



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF REGULAR MEETING WEDNESDAY, JULY 14, 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, July 14, 2021.

2. ROLL CALL

Present: Donaldson, Pilch, Watty
Absent: MacLeod, Momin
Staff Present: Planning Manager Anne Hersch
Associate Planner Christopher Tan

3. EX PARTE COMMUNICATIONS

Commissioner Pilch disclosed a visit to 915 Stannage and conversation with the occupant regarding PA21-044 for 1175 Solano Avenue.

4. CONSENT CALENDAR

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

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

Motion to approve Item 4-1 of the consent calendar. Donaldson

Seconded by Pilch

AYES: Donaldson, Pilch, Watty

NAYES: None

RECUSED: None

ABSENT: MacLeod, Momin

Motion passed, 3-0-0-2

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



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1 proposed to remain. This will result in a 4-bedroom, 2-bathroom, 1,587-sq.-ft.
2 home with a maximum height of 18 feet. Two off-street parking spaces are
3 provided in the attached garage and driveway.
4

5 **Recommendation:** Staff recommends that the Planning & Zoning Commission
6 review and approve the proposed project subject to the attached findings and
7 Conditions of Approval.
8

9 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
10 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.
11

12 Commissioner Pilch recused himself from this item as his residence is located within 500
13 feet of the subject property.
14

15 Planning Manager Anne Hersch announced the Commission may not act on the item as
16 a quorum of the Commission is not present. The item is continued to the next meeting.
17

18 **4-2. PA21-046 Temporary Use Permit for Foodieland at Golden Gate Fields (1100**
19 **Eastshore)** – The applicant is seeking Temporary Use Permit approval for
20 Foodieland Night Market at Golden Gate Fields. Foodieland Night Market is an
21 Asian-inspired street food festival with over 100+ food vendors, food trucks, and
22 art/crafts and merchandise vendors. The event is proposed to be held over three
23 weekends: August 20-22, 2021, October 8-10, 2021, and October 15-17, 2021.
24 The event times are 3 pm-10 pm on Fridays and 11 am – 10 pm on Saturdays and
25 Sundays in the north parking lot of Golden Gate Fields. Approximately 5,000 -
26 6,000 attendees at any given time and up to 40,000 attendees are expected over
27 a three-day period. Attendees are expected to stay for a maximum of 2-3 hours.
28 Vehicle and bicycle parking is proposed at both the Buchanan Street and Gilman
29 Street entrances on the subject property. ADA designated parking is available
30 through Buchanan Street. The applicant operated the same event at Golden Gate
31 Fields in 2019.
32

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

37 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15332
38 "In-Fill Development Projects" of the CEQA Guidelines.
39

40 Commissioner Pilch appreciated the suggestions from Ms. Smolens.
41

42 **Kevin Wang** agreed to implement Ms. Smolens' suggestions and advised that the bike
43 corral will be located closer to the main exit where a security guard will be stationed.
44



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1 PUBLIC HEARING OPENED

2
3 None

4
5 PUBLIC HEARING CLOSED

6
7 **Motion to approve PA21-046** for 1100 Eastshore subject to the findings and
8 Conditions of Approval and additional Conditions of Approval to provide more
9 wayfinding signage to bicycle parking and enclose bicycle parking along with
10 encouragement for the applicant to include free bicycle parking in marketing
11 materials and social media posts. Pilch

12 Seconded by Donaldson

13 AYES: Donaldson, Pilch, Watty

14 NAYES: None

15 RECUSED: None

16 ABSENT: MacLeod, Momin

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

18
19 Chair Watty noted the appeal period.

20
21 **4-4. PA21-048 Conditional Use Permit Amendment for Chef's Touch Kitchen &**
22 **Catering at 578 Cleveland Ave.** – The applicant is seeking an amendment to a
23 previously approved Major Conditional Use Permit for Chef's Touch Kitchen &
24 Catering at 578 Cleveland Avenue. The applicant previously applied for a Type 41
25 (On Sale Beer & Wine) and a Type 58 (Caterer's Permit) license with the
26 Department of Alcoholic Beverage Control. An amendment was filed and approved
27 in 2019 for a Type 75 "brew pub" license and elimination of the Type 41 license.
28 The applicant is proposing to amend the permit to eliminate the Type 75 brew pub
29 license to a Type 47 to allow the sale of beer, wine and spirits for a full-service
30 restaurant. No alterations to the subject property are proposed under this project
31 scope. (This is an amendment to PA 19-023 Conditional Use Permit).

