeking Design Review and Parking Reduction approval for a single-story rear addition at 532 Pomona Avenue. The subject property is a 2,750-sq.-ft. lot with a 2-bedroom, 1-bathroom, 820-sq.-ft. house built in 1930. The project scope includes an addition of 440 sq. ft. at the rear of the home to accommodate a new master suite, media room, office room and laundry area. The exterior of the addition is proposed to be clad in painted stucco siding and a gable roof to match the existing home. The existing architectural style of the home is proposed to remain. This will result in a 3-bedroom, 2-bathroom, 1,260-sq.-ft. home with a maximum height of 22 feet. One (1) off-street parking space is provided in the existing attached garage. A Parking Reduction is required to waive one (1) off-street parking space triggered by the project scope.

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



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1 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
2 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.
3

- 4 **4-4. **Contd. from April 28, 2021** PA21-020 Design Review & Parking Reduction**
5 **for a Two-Level Addition at 970 Stannage Avenue** – The applicant is seeking
6 Design Review and Parking Reduction approval for a two-level addition at 970
7 Stannage Avenue. The subject property is a 2,500-sq.-ft. lot with a 2-bedroom, 1.5-
8 bathroom, 876-sq.-ft. house built in 1952. The project scope includes a 22.8-sq.-
9 ft. addition on the ground floor for a new interior staircase and a 421.5-sq.-ft.
10 second-story addition to accommodate 2 bedrooms and 1 bathroom. The applicant
11 is proposing a modern appearance for the home including exterior treatments with
12 a combination of fiber cement & wood paneling and painted aluminum. This will
13 result in a 4-bedroom, 2-bathroom, 1,367.3-sq.-ft. home with a maximum height of
14 22 feet. One (1) off-street parking space is provided in the existing, attached
15 garage. A Parking Reduction is required to waive one (1) off-street parking space
16 required under this project scope.
17

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

22 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
23 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.
24

25 **Motion to approve** Items 4-1, 4-3, and 4-4 of the consent calendar. Donaldson
26 Seconded by Pilch.

27 AYES: Donaldson, MacLeod, Momin, Pilch, Watty

28 NAYES: None

29 RECUSED: None

30 ABSENT: None

31 **Motion passed, 5-0-0-0**
32

33 Chair Watty noted the appeal period.
34

- 35 **4-2. PA21-028 Design Review Amendment: Roof Material Modification at 817**
36 **Carmel Avenue** – The applicant is seeking a Design Review amendment to modify
37 roofing material for a previously approved second-story addition at 817 Carmel
38 Avenue. The subject site is a 5,000-sq.-ft. lot with a 2-bedroom, 2-bathroom, 1,875-
39 sq.-ft. home built in 1929. The project scope includes changing the previously
40 approved ceramic clay tile roof of the second-story addition to gray asphalt
41 fiberglass shingles. Clay tiles will remain as trim and the roof edges. The project
42 scope is limited to the roof material change only. The existing Spanish Revival
43 style of the home is proposed to remain. The previously approved project scope
44 created a 4-bedroom, 3-bathroom, 2,378-sq.-ft. home with a maximum height of



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1 24'-11". Off-street parking is provided in the existing garage and driveway. No
2 expansion to the home is proposed under this current project scope.

3
4 **Recommendation:** Staff recommends that the Planning & Zoning Commission
5 review and approve the proposed project subject to the attached findings and
6 Conditions of Approval.

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

10
11 In reply to Commissioners' questions, Associate Planner Christopher Tan advised that
12 the asphalt shingle roof will likely not be visible from ground level at the street front. The
13 existing roof is asphalt shingles. Chair Watty noted that the addition in general is not
14 visible from the street. The change in roofing materials will probably not be visible from
15 the street.

16
17 PUBLIC HEARING OPENED

18
19 None

20
21 PUBLIC HEARING CLOSED

22
23 **Motion to approve PA21-028** for 817 Carmel Avenue pursuant to the proposed
24 findings and Conditions of Approval. Donaldson

25 Seconded by Momin

26 AYES: Donaldson, MacLeod, Momin, Pilch, Watty

27 NAYES: None

28 RECUSED: None

29 ABSENT: None

30 **Motion passed, 5-0-0-0**

31
32 Chair Watty noted the appeal period.

