



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, NOVEMBER 10, 2021

REGULAR MEETING: 7:00 PM

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, November 10, 2021.

2. ROLL CALL

Present: Donaldson, MacLeod, Momin, Watty
Absent: Pilch (arrived at 7:17 p.m.)
Staff Present: Planning Manager Anne Hersch
Associate Planner Christopher Tan
Community Development Director Jeff Bond

3. EX PARTE COMMUNICATIONS

None

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes October 13, 2021

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

4-2. PA21-073 Parking Waiver for a New Acupuncture Practice at 1229 Solano Avenue – The applicant is seeking Parking Waiver for a new acupuncture practice at 1229 Solano Avenue. The subject property is a 6,742 sq. ft. lot with a 6,876 sq. ft. commercial building built in 1940 and located in the Solano Commercial Zoning District. The applicant is seeking to occupy the 1,517 sq. ft. tenant shell at 1229 Solano and establish a new acupuncture practice in the previous retail space. The proposed change of use from retail to professional office requires additional off-street parking spaces. There is currently one (1) off-street parking space dedicated to the subject tenant space. A Parking Waiver is required to waive seven (7) off-street parking spaces where eight (8) are required. No expansion to the existing building is proposed under this project scope.



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 **Recommendation:** Staff recommends that the Planning & Zoning Commission
2 review and approve the project request subject to the findings and Conditions of
3 Approval.

4 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15332
5 “In-Fill Development Projects” of the CEQA Guidelines.
6
7

8 **4-3. PA21-077 Design Review and Parking Reduction for Two-Level Rear Addition**
9 **at 404 Talbot Avenue** – The applicant is seeking Design Review and Parking
10 Reduction approval for a two-level rear addition at 404 Talbot Avenue. The subject
11 property is a 3,400 sq. ft. house with a 2-bedroom, 1.5-bathroom, 915 sq. ft. house
12 built in 1939. The project scope includes building a new two-level addition at the
13 rear of the home to accommodate a new breakfast nook, family room, and utility
14 room on the ground floor and a new master suite in the proposed 2nd level. The
15 exterior of the addition is proposed to be clad in painted stucco siding with a cross-
16 gable roof form. The existing Storybook Tudor style of the home is proposed to
17 remain. This will result in a 3-bedroom, 2-bathroom, 1,613 sq. ft. home with a
18 maximum height of 26'-9". There is one off-street parking space in the existing
19 garage. A Parking Reduction is required to waive one off-street parking space
20 triggered by the project scope.
21

22 **Recommendation:** Staff recommends that the Planning & Zoning Commission
23 continue the matter to a date uncertain to allow for story pole installation.
24

25 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
26 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.
27

28 **Motion to approve** the consent calendar as proposed by staff. Donaldson

29 Seconded by MacLeod

30 AYES: Donaldson, MacLeod, Momin, Watty

31 NAYES: None

32 RECUSED: None

33 ABSENT: Pilch

34 **Motion passed, 4-0-0-1**
35

36 Chair Watty noted the appeal period.
37

38 **5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION** 39

40 **5-1. Cancellation of November 24, 2021, and December 22, 2021, Planning &**
41 **Zoning Commission Meetings**
42

43 **6. PUBLIC COMMENT** 44



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 None

2

3

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

4

5

6

7-1. **PA21-058 Design Review for a Second-Story Addition at 919 Ramona Avenue** – The applicant is seeking Design Review approval for a second-story addition at 919 Ramona Avenue. The subject property is a 4,290 sq. ft. lot with a 2-bedroom, 1-bathroom, 1,390 sq. ft. house built in 1926. The project scope includes interior remodeling and reprogramming on the main level and a 549 sq. ft. second story addition to accommodate a new master suite for the home. A new rear deck is proposed off the main level of the home. Two roof terraces are proposed on the 2nd level of the home along with a roof deck on top of the proposed 2nd story addition. The applicant is proposing contemporary architectural style for the home. This will result in a 3-bedroom, 2-bedroom, 1,939 sq. ft. home with a maximum height of 24'-5". Two off-street parking spaces are provided in the existing driveway in a tandem configuration.

7

8

9

10

11

12

13

14

15

16

17

18

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

19

20

21

22

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

23

24

25

26

Associate Planner Christopher Tan presented the staff report dated November 10, 2021.