32
33 **Recommendation:** Staff recommends that the Planning & Zoning Commission
34 review and approve the proposed project subject to the attached findings and
35 Conditions of Approval.

36
37 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section 15332
38 "In-Fill Development Projects" of the CEQA Guidelines.

39
40 Planning Manager Hersch summarized the applicant's proposed changes.

41
42 PUBLIC HEARING OPENED

43
44 **A resident** inquired about signage that may be a nuisance for nearby residents.



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1
2 PUBLIC HEARING CLOSED

3
4 Planning Manager Hersch advised that the applicant's proposed signage was approved
5 in 2019, and the proposed signage complies with Code requirements.
6

7 **Motion to approve PA21-048** for 578 Cleveland Avenue pursuant to the proposed
8 findings and Conditions of Approval. Donaldson

9 Seconded by Pilch

10 AYES: Donaldson, Pilch, Watty

11 NAYES: None

12 RECUSED: None

13 ABSENT: MacLeod, Momin

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

15
16 Chair Watty noted the appeal period.

17
18 **5. ANNOUNCEMENTS/COMMUNICATIONS**

19
20 None

21
22 **6. PUBLIC COMMENT**

23
24 None

25
26 **7. DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
27 **ITEMS:**

28
29 **7-1. PA21-044 Conditional Use Permit for Live Entertainment at 1175 Solano**
30 **Avenue, Five Tacos** – The applicant is seeking Conditional Use Permit approval
31 to have live entertainment at 1175 Solano Avenue, Five Tacos restaurant. The
32 subject business is located at the northeast corner of Solano and Stannage
33 Avenue. The proposed scope includes live music with a maximum of five (5)
34 performers on Tuesday 5-9 pm, Friday/Saturday 5-9 pm, and Sunday 11 am-3 pm.
35 Performers will be located on the upper portion of the patio/bar area.

36
37 **Recommendation:** Staff recommends that the Planning & Zoning Commission
38 review and approve the proposed project subject to the attached findings and
39 Conditions of Approval.

40
41 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section 15332
42 "In-Fill Development Projects" of the CEQA Guidelines.

43
44 Planning Manager Hersch presented the staff report dated July 14, 2021.



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2 **Edgar Saldana**, applicant, reported live music is intended to attract customers and
3 improve their dining experience. In response to neighbors' concerns, the number of days
4 per week could be reduced to two, Tuesdays and Fridays. People across the street from
5 the restaurant should not be able to hear the music if windows are closed. Live music is
6 offered at other locations of Five Tacos and has been successful. When asked, Mr.
7 Saldana advised that the patio doors were opened so that outdoor diners could enjoy the
8 music. It is possible to keep the doors closed so that the sound is lower. Amplifiers can
9 be adjusted to reduce the noise level or amplification of instruments can be eliminated.
10 The location of performers and speakers can be adjusted to direct noise into the
11 restaurant. The musical groups usually have three performers, but four have been
12 present a few times. The first few times music was offered, it ended at 9:00 p.m. After
13 neighbors complained, the music ended at 8:00 p.m.

PUBLIC HEARING OPENED

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15
16
17 **Ben Lukas** emphasized that the music would impact nearby residents 16 hours per week,
18 week after week. He suggested a condition of approval to measure noise inside residents'
19 home and ensure the level complies with requirements. If noise levels exceed the allowed
20 limits, action should be taken to reduce noise to the allowed limits.

21
22 **Clay Larson** suggested the City's noise meter needs to be calibrated and operated by a
23 professional in order to provide accurate results.

PUBLIC HEARING CLOSED

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25
26
27 Planning Manager Hersch advised that the City has a noise meter that residents may
28 borrow. Staff does not have technical expertise for noise monitoring. In the past,
29 business owners were responsible for retaining an acoustical engineer to conduct a
30 formal noise analysis.