33 34 5. ANNOUNCEMENTS/COMMUNICATIONS

35 36 5-1. San Pablo Avenue Specific Plan Schedule

37
38 Planning Manager Anne Hersch reported an initial draft of polices for the Specific Plan
39 will be presented to the Commission on May 26, 2021. Staff will present sections of the
40 draft Specific Plan during the second meetings in June and July for Commission review
41 and public comment.

42
43 Commissioner Pilch proposed that the Economic Development Committee review the
44 draft Specific Plan because the Specific Plan may impact businesses.



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1
2 PUBLIC HEARING OPENED

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4 None

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6 PUBLIC HEARING CLOSED

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8 **6. PUBLIC COMMENT**

9
10 None

11
12 **7. DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
13 **ITEMS:**

14
15 None

16
17 **8. NEW BUSINESS**

18
19 **8-1. 2023-2031 Housing Element Work Session** – The Planning & Zoning
20 Commission will receive a background report on the policy implementation from
21 the 2015-2023 Housing Element.

22
23 **Recommendation:** Staff recommends that the Planning & Zoning Commission
24 receive the consultant presentation. This is a Study Session and no action will be
25 taken.

26
27 **CEQA:** Staff will work with a CEQA consultant on a proper analysis of
28 environmental impacts.

29
30 Barry Miller, Housing Element Consultant, presented the staff report dated May 12, 2021.

31
32 Commissioner Pilch noted Albany residents want modern and larger houses. Policy 1.5
33 may not be meeting its goal or perhaps the goal needs to be revised. People are looking
34 for more diverse housing types in single-family neighborhoods. To maintain an inventory
35 of moderately priced owner-occupied housing, the City may need to allow lot subdivisions
36 or increased unit capacity.

37
38 Chair Watty recalled prior Commission discussions of the current floor area ratio (FAR)
39 limit. "Maintain floor area ratio limits" in Policy 1.5 may need to be revised. Small single-
40 family homes in Albany are a great resource for accessible, entry-level homes. That
41 should continue as a goal, but some lots in Albany can accommodate greater density and
42 need a higher allowed FAR. The language should not limit the ability to change zoning
43 in the future.

44



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1 Commissioner Pilch questioned whether a home costing \$1 million or more could be
2 considered entry level. The more single-family homes in R-1 zones are preserved, the
3 more other uses are precluded and the more the number of units that can be
4 accommodated is constrained.

5
6 Commissioner Donaldson advised that Policy 1.5 is intended to discourage demolition of
7 existing homes. He could not recall a single home that has been demolished and a larger
8 home built to replace it since the Housing Element was adopted. The existing standards
9 seem to be working to limit the size of homes. He concurred with Mr. Miller's suggestion
10 to review and revise as necessary.

11
12 Commissioner MacLeod felt Policy 1.5 conflicts with Policy 1.9. Shared housing is
13 addressed to some extent with accessory dwelling units (ADU) and junior accessory
14 dwelling units (JADU). An option is to revise single-family home zoning to allow duplexes.
15 This should be included in the Commission's work plan. Some people have interpreted
16 zoning for single-family homes as exclusionary. Adding living space to existing homes
17 should be encouraged rather than discouraged. Policy 1.5 needs to be renamed. He
18 questioned whether an FAR standard is needed, especially along San Pablo Avenue, if
19 the goal is to increase density. Short-term rentals probably do not displace many Albany
20 residents. Policy 1.9 could be revised to include ADUs. Lots in Albany are not large
21 enough to accommodate co-housing, and there may not be any demand for co-housing.

22
23 Commissioner Donaldson stated a decision to implement shared housing is made by the
24 homeowner. The City does not prohibit shared housing and would probably support it.
25 Shared housing may be viable for seniors who own large homes. Albany is one of the
26 densest cities in the Bay Area, and single-family neighborhoods in Albany are some of
27 the densest in the Bay Area and maybe California. The concept of eliminating single-
28 family housing must be linked to single-family homes taking up too much land. Few lots
29 in Albany are large enough to accommodate a fourplex. He wanted more information
30 about the concept and suggested the concept needs to be studied. Measure D disallows
31 the conversion of single-family lots to multifamily lots in much of the City unless neighbors
32 agree. He suggested replacing secondary dwelling unit with ADU in Policy 2.5.

