



**MINUTES OF THE REGULAR MEETING  
WEDNESDAY, JANUARY 26, 2022**

**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, January 26, 2022.

**2. ROLL CALL**

Present: Donaldson, MacLeod, Momin, Pilch, Watty  
Absent: None  
Staff Present: Associate Planner Christopher Tan  
Community Development Director Jeff Bond

The Albany Land Acknowledgement Statement was read as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

**3. EX PARTE COMMUNICATIONS**

None

**4. CONSENT CALENDAR**

**4-1. Planning & Zoning Commission Meeting Minutes January 12, 2022**

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

**Motion to approve** Item 4-1 of the consent calendar with the modification to remove the voting record on page 5. Donaldson

Seconded by MacLeod

AYES: Donaldson, MacLeod, Pilch, Watty

NAYES: None

RECUSED: Momin

ABSENT: None

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

**4-2. PA22-004 Design Review for New Second Story Dormers at 1082 Tevlin Street** The applicant is seeking Design Review approval for new second story dormers at 1082 Tevlin Street. The subject property is a 3,191 sq. ft. lot with a 3-



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1 bedroom, 2.5-bathroom, 1,643 sq. ft. house built in 1984. The project scope  
2 includes changing the roof line on a small portion of the north and south sides of  
3 the home to raise the interior ceiling heights and create two dormers. The  
4 proposed dormers will add approximately 92 sq. ft. of area to the second level  
5 and will accommodate an expanded bathroom and additional area for the master  
6 suite. New double-hung windows are proposed for both dormers. The existing  
7 architectural style of the home is proposed to remain. This will result in a 3  
8 bedroom, 2.5, bathroom, 1,735 sq. ft. home with a maximum height of 21'-7".  
9 Two off-street parking spaces are provided in the existing garage. No additional  
10 parking is required under this project scope.

11  
12 **Recommendation:** Staff recommends that the Planning & Zoning Commission  
13 review and approve the project request subject to the findings and Conditions of  
14 Approval.

15  
16 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section  
17 15332 "In-Fill Development Projects" of the CEQA Guidelines.

18  
19 **Motion to approve** PA22-004 for 1082 Tevlin Street subject to the findings and  
20 Conditions of Approval. Donaldson

21 Seconded by Pilch

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

23 NAYES: None

24 RECUSED: None

25 ABSENT: None

26 **Motion passed, 4-0-0-0**

27  
28 Chair Watty noted the appeal period.

## 30 5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

31  
32 **5-1. League of California Cities planning Commission Academy –** March 16-18,  
33 2022; San Ramon, CA. Details available at: [https://www.calcities.org/detail-](https://www.calcities.org/detail-pages/event/2022/03/16/default-calendar/planning-commissioners-academy)  
34 [pages/event/2022/03/16/default-calendar/planning-commissioners-academy.](https://www.calcities.org/detail-pages/event/2022/03/16/default-calendar/planning-commissioners-academy)

35  
36 Community Development Director Jeff Bond noted that a Planning Commissioner  
37 Academy session hosted by the League of California Cities will be held in March. He  
38 announced that an Alameda County Workshop for decisionmakers on housing elements  
39 has changed to Friday, March 25.

40  
41 Commissioner Pilch stated that he attended one of the academies in previous years and  
42 found it very worthwhile.

## 44 6. PUBLIC COMMENTS



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**Jeremiah Pinguelo** inquired regarding the process and technicalities of bringing a homeless shelter to Albany.

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

**7-1. PA21-080 Design Review & Parking Exception for a Garage Conversion & Second story Addition at 1145 Evelyn Avenue**– The applicant is seeking Design Review and Parking Exception approval for a garage conversion and second story addition at 1145 Evelyn Avenue. The subject property is a 6,141 sq. ft. lot with a 2-bedroom, 1 bathroom, 1,563 sq. ft. home built in 1952. The project scope includes converting the existing two-car garage into a new family room, bathroom, and storage area. The existing rear deck on the main level is proposed to be expanded and new entry deck is proposed at the front of the home. A new second story addition is proposed to accommodate a new master suite with walk-in closet, bathroom, and office space. The applicant is proposing to change the existing architectural style of the home to contemporary in appearance. This will result in a 4-bedroom, 3-bathroom, 2,225 sq. ft. home with a maximum height of 22'-3". A Parking Exception is required to locate two off-street parking spaces in the front yard.