31
32 Commissioner Pilch reported a gap in buildings allows noise from 1175 Solano Avenue
33 to travel to the home at 915 Stannage. The occupants objected to the music on weekends
34 when they wanted to enjoy their backyard.

35
36 Commissioner Donaldson stated receiving comments from eight nearby residents in
37 opposition to a project is unusual. The neighbors offered good reasons for their concerns.
38 Providing live music without obtaining a permit is a concern. The business seems
39 successful without offering live music. If the Commission does not deny the application,
40 it could impose additional conditions of approval to require the applicant to direct music
41 indoors, allow only indoor performances, authorize staff to require an acoustical study if
42 more than two or three neighbors complain about noise, and require a review in six
43 months.

44



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1 Chair Watty indicated her support for the business. After the past year under a pandemic,
2 the City has an obligation to support local businesses. She proposed conditions of
3 approval to require performances end at 8:00 p.m., a review in six months, a formal noise
4 analysis after four performances, acoustic-only instruments, speakers face a direction
5 that limits the amount of noise traveling outdoors, performers to be located inside the
6 building, and entertainment be limited to no more than 25% of the square footage of the
7 interior occupiable space.

8
9 Commissioner Pilch concurred with Chair Watty's proposed conditions and felt eliminating
10 amplification of instruments would have the greatest effect on noise.

11
12 Planning Manager Hersh advised that the Fire Inspector requests a condition of approval
13 to require the applicant to coordinate with the Fire Department regarding occupancy
14 levels and paths of egress.

15
16 **Motion to approve PA21-044** for 1175 Solano Avenue, Five Tacos, pursuant to
17 the proposed findings and Conditions of Approval and additional Conditions of
18 Approval requiring applicant to coordinate with the Fire Department regarding
19 occupancy levels and paths of egress, performers to occupy no more than 25% of
20 the restaurant's occupied square footage, performances to end at 8:00 p.m., a
21 review in six months, applicant to coordinate with staff regarding a noise test during
22 the first week of performances, all performers to be physically located within the
23 building interior, and all instruments to be acoustic only. Watty

24 Seconded by Pilch

25 AYES: Pilch, Watty

26 NAYES: Donaldson

27 RECUSED: None

28 ABSENT: MacLeod, Momin

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

30
31 Chair Watty noted the appeal period.

32
33 **7-2. PA21-004 Conditional Use Permit & Design Review Amendment: New Mixed-**
34 **Use Residential Building at 904 Masonic** – The applicant is seeking Conditional
35 Use Permit and Design Review approval to amend a previously approved mixed-
36 use building at 904 Masonic Avenue. The subject site is 3,751-sq.-ft. lot with an
37 existing 980-sq.-ft. single-story structure built in 1924. The original Planning &
38 Zoning Commission approval was granted on February 13, 2019 and includes a
39 new mixed-use commercial/residential project. The applicant is proposing to
40 amend the project to include a live/work unit on the ground level of the building,
41 consolidate two units on the 3rd floor into one unit, and eliminate the rooftop deck
42 and off-street parking for the building. The building is proposed to be contemporary
43 in design with a maximum height of 32'-5". This will result in a new mixed-use
44 building with 1 ground-floor live/work unit and 3 residential units on top. A



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1 Conditional Use Permit is required for the live/work unit to be located on the ground
2 floor and to waive all off-street parking requirements. A Design Review amendment
3 is required to eliminate the previously approved rooftop deck.
4

5 **Recommendation:** Staff recommends that the Planning & Zoning Commission
6 review and approve the proposed project subject to the attached findings and
7 Conditions of Approval.
8

9 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section 15332
10 "In-Fill Development Projects" of the CEQA Guidelines.
11