33
34 Commissioner Momin related that the inclusionary housing program has not been
35 effective and hoped the San Pablo Avenue Specific Plan will help generate affordable
36 housing units. He proposed the use of rezoning strategies to create more affordable
37 housing. The R-2 zone currently allows single-family housing and duplexes, but the FAR
38 is 0.55. The City may need to create more areas for development of affordable housing
39 and link that to affordability rather than allowing standard development on R-2 parcels.

40
41 Commissioner Pilch questioned whether emphasizing home ownership is realistic when
42 most people cannot afford to purchase a single-family home. Perhaps the City needs to
43 encourage the development of small condominiums to create entry-level for-purchase
44 homes. The staff report seems to suggest that the City explore financing. Because of



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1 the City's small staff, City programs to help finance housing probably are not viable. A
2 City program to help people identify sources of financing may be viable.

3
4 Commissioner Donaldson noted other cities' 20% inclusionary housing requirement
5 seems to be effective. The City may want to increase its requirement from 15% to 20%.

6
7 Commissioner MacLeod believed an inclusionary housing requirement should be
8 considered in conjunction with the State Density Bonus Law. Housing production stems
9 from housing constraints. Developing a program that achieves Policy 2.2 seems difficult.
10 Smaller-scale affordable units should blend into the neighborhood and have a look and
11 feel that are consistent with surrounding houses. Scattered site affordable housing is a
12 good idea. An inclusionary housing requirement creates lower rents for a certain number
13 of units in a development, and the developer compensates by raising rents on the market-
14 rate units. The two need to be balanced.

15
16 Chair Watty proposed deleting the clause from Policy 2.5 because State law prohibits
17 parking requirements and design review for ADUs. As written, Policy 2.5 sets unrealistic
18 expectations for the community.

19
20 Commissioner Pilch concurred with conducting a nexus study as proposed in Program
21 2B. He wanted to know about other cities' affordable housing impact fees and
22 inclusionary housing requirements. Staff may be constrained in implementing Program
23 2E, but the City can partner with other organizations. Providing incentives for Program
24 2H may be more effective than staff presentations or contacts. Collecting as much
25 information as possible about ADUs is a good idea, and the data will be useful.

26
27 Commissioner Momin expected in the next planning cycle, larger development projects
28 along San Pablo Avenue will include live/work units and be subject to the inclusionary
29 housing requirement.

30
31 Chair Watty suggested Policy 3.4 is an opportunity for the City to provide FAR bonuses
32 for developers and property owners who incorporate components of universal design in
33 projects.

34
35 Commissioner Pilch questioned whether the City should downplay Goal 3 programs that
36 comply with State law and that the City is not actively pursuing. A reference to a Council
37 Member serving on the Board of EveryOne Home in Program 3G may not be relevant.

38
39 Commissioner MacLeod suggested the mechanisms for achieving some of the Goal 3
40 policies are difficult to understand. Several applications before the Commission could
41 have included universal design but did not. The City is taking a regional approach for
42 Policies 3.7, 3.8, and 3.9.

43



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1 Commissioner Donaldson believed the federal infrastructure bill contains substantial
2 funding for expanding the housing voucher program. The County of Alameda's
3 administration of the voucher program is constrained by funding rather than capacity.
4 Program 3D should include language for the City to act quickly if funding is approved.
5

6 Commissioner Pilch proposed the City offer incentives for the development of low-income
7 senior housing.
8

9 Commissioner MacLeod noted a recent multistory housing project before the Commission
10 did not provide an elevator. This deliberate omission excluded a whole group of people
11 from living in or visiting the project. The City may need to consider a requirement for
12 elevators.
13

14 Commissioner Pilch supported Policy 4.7. The staff report's statement that all residential
15 districts allow a diverse range of housing types does not sound correct. FAR bonuses
16 are being offered in areas other than San Pablo Avenue and Solano Avenue to increase
17 housing. Elevating Policy 4.7 to a program in order to prioritize a Housing Coordinator
18 position is a valid suggestion.
19

20 Commissioner MacLeod supported the elimination of minimum parking standards,
21 implementation of a standard for maximum parking per unit, and car-free living.
22 Innovative housing types are impacted by Building Code requirements. He encouraged
23 the consideration of eliminating FAR and revising height limits along San Pablo Avenue
24 and perhaps even Citywide.
25

26 Commissioner Pilch supported Program 4A(1). He questioned whether the Council would
27 strengthen the rent review board or expand its role since Program 5E has been achieved.
28