27

28

Thomas Biggs, project architect, addressed the neighbor's privacy concern and advised that horizontal screening panels with slats that allow for directional viewing have been added to the side walls of the roof terrace. Additional vegetative screening and Bay-Friendly landscaping will be incorporated along the front and north side of the property. Placement alterations to the fence address the neighbor's concern regarding driveway interference. Increasing the area distance between the stucco siding and fiber-cement paneling by a couple of inches will improve value. The plants are low-height and drought-tolerant. When asked, Mr. Briggs explained that Tufted Hairgrass is drought-tolerant and typically non-invasive.

29

30

31

32

33

34

35

36

37

PUBLIC HEARING OPENED

38

39

40

David Asarnow inquired regarding plants along the street side of the sidewalk, and whether fencing replacement plans exist. He appreciated the changes made with respect to privacy concerns.

41

42

43



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 **Mary Asarnow** expressed concern about lighting entering the household from the upper
2 story.

3
4 **Joanna Hultman** wanted to acknowledge the applicant for addressing concerns. She
5 clarified that her garage is single-width rather than the two-car width as shown in the
6 presentation drawing and expressed additional privacy concerns.

7 8 PUBLIC HEARING CLOSED

9
10 Commissioner Donaldson appreciated the two-toned color scheme design. The louvers
11 on the top deck are logical for a narrower horizontal view. Proper maintenance of the
12 grass in the front is a concern. The Commission may want to include a motion to support
13 substituting the forty-eight-inch bunchgrass with eighteen-to-twenty-inch bunchgrass. It is
14 not clear if any changes have been made to the proposed landscaping plan regarding the
15 parking strip between the sidewalk and street. The neighbor's comment on the lighting is
16 a legitimate concern. There should be no down-focused lighting proposed for the second-
17 floor or upper story but hopes any concerns can be resolved in a neighborly way. The
18 lighting should be screened and is required in the City Standard Specifications of
19 approval. The design could be an interesting addition to the block.

20
21 Commissioner Pilch inquired about whether the neighbor was concerned about lighting
22 entering from the window. The condition of approval for planting street trees at the parking
23 strip should provide for the landscaping concerns. Any yard maintenance quandaries can
24 be addressed to the City if they cannot be resolved in a neighborly fashion. He expressed
25 support for any planting specifications provided by the landscape architect.

26
27 Commissioner MacLeod appreciated the architects for presenting the project. The round
28 window is an interesting design element and elevation improvements. The color looks
29 great. He supported the outdoor decks. Privacy should be attainable. The rooftop deck is
30 good, and the stairs are sculptural but acceptable.

31
32 Chair Watty concurred with fellow Commissioner's comments and appreciated the
33 applicant's willingness to work proactively with neighbors to resolve the presented
34 disputes. She encouraged the applicant to provide continued collaboration with the
35 neighbor on the south-side regarding the lighting concerns but supported the
36 Commissioner's comments about no exterior lighting identified on the south-side of the
37 building and minimal number of windows. Particularly given the distance, significant
38 lighting on the adjacent property is not anticipated. The project modifications presented
39 have been great.

40
41 Commissioner Momin appreciated the applicant's efforts in responding to the
42 Commissioner's comments in the prior meeting. He supported the project.

43



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 Commissioner Donaldson clarified his comment regarding no information provided about
2 the ground cover in the parking strip and advised that there is a large existing tree in the
3 location. He advised some lighting near the garage was visible during a field visit and if
4 the Commission's standard conditions of approval does not address the lighting concern,
5 the neighbors should work together.
6

7 **Motion to approve** PA21-058 for 919 Ramona Avenue subject to the findings and
8 Conditions of Approval with an additional condition to replace the bunchgrass
9 species in the Landscape Plan with a shorter species not more than two feet.

10 Donaldson

11 Seconded by Momin

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

13 NAYES: None

14 ABSTAIN: None

15 ABSENT: None

16 **Motion passed, 5-0-0-0**

17
18 Chair Watty noted the appeal period.

19 20 8. NEW BUSINESS

21
22 **8-1. San Pablo Avenue Specific Plan Financial Feasibility Analysis Request –**
23 Commissioner Pilch has requested that the Planning & Zoning Commission hold
24 a discussion to consider a recommendation to add a financial feasibility analysis
25 to the San Pablo Avenue Specific Plan scope.
26

27 **Recommendation:** Receive request from Commissioner Pilch. Staff recommends
28 that the Specific Plan maintain the current scope of work and remain on schedule
29 for adoption in Spring 2022.