12 Associate Planner Christopher Tan presented the staff report dated July 14, 2021.
13

14 **Richard Tapp**, project architect, reported the unit count has been reduced from five to
15 four by consolidating the units on the third floor. The rear deck complements the building
16 design and reduces the mass of the building. The proximity of essential services and
17 amenities and the availability of public transportation, car and ride-share services, and
18 bike paths support granting the parking waiver. The proposed transportation demand
19 management (TDM) program includes ten bicycles, a secure storage building, and
20 Clipper Cards. As public comment suggested, funding for Clipper Cards will be paid to
21 the Metropolitan Transportation Commission rather than tenants. When asked, Mr. Tapp
22 related that the north facade will be painted so that it represents the south facade, as
23 originally approved.
24

25 PUBLIC HEARING OPENED

26
27 An **unidentified speaker** expressed concern about the loss of one unit and the lack of
28 onsite parking.
29

30 **Clay Larson** stated the number of last-minute changes seems to indicate the project is
31 not ready for review. The Commission could likely justify granting a parking reduction
32 rather than a parking waiver.
33

34 **Mr. Tapp** reported anecdotal studies over the past year have found that parking is always
35 available along the east side of Masonic Avenue. The recent changes affect bike storage
36 rather than the building. He indicated that City staff suggested replacing onsite parking
37 with open space.
38

39 PUBLIC HEARING CLOSED

40
41 Commissioner Donaldson recalled his support for the original project. The current
42 iteration is not nearly as desirable as the original. The primary issue is the parking waiver.
43 The Commission does not have the ability to grant a parking waiver for the live/work unit.
44 The walkway along the south side of the property could be replaced with a parking space



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1 for the live/work unit. Tenants of the three-bedroom unit are likely to own a vehicle.
2 Waiving off-street parking to obtain housing units is not good public policy. Clipper Cards
3 should be provided to every occupant rather than every tenant. He suggested an
4 additional condition of approval requiring the applicant to install a curb in the existing curb
5 cut, which will add an on-street parking space.
6

7 Chair Watty felt the subject property is centrally located, many garages in Albany do not
8 accommodate contemporary cars, and public rights-of-way should be for everyone. The
9 project as proposed seems to be eligible for a parking reduction. The curb cut should be
10 restored to curbing. The bike program is good. The number of Clipper Cards provided
11 to tenants should be based on the number of bedrooms, and the monthly payment amount
12 should align with typical transit costs.
13

14 Commissioner Pilch concurred with Chair Watty's suggestions for Clipper Cards. The
15 applicant seems to have modified the project in response to comments made after the
16 agenda was posted; however, some of the comments were made previously. A parking
17 reduction is appropriate due to the property's location, the adequacy of on-street parking,
18 the proposed mitigations, and the access to transit. Charging stations and electric bikes
19 would improve the proposal. The applicant needs to provide storage space for long bikes.
20 Given the last-minute revisions and the question about the Commission's ability to waive
21 a parking space for the live/work unit, the Commission may not be prepared to vote on
22 the project.
23

24 Commissioner Donaldson suggested the applicant provide an onsite parking space for
25 the live/work unit or replace the curb cut with curbing to provide one on-street parking
26 space in lieu of a parking space for the live/work unit.
27

28 **Motion to approve PA21-004** for 904 Masonic pursuant to the proposed findings
29 and Conditions of Approval and additional Conditions of Approval requiring
30 restoration of the existing curb cut, the number of Clipper Cards align with the
31 number of bedrooms per unit, each Clipper Card to be reloaded with an amount
32 equal to the local monthly AC Transit pass, and the bicycle storage shed to
33 accommodate seven standard bicycles and three cargo bicycles. Watty

34 Seconded by Pilch

35 AYES: Pilch, Watty

36 NAYES: Donaldson

37 RECUSED: None

38 ABSENT: MacLeod, Momin

39 **Motion passed, 2-1-0-2**
40

41 Chair Watty noted the appeal period.
42



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1 **8. NEW BUSINESS**

2
3 None

4
5 **9. NEXT MEETING – July 28, 2021**, City Hall Council Chambers, 1000 San Pablo Avenue
6 or virtual meeting pursuant to state and county guidance

7
8 **10. ADJOURNMENT**

9
10 The meeting was adjourned at 9:07 p.m.

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Submitted by: Anne Hersch, Planning Manager

Jeff Bond, Community Development Director