29 Mr. Miller encouraged Commissioners and the public to submit written comments.
30

31 PUBLIC HEARING OPENED
32

33 **Clay Larson** remarked that the Municipal Code is very prescriptive, but without
34 enforcement no one takes the requirements seriously. The City needs to figure out a way
35 to establish code enforcement. The Housing Element Update process should have begun
36 with an analysis of housing sites previously identified and the new Regional Housing
37 Needs Allocation (RHNA) requirements. The analysis would show the real quantitative
38 goals and actions needed to achieve the goals.
39

40 PUBLIC HEARING CLOSED
41

42 **8-2. Planning & Zoning Commission 2021-2022 Work Plan** – The Planning & Zoning
43 Commission will review the draft Work Plan for the 2021-2022 appointment period.
44



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1 **Recommendation:** Staff recommends that the Planning & Zoning Commission
2 review the draft Work Plan and provide feedback.

3
4 **CEQA:** N/A

5
6 Planning Manager Hersch presented the staff report dated May 12, 2021.

7
8 Commissioner Pilch suggested listing the number of projects anticipated with a note that
9 the Albany Bowl housing project is a significant project rather than calling out the project
10 separately.

11
12 Commissioner MacLeod suggested additional topics of a Citywide zoning review and
13 amendments, Measure K revision, and revision of development standards for specific
14 zoning districts.

15
16 Commissioner Donaldson remarked that planning occurs first, and zoning implements
17 planning. The Housing Element Update constitutes the planning phase. CEQA work for
18 the Specific Plan and Housing Element may be highlighted in the work plan.

19
20 Commissioner Pilch indicated that the Commission will be reviewing zoning as a follow
21 up to the Specific Plan and Housing Element, and it may be included in the work plan. If
22 the Council wishes to proceed with Measure K, the Commission will need to begin work
23 on it.

24
25 Chair Watty supported the proposed work plan.

26
27 **8-3. City Attorney Correspondence Inclusionary Housing and Live/Work Units –**
28 Receive informational memo with a legal determination on live/work units being
29 subject to inclusionary housing requirements.

30
31 **Recommendation:** Receive report

32
33 **CEQA:** N/A

34
35 Planning Manager Hersch presented the City Attorney's memorandum dated May 6,
36 2021.

37
38 PUBLIC HEARING OPENED

39
40 **Richard Tapp**, architect for the 904 Masonic Avenue project, reviewed the project's
41 progress through the review process and extensive discussions regarding an elevator
42 and the live/work unit. The City Attorney has interpreted the Municipal Code as a
43 live/work unit is a dwelling unit. There is no precedent in the City of Albany for the City
44 Attorney's interpretation. Live/work space is a separate residential use and is not



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1 considered a single-family , duplex, or multifamily dwelling unit. Live/work space is not
2 permitted in any residential zoning district because live/work has been considered a
3 hybrid use that is acceptable on the ground floor in a commercial zoning district. A
4 footnote in the Municipal Code states live/work space should be calculated as a
5 commercial use for floor areas within a mixed-use building. Under the current Municipal
6 Code and the ambiguity around live/work space, the project should be allowed.

7
8 **Clay Larson** noted the omission of public comment for Agenda Item 8-2 is a Brown Act
9 violation.

10 PUBLIC HEARING CLOSED

11
12
13 Chair Watty indicated the memorandum helps clarify issues around the project and
14 concurred with the City Attorney's direction.

15
16 Commissioner Pilch related that the City Attorney's input is meaningful and expressed
17 concern that a project with housing has run into several hurdles. He hoped to find a way
18 to salvage the project. If provisions of the Municipal Code are causing problems for the
19 production of certain housing types, they may need to be addressed.

20
21 Commissioner MacLeod did not disagree with the City Attorney's memorandum. Code
22 provisions are not necessarily mutually exclusive. A live/work unit certainly appears to
23 be a dwelling unit as it is designed for living, sleeping, and eating. The project has been
24 a nice project in many respects.

25
26 **9. NEXT MEETING – May 26, 2021**, City Hall Council Chambers, 1000 San Pablo Avenue
27 or virtual meeting pursuant to state and county guidance

28 29 **10. ADJOURNMENT**

30
31 The meeting was adjourned at 9:50 p.m.

32
33
34
35 _____
36 Submitted by: Anne Hersch, Planning Manager

37
38
39 _____
Jeff Bond, Community Development Director