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

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

Associate Planner Christopher Tan presented the staff report dated January 26, 2022.

Community Development Director Jeff Bond explained that there is no accurate answer regarding a one-hundred-year flood scenario readily available.

Associate Planner Christopher Tan clarified that the deck is not factored into the creek setback area and does not count towards the floor area ratio (FAR).

**Sharon Dolente**, homeowner, stated that the house has a modern foundation and will provide a significant portion of what is required, and minimal additional support will be required for a second floor.

**Mauricio Ryan Melchor**, project applicant, explained that the existing house was already constructed with the twenty feet creek setback, and there is an existing deck



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1 that overhangs the hillside. Anything with the best attempt to prevent further erosion or  
2 anything detrimental to the creek. There will be protective barriers and measures that  
3 will be part of the waste management portion of the project. Most of the house footprint  
4 will remain, including the deck overhang, and replace existing posts at the same  
5 location with the same foundation. There will not be any further disruption to the creek  
6 hillside.

7  
8 Chair Watty noted the appeal period.

9  
10 PUBLIC HEARING OPENED

11  
12 **Jeremiah Pinguelo** inquired about the rate of erosion and whether a retaining wall  
13 could be built.

14  
15 **Julie Durkee** supported the project.

16  
17 PUBLIC HEARING CLOSED

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19 Mauricio Ryan Melchor, project applicant, explained that the main goal for the project is  
20 to fully stabilize the house. The reinforcement of the foundation will be done in such a  
21 manner that even with erosion, the house will remain in place. Stabilizing the creek and  
22 hillside will need further discussion with planning and other agencies involved. The  
23 current goal is to enhance the natural quality of the creek and make it as safe as  
24 possible for the house and surrounding community.

25  
26 Commissioner Pilch supported Commissioner MacLeod's remark regarding making  
27 zoning simpler for the creeks and use of a center of creek? He supported the project.  
28 The Commission may want to consider asking whether the surfaces could be made  
29 impervious.

30  
31 Commissioner MacLeod suggested a cantilevered deck. He advised using planting to  
32 stabilize the creek slope rather than retaining walls. The project design is attractive.  
33 Commissioner Momin supported the project and appreciated the second-floor  
34 placement. He suggested including a landscape plan. He supported having permeable  
35 surfaces to avoid polluting the water.

36  
37 Commissioner Donaldson expressed concern about the posts supporting the kitchen in  
38 the back area of the house becoming destroyed by flood waters or debris. He felt  
39 content with the plan to turn the garage into a living space, front yard parking exception,  
40 second-floor addition, and the contemporary design of the project. The project should  
41 be redesigned so that no part of the house is within the twenty-foot setback. He  
42 opposed having a deck on pillars going downward into a floodway. A different design  
43 would be safest.



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1 Commissioner MacLeod agreed with Commissioner Donaldson's comments regarding  
2 the deck. The setback should be placed at the top of the slope, but the house would be  
3 rendered unbuildable. The Commission should require the deck to be cantilevered and  
4 encourage the homeowners to go all-electric.  
5

6 Chair Watty supported the project overall. There is no further volumetric encroachment.  
7 She agreed that the deck includes an allowable encroachment, but she would support  
8 retaining the existing footprint or via cantilever system. The architectural style is  
9 designed well.  
10

11 **Motion to approve** PA21-080 for 1045 Evelyn Avenue subject to the findings and  
12 Conditions of Approval with additional conditions of approval requiring the deck footprint  
13 be retained or cantilever system, and permeable pavers within the front parking setback  
14 area. Pilch

15 Seconded by MacLeod

16 AYES: MacLeod, Momin, Pilch, Watty

17 NAYES: Donaldson

18 RECUSED: None

19 ABSENT: None

20 **Motion passed, 4-1-0-0**  
21

22 Chair Watty noted the appeal period.  
23

24 **7-2. \*\*Study Session\*\* Proposed Mixed Use Development at 1600 Solano**  
25 **Avenue**– A preliminary application has been submitted for a new mixed-use project with  
26 12 units and 3,163 sq. ft. of medical space on the first floor at 1600 Solano Avenue. The  
27 subject site is 0.12 acres with an existing 1,543 sq. ft. two-story single-family home. The  
28 applicant has filed preliminary plans for Design Review and Density Bonus for a 49 ft.  
29 tall mixed-used building that includes one- and two-bedroom units. The project is  
30 proposed to have two off-street parking spaces. Two concessions are requested for  
31 reduced setback and parking requirements. This is a study session, and no action will  
32 be taken.  
33