30
31 **CEQA:** Once draft amendments are prepared, staff will work with a CEQA
32 consultant.
33

34 Planning Manager Anne Hersch presented the staff report dated November 10, 2021.

35
36 Commissioner Momin indicated his appreciation for the discussion and initiative put forth
37 in the Commission. He stated that he agreed with most of the observations presented by
38 Pilch; however, constraints would likely be present in many situations and cities for similar
39 projects. Complications with lot consolidation is common. The Commission's specific plan
40 standards are compatible with El Cerrito and Berkeley, and housing is feasible with the
41 standards. El Cerrito's specific plan may be more successful because of land sold to
42 developers that subsidize the rate to make it more attractive.
43



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 Commissioner Pilch advised that economic analysis could apprise the Commission of the
2 need for raised height limits or removal of the Floor Area Ratio (FAR). He proposed going
3 to parking minimums, raising the height limit along the entire corner, or removing FAR
4 completely. Anything to make the process simpler to develop would make it more
5 attractive. He stated that Commission staff indicated that Albany's constraints are unique
6 compared to surrounding cities with increased redevelopment.

7
8 Commissioner Donaldson appreciated reading the backup attachments provided from the
9 Turner Center and all work done in El Cerrito. He advised that Albany likely has not seen
10 any significant lot consolidations since the sixties when Town Center was constructed.
11 The high value of housing along Kains and Adams creates difficulties for developers to
12 consolidate back lots of the areas along San Pablo.

13
14 Chair Watty stated that information concerning building heights are very important and
15 helpful. The Commission's specific plan is not lacking technical information and specific
16 topics and data regarding construction have been provided.

17
18 Community Development Director Jeff Bond advised that he does believe that Albany's
19 lot size pattern is different compared to other cities and tend to have smaller lots. Parking
20 is not typically an issue that triggers any California Environmental Quality Act (CEQA)
21 review. The key variable in CEQA analysis is generally the number of units and if
22 necessary, the Commission can address any significant environmental impacts through
23 the proposed addendum process. Regarding a future second addendum, modifications
24 to the zoning ordinance should not trigger anything unless there is a significant increase
25 in the number of units, in which case an additional analysis of potential impacts should
26 be considered. The trigger for Density Bonus Law is ten percent affordable housing,
27 inclusionary housing is currently fifteen percent of the next project, and added density
28 does not tend to require additional inclusionary housing. Regarding building height, fire
29 codes are triggered when the top floor is at seventy-five feet or more. Changing or
30 eliminating FAR should not trigger CEQA. Willingness of the owner selling land is
31 considered when identifying appropriate sites for the housing element. Completion of the
32 specific plan is not a legal prerequisite, but it will assist in expressing to a CD that some
33 sites used repeatedly with no development have a new opportunity to be developed.

34
35 Planning Manager Anne Hersch advised that the lot consolidation of 540 San Pablo is a
36 multi-year, exhaustive process. It is a unique example of consolidating a site of nine
37 parcels into 2.1 acres.

38
39 PUBLIC HEARING OPENED

40
41 **Clay Larson** was surprised about the Commission asking about constraints unique to
42 Albany and stated it should have been discussed at the beginning of the report. Parking
43 should be a separate issue included as an addendum or a parking study as an additional
44 part of the Specific Plan process. El Cerrito included a feasibility analysis, general parking



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 demand study, and proposals for parking management and that should be the plan model
2 for Albany as well.

3
4 **Edward Fields** expressed concern regarding the Commission providing developers and
5 current property owners with an additional fifty feet in height. He inquired about the
6 Commission's intentions regarding the comments about removing the FAR and parking
7 requirements, reducing open space requirements, and inclusionary housing requirements
8 being a constraint; and what incentives these proposals would bring to the citizens of
9 Albany with lower incomes. Building million-dollar condos will not reduce the demand for
10 housing. Albany has smaller lots than El Cerrito. The market rate element may be met,
11 but the lower-income or very low-income elements will not.

12
13 **Nelson Peng** thanked the Commission for the work. Albany should provide more houses,
14 and the City is doing a good job. He believes SB 9 will randomize sporadic density
15 throughout the City and suggests densifying San Pablo Avenue. San Pablo Avenue will
16 be inhabitable with street-life corridor features, and perhaps more housing provisions will
17 flourish with improvements to infrastructure, including biking and transit. More housing
18 provisions are needed to resolve affordability.

19 20 PUBLIC HEARING CLOSED

21
22 Chair Watty noted that many variables are considered by developers during the
23 development selection process, and the most significant component for Albany may be
24 regarding height. She stated that in her personal experience, certainty in the process is
25 crucial for development success. The Commission's objective is in producing housing,
26 but also maintaining some level of regulation. It is important to analyze data and
27 understand the market status in terms of types of concrete, lumber, and steel. She
28 advised that State Density Bonus allows two floors of flexibility, and perhaps the
29 adversities mentioned could either be modified through the Density Bonus Law or are not
30 deal breakers to a developer. She expressed concern about the usefulness of a financial
31 feasibility analysis, and supported increasing height, decreasing the limitations on
32 developers to provide more flexibility and predictability on the process.

