



## PLANNING & ZONING COMMISSION

Virtual Meeting  
Albany, CA 94706

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### VIRTUAL MEETING AGENDA ALBANY PLANNING & ZONING COMMISSION

WEDNESDAY July 14, 2021, \*\*7:00 PM\*\*

#### COVID-19 NOTICE – PUBLIC MEETING GUIDELINES

Consistent with Executive Orders No. N-29-20 from the Executive Department of the State of California and the Alameda County Health Officer's Shelter in Place Order effective March 17, 2020, City Hall will not be open to the public and the Planning & Zoning Commission will be participating in meetings via phone/video conferencing. The public is invited to watch and submit comments via the methods below:

#### How to watch the meeting from home:

1. Meetings are streamed live and recorded on [YouTube](https://www.YouTube.com/AlbanyKALB) ([www.YouTube.com/AlbanyKALB](https://www.YouTube.com/AlbanyKALB))
2. To listen to the meeting by phone, please call 1 (669) 900-9128 at the noticed meeting time, then enter **Webinar ID 990 5654 2995**, follow by "#". When asked for a participant ID or code, press "#". Instructions on how to join a meeting by phone are available at <https://support.zoom.us/hc/en-us/articles/201362663>
3. To observe the meeting by video conference, please go to:  
<https://albanyca.zoom.us/j/99056542995>  
After registering, you will receive a confirmation email containing information about joining the webinar. Instructions on how to join a meeting by video conference are available at <https://support.zoom.us/hc/en-us/articles/201362193%20>
4. Recorded meetings will also be available for viewing on City website within 48 hours after the meeting. <https://www.albanyca.org/recreation/kalb-community-media/city-video-public-meetings>

#### How to submit Public Comment:

1. Members of the public may submit comments in writing by emailing the Planning & Zoning Commission directly at [pzc@albanyca.org](mailto:pzc@albanyca.org) with the agenda item identified in the subject line of the email or by mail to City of Albany – Planning Department Staff, 1000 San Pablo Avenue, Albany, CA 94706. All written comments received by 12 PM on the day of the meeting will be posted on the City website in advance of the meeting.
2. To comment by video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted. Instructions of how to "Raise Your Hand" is available at <https://support.zoom.us/hc/en-us/articles/205566129%0D-Raise-Hand-In-Webinar>
3. To comment by phone, you will be prompted to "Raise Your Hand" by pressing "\*9" to request to speak when public comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. You will be re-muted after the allotted time.



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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **EX-PARTE COMMUNICATIONS**

Ex-parte communications include verbal and written communications between individual Commissioners and a party with a real interest in a pending Commission decision. Ex-parte communications should be avoided on matters pending before the Planning & Zoning Commission as they may represent or be perceived to represent evidence that may unfairly influence a Commissioner's decision on a matter before the full Commission. If such contact does occur, the substance of the communication shall be disclosed before the full Commission and public in advance of public hearing items on the agenda. Written ex-parte communications shall be forwarded to staff so that it may be disclosed to the full Commission and public.

4. **CONSENT CALENDAR**

Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a member of the Commission or a member of the audience requests removal of the items from the Consent Calendar.

- 4-1. **Planning & Zoning Commission Meeting Minutes June 23, 2021**

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

- 4-2. **PA21-046 Temporary Use Permit for Foodieland at Golden Gate Fields (1100 Eastshore)-** The applicant is seeking Temporary Use Permit approval for Foodieland Night Market at Golden Gate Fields. FoodieLand Night Market is an Asian inspired street food festival with over 100+ food vendors, food trucks, and art/crafts and merchandise vendors. The event is proposed to be held over three weekends: August 20 -22, 2021, October 8-10, 2021, and October 15-17, 2021. The event times are 3pm -10pm on Fridays and 11am – 10pm on Saturdays and Sundays in the north parking lot of Golden Gate Fields. Approximately 5,000 - 6,000 attendees at any given time and up to 40,000 attendees are expected over a three-day period. Attendees are expected to stay for a maximum of 2-3 hours. Vehicle and bicycle parking is proposed at both the Buchanan Street and Gilman Street entrances on the subject property. ADA designated parking is available through Buchanan Street. The applicant operated the same event at Golden Gate Fields in 2019.

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached 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.