34 **Recommendation:** No action required. For information and discussion only.  
35

36 Ms. Carla Violet presented to staff report dated January 26, 2022.  
37

38 **Kava Massih**, applicant, provided a presentation to the Planning Commission for the  
39 proposed two off-street parking space concessions for a reduced setback of the mixed-  
40 use project of medical space on the first floor of 1600 Solano Avenue.  
41

42 **Mr. Massih** explained that it is common in cities where there is zero lot line and  
43 windows are not allowed. There is potential to place bicycle storage parallel to the



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1 stairs. There is no proposed change regarding the sidewalks. The building will be all-  
2 electric.

3  
4 Community Development Director Jeff Bond noted that professional medical offices  
5 require a conditional use permit.

6  
7 When asked, **Kava Massih** explained that the project never had prior approval due to  
8 construction costs.

9  
10 **Paul Kasrovi**, property owner, agreed with Kava Massih regarding comments that the  
11 project did not proceed due to construction costs. He stated that his intent is to occupy  
12 the space.

### 13 PUBLIC HEARING OPENED

14  
15 **Jeremiah Pinguelo** inquired about the source of fuel for the roof fireplace, fire  
16 extinguishers, solar panels, and fair housing.

17  
18 **Caitlin Brown** supported the project. She urged the City and applicant to strengthen the  
19 explanations for the wavers and concessions.

20 **Clay Larson** inquired regarding setback requirements.

21 **Don May** supported the project. The project will bring much needed affordable housing  
22 to the area. Parking should not be an issue for the project. Any level of parking demand  
23 can be properly managed with parking meters, visit [shoupdogg.com](http://shoupdogg.com).

24 **Bradley Engwall** had concerns regarding the mass of the building and parking  
25 vacancies.

26 **Michael Meyer** was concerned about parking and vehicular challenges.

27 **Earl Grinstead** was concerned about parking and the size of the unit.

28 **Mark Bluestein** supported increased housing, but parking was a concern.

29 **Elizabeth Thornsens** was concerned about parking.

30 **Kathryn Fairbanks** was concerned about parking. The proposed building would take  
31 away from the charm of the area.

32 **Peter Goldberg** was concerned about construction impacts. The owners and architect  
33 have not delt with the neighbors in a way that could bring communion amongst  
34 neighbors.

35 **Bryan Marten** supported the project and suggested making the building higher if  
36 possible.



1 **Howard Graves** believed the density bonus award was an error. The area is a  
2 shopping center rather than a transit corridor. Building safely build an occupied building  
3 as proposed would require an engineering traffic study.

4 **Beth Gleghorn** believed the proposed project was unrealistic. Parking is needed.

5 **Shellie [no last name]** agreed with concerns regarding parking, environmental  
6 changes and how low-income is defined. She suggested an environmental impact  
7 study.

8 **Julie Graves** opposed the project at the scale presented. She supported the suggestion  
9 for an environmental impact study.

10 **Dominick Morales** opposed the proposed parking availability.

11 **Naor Deleanu** believed the project is a great opportunity to bring affordable housing to  
12 the area. There should be more work done to ensure proper safety.

13 **Michelle [no last name]** was concerned about traffic impacts and pedestrian dangers  
14 that would result from the project.

15 **Jean Woo** opposed the project. She was concerned about potential traffic incidents and  
16 air pollution. More parking availability is needed.

17 **Robert Cheasty** was concerned about the project preventing him from placing solar  
18 panels onto his building. A city-wide discussion is needed.

19 **Bryce Nesbit** suggested transparency regarding the proposed parapet wall. There is a  
20 need for the proponents to provide a pick-up and drop-off zone for deliveries. The  
21 stacked bike parking is inconvenient.

22 **Edward Fields** was concerned about parking and solar panels.