33
34 Commissioner Pilch stated that he is confident that firms will do a complete economic
35 analysis and indicated that the unique constraints can be evaluated in a data driven way.
36 Albany is disadvantaged if El Cerrito's success was contributed to owning parcels. He
37 expressed concern about Albany having too many constraints to attract developers
38 because of insignificant building sites due to lacking incentives to go to brokers and
39 owners.

40
41 Planning Manager Anne Hersch clarified that regarding El Cerrito, the referenced sites
42 owned by the City were part of redevelopment, and with the resolution of redevelopment
43 nine years ago, that land required disposing and provided an opportunity for the City of
44 El Cerrito to have public/private partnerships; however, more is entitled than what has



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 been built. She explained that the El Cerrito Specific Plan is very specific to the El Cerrito
2 Plaza Bart Station Parking Lot Project.

3
4 Commissioner Donaldson indicated that Albany is doing fairly well and noted that the City
5 approved one of the largest projects to date under the current zoning with the Density
6 Bonus Law. In addition, significant development on the UC Berkeley land, Belmont
7 Villages, and now another huge project which are all essential and provide housing in
8 Albany. The current Specific Plan is sorely deficient in parking and further development
9 is needed.

10
11 Commissioner Momin agreed with most observations and comments from the
12 Commissioners and staff. He opposed exceeding a limit to increase the attractiveness.
13 The Specific Plan proposed is sufficient make the project feasible and could be more
14 successful than expected. The Albany Bowl project achieved feasibility using the Density
15 Bonus Law with the current zoning and without other incentives, and perhaps the Specific
16 Plan proposals for this project could be successful. He supported Chair Watty's comment
17 about the feasibility of this kind of development being fluid and uncertain, and that type of
18 study cannot be relied on completely. Allowing more height to make the development
19 feasibly is likely not an option. Affordable housing needs to be one of the Commission's
20 major objectives in the Specific Plan proposal but without constraining the developmental
21 plan. The City should explore the possibility of conducting another study to examine the
22 constraints and the cost benefit analysis of inclusionary housing and community benefits
23 proposed. Conducting a limited scope study may be helpful.

24
25 Commissioner MacLeod remarked that reading the Turner document offered insight into
26 how difficult and risky it is for housing developers, and he agrees with comments
27 regarding the importance of predictability; however, a feasibility economic analysis may
28 provide interesting insight if comparing different scenarios regarding the effects on
29 parking cost of lower/higher parking limits, height limits, and modifying or eliminating the
30 FAR. He suggested a dovetail with the housing element study. If it is possible to combine
31 economic analysis for the housing element to be utilized in the Specific Plan. Parking may
32 be a cost driver and space constraint that limits development. An economic analysis could
33 provide feedback regarding the twenty percent minimum inclusionary standard and the
34 effects, but it may be a good idea to adopt twenty percent across the board regardless to
35 further reach the target for low or very low-income units. He expressed concern about the
36 extra time that would be required for the study, but the cost seems manageable and
37 perhaps the timeline could be compressed by hiring a consultant. The Commission should
38 consider the objective standards independent of the Density Bonus Law. Regarding
39 height and cost, various technologies are available like cross-laminated timber buildings,
40 which is cheaper than concrete pedestal podiums and steel.

41
42 Commissioner Pilch appreciated MacLeod for mentioning cross-laminated timber and
43 found his remarks informative. He supported comments from Commissioner's Momin and



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

1 McLeod regarding a more data-driven decision process and suggested leaving the
2 economic analysis as is and not take a vote.
3

4 Chair Watty advised that if the inclusionary housing rate is increased, an analysis will be
5 needed to discuss the items to provide justification for the Commission to assess an
6 amount not yet determined for inclusionary on market rate projects. It is likely that data
7 and documentation presented regarding a change to the inclusionary rate will help assure
8 with numbers.
9

- 10
11
12 **9. NEXT MEETING – December 8, 2021**, City Hall Council Chambers, 1000 San Pablo
13 Avenue, or virtual meeting pursuant to state and county guidance
14 so that guiding growth in a responsible way is possible.
15

16 **10. ADJOURNMENT**

17 The meeting was adjourned at 8:58 p.m.
18
19
20
21

22 _____
23 Submitted by: Anne Hersch, Planning Manager
24
25

26 _____
Jeff Bond, Community Development Director