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- 4-3. PA21-047 Design Review for a Two-Level Rear Addition at 622 Curtis Street-** The applicant is seeking Design Review approval for a two-level rear addition at 622 Curtis Street. The subject property is a 4,000 sq. ft. lot with a 2 bedroom, 1 bathroom, 1,037 sq. ft. house built in 1925. The project scope includes building a 550 sq. ft. two-level addition at the rear of the home to accommodate a laundry room, 2 bedrooms and 1 bathroom. The upper level bedroom is proposed to have a 42 sq. ft. balcony with slider doors that open and face the rear yard. The exterior of the addition is proposed to be clad in horizontal wood paneling with a hipped roof to match the existing home. The existing architectural style of the home is proposed to remain. This will result in a 4 bedroom, 2 bathroom, 1,587sq. ft. home with a maximum height of 18 feet. Two off-street parking spaces are provided in the attached garage and driveway.

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

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

- 4-4. PA21-048 Conditional Use Permit Amendment for Chef's Touch Kitchen & Catering at 578 Cleveland Ave.-** The applicant is seeking an amendment to a previously approved Major Conditional Use Permit for Chef's Touch Kitchen & Catering at 578 Cleveland Avenue. The applicant previously applied for a Type 41 (On Sale Beer & Wine) and a Type 58 (Caterer's Permit) license with the Department of Alcoholic Beverage Control. An amendment was filed and approved in 2019 for a Type 75 "brew pub" license and elimination of the Type 41 license. The applicant is proposing to amend the permit to eliminate the Type 75 brew pub license to a Type 47 to allow the sale of beer, wine and spirits for a full-service restaurant. No alterations to the subject property are proposed under this project scope. (This is an amendment to PA 19-023 Conditional Use Permit).

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached 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.

## 5. ANNOUNCEMENTS/COMMUNICATIONS

None.

## 6. PUBLIC COMMENT

For persons desiring to address the Commission on an item that is not on the agenda please note that each speaker is limited up to three (3) minutes. The Brown Act limits the Commission ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.



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### 7. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

- 7-1. PA21-044 Conditional Use Permit for Live Entertainment at 1175 Solano Avenue, Five Tacos-** The applicant is seeking Conditional Use Permit approval to have live entertainment at 1175 Solano Avenue, Five Tacos restaurant. The subject business is located at the northeast corner of Solano and Stannage Avenue. The proposed scope includes live music with a maximum of five (5) performers on Tuesday 5 – 9 pm, Friday/Saturday 5 – 9 pm, and Sunday 11 am – 3 pm. Performers will be located on the upper portion of the patio/bar area.

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached 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.

- 7-2. PA21-004 Conditional Use Permit & Design Review Amendment: New Mixed-Use Residential Building at 904 Masonic-** The applicant is seeking Conditional Use Permit and Design Review approval to amend a previously approved mixed-use building at 904 Masonic Avenue. The subject site is 3,751 sq. ft. lot with an existing 980 sq. ft. single story structure built in 1924. The original Planning & Zoning Commission approval was granted on February 13, 2019 and includes a new mixed-use commercial/residential project. The applicant is proposing to amend the project to include a live/work unit on the ground level of the building, consolidate two units on the 3<sup>rd</sup> floor into one unit, and eliminate the roof top deck and off-street parking for the building. The building is proposed to be contemporary in design with a maximum height of 32'-5". This will result in a new mixed-use building with 1 ground floor live/work unit and 3 residential units on top. A Conditional Use Permit is required for the live/work unit to be located on the ground floor and to waive all off-street parking requirements. A Design Review amendment is required to eliminate the previously approved roof top deck.

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached 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.

### 8. NEW BUSINESS

None.

- 9. NEXT MEETING: July 28, 2021,** City Hall Council Chambers, 1000 San Pablo Ave. or virtual meeting pursuant to state and county guidance.

### 10. ADJOURNMENT

NOTICE



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As a general policy, the Commission/Committee/Board will not begin discussion or consideration of an agenda item after 9:30 pm.

Agendas are posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: [www.albanyca.org](http://www.albanyca.org). Supporting documents and any public comments received will be made available for public inspection **online** or via email request. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk at 510-528-5710 or [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org)

Council and Commission meetings are broadcast live on KALB and streamed live on the City website and YouTube. Audio recordings of Committee meetings will be uploaded to the City website and YouTube within one week of each public meeting. Archives of past City meetings are available on the City website and YouTube. Please note that if you provide your name and address when speaking before the Committee it will become part of the official public record, which will be posted on the Internet and broadcast on KALB.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.