23 **Belle Adler** opposed the lack of parking availability. Hospital accommodations should  
24 be considered. She opposed the side of the building with no windows.

25 **Nick Peterson** supported the comment regarding inadequate bike parking.

26  
27 PUBLIC HEARING CLOSED

28  
29 Commissioner Donaldson requested credible information to demonstrate the level of car  
30 ownership by residents in mixed-use buildings in Albany. The future staff report should  
31 explain justification for a 300% floor area ratio (FAR) increase. Additional information is  
32 needed regarding negotiations pertaining to the magnitude of the concessions and  
33 wavers proposed. It appears the project is using the State Density Bonus Law to  
34 override all specific, objective development standards. It is a myth that transit oriented





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1 development needs no parking. Most multi-family developments need 1.2-1.4 spaces  
2 per development. He was concerned about the overall concept of the project. The  
3 height of the building is not much of a concern. The Commission needs an analysis  
4 regarding the Density Bonus Law and how the project violates the general plan.  
5

6 Commissioner Momin supported the project. The scale is appropriate to street scale.  
7 There is not much that can be done about some of the concessions. Increasing FAR  
8 would not be good. Since the project is using State Density Bonus Law and the Housing  
9 Accountability Act, not much can be done about some of the waivers and concessions.  
10 He was not comfortable with some limits to the concessions. He supported zero setback  
11 on Solano Avenue, and reduced parking. Having zero parking may not work. He would  
12 support Density Bonus if it helps regarding the building height. He recommended that  
13 architects examine the possibility of having smaller windows to bring some light into the  
14 units. If windows are not possible, he recommended some art installations. He preferred  
15 to see modifications to the corners of units to accommodate lighting. Stacking bicycles  
16 would not be very useful.  
17

18 Commissioner MacLeod indicated that the project does not work with the current  
19 standards. The Commission is not allowed to change or reduce the concessions and  
20 wavers as asked by the applicant. Staff and the applicant could do better with writing a  
21 pro forma that justifies the wavers and concessions. Housing spread around the City is  
22 an equity issue. He supported upzoning on Solano Avenue and the entire corridor.  
23 Some of the corridors are too long and the entry ways are not well-defined. The bike  
24 parking is insufficient. Planning for a future that is less car-dependent would be good.  
25 Some of the units need more windows. The balconies are too small. The architect  
26 should provide more examples regarding the corridor. There needs to be a way to  
27 separate the elevator from the commercial and residential use. He opposed the long  
28 corridors on the ground floor plan for the second office. The rooftop open space could  
29 be bigger. There should be one one-bedroom affordable unit and one two-bedroom unit  
30 as an affordable unit.  
31

32 Community Development Director Jeff Bond advised that the street and sidewalk is  
33 Albany jurisdiction, and the private property on the north side of Solano Avenue is within  
34 Berkeley. Under the California Building Standard Code, anything within three feet of the  
35 property line must be fireproof.  
36

37 Commissioner Pilch encouraged the applicant to consider more windows. Albany needs  
38 more housing units. He supported the balconies. The building does not appear  
39 massively out of scale. Vehicle and bicycle parking could be better. All parking spaces  
40 should have electric vehicle parking. He supported comments regarding parking meters.  
41 The proposed development would be good for business.  
42

43 Chair Watty stated that it is worthwhile for staff to doublecheck on the setback  
44 concession. She preferred a second-floor medical use to ground-floor use. The





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1 applicant should consider shrinking the footprint of the medical. She encouraged the  
2 architect to explore more articulation on the two facades.

3  
4 Commissioner Pilch and Commissioner MacLeod supported Chair Watty's comments  
5 regarding the ground-floor medical use.

6  
7 Agenda Items 7-3 and 8-1 were continued to the next meeting on February 23, 2022.

8  
9 **9. NEXT MEETING – February 23, 2022**, City Hall Council Chambers, 1000 San Pablo  
10 Avenue, or virtual meeting pursuant to state and county guidance.

11  
12 **10. ADJOURNMENT**

13  
14 The meeting was adjourned at 10:51 p.m.

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17 \_\_\_\_\_  
18 Submitted by: Christopher Tan, Associate Planner

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20  
21 \_\_\_\_\_  
22 Jeff Bond, Community Development Director