



**MINUTES OF THE REGULAR MEETING
WEDNESDAY, MARCH 23, 2022**

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Chair Pilch called the regular meeting of the Planning and Zoning Commission to order at 7:00 p.m. on Wednesday, March 23, 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 March 9, 2022

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

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

Seconded by Watty

AYES: Donaldson, MacLeod, Momin, Pilch, Watty

NAYES: None

RECUSED: None

ABSENT: None

Motion passed, 5-0-0-0



1 **5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

2
3 Community Development Director Jeff Bond announced a Commissioner and City
4 Council Member Training meeting is scheduled for Friday, March 25, 2022, at 11:00
5 a.m.

6
7 **6. PUBLIC COMMENTS**

8
9 None.

10
11 **7. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE**
12 **FOLLOWING ITEMS:**

13
14 **7-1. 2023-2031 City of Albany Housing Element Work Session**– The purpose of
15 this work session is to focus on the analysis of the constraints to housing
16 production.

17
18 **Recommendation:** No action required. For information and discussion only.

19
20 **Barry Miller**, Housing Element Consultant, presented the staff report dated March 23,
21 2022.

22
23 **Mr. Miller** provided a presentation focused on constraints to housing development in
24 the City of Albany. Constraints Analysis is one of the mandatory chapters of the
25 Housing Element. The State Department of Housing and Community Development
26 (HCD) distinguishes between governmental and non-governmental constraints. The
27 draft chapter evaluates potential governmental constraints. Next steps include meetings
28 focused on the State mandate to Affirmatively Further Fair Housing and the remainder
29 of the constraints analysis, and a review of draft housing policies and programs.

30
31 When asked, **Mr. Miller** indicated that a response to the identified constraints must be
32 provided. HCD will inform Staff of specific matters that need to be addressed. There is
33 an implied density when a unit calculation is performed. Floor-to-area ratio (FAR)
34 bonuses are based on the total square footage of habitable space in the building.

35
36 Community Development Director Jeff Bond noted that the Municipal Code section
37 under inclusionary housing contains language which states that the units designated as
38 inclusionary units must be representative of the overall mix of units in the project.

39
40 **Mr. Miller** explained that the City of Berkeley has both FAR and inclusionary housing,
41 as well as requiring that bonus units have the same square footage as the base units;
42 Albany would follow the same structure. There may be a need for Staff to establish a
43 program to monitor the San Pablo Specific Plan to modify any standards as necessary.
44 Several zoning changes will not likely be implemented until after the Housing Element



1 has been adopted. Amendments made to the General Plan for the San Pablo Avenue
2 Specific Plan may eliminate the need for further amendments relating to the Housing
3 Element. There will be a review of the General Plan when the Housing Element is
4 adopted, and concurrent amendments to the Safety Element will be required. Small lots
5 in Albany pose a challenge.

6
7 PUBLIC HEARING OPENED

8
9 **Jeremiah Pinguelo** indicated that the lack of residential requirements in the industrial
10 zones may be a constraint for the City.

11
12 **Clay Larson** inquired regarding the discrepancy between the draft Housing Element
13 and the draft Specific Plan. The current two parking spaces in R1 could be a constraint.

14
15 **Edward Fields** inquired about the effects of eliminating the maximum density standard,
16 and the implications of 1.25 FAR restrictions on Solano Avenue.

17
18 PUBLIC HEARING CLOSED

19
20 **Mr. Miller** explained that with the use of floor-to-area ratio, modifications can be made
21 to other standards to the degree necessary to increase the area. There is no connection
22 between the types of waivers that can be requested and the magnitude of the density
23 increase.

24
25 Commissioner Momin supported Mr. Miller's assessment of constraints and most of the
26 mitigation measures suggested. He requested a comprehensive summary table of all
27 government constraints, with included components providing a specific constraint
28 barrier group, housing production and conservation, recommended measures for
29 mitigation, and a timeline for changes to be made. FAR of 1.25 should not be
30 considered. There is a disconnect between the planning core and General Plan
31 provisions. The Commission must explore density bonus scenarios for various sizes
32 and locations to increase the FAR. A different approach is necessary for the Solano
33 Avenue corridor than for the San Pablo Avenue corridor. A study should be conducted
34 before doubling the FAR for the Solano Avenue corridor zone. The Commission should
35 not commit to making the in-lieu fee preferable to on-site inclusionary housing units.
36 More clarity is needed regarding unit sizes, unit mixture, and number of inclusionary
37 units in Albany.

38
39 Commissioner Donaldson indicated that the six units per acre density cap on the parcel
40 of west Albany Hill may not be appropriate. The R4 district should have some
41 regulations.

42
43 Commissioner MacLeod expressed concern about how growth will be distributed across
44 the City rather than concentrated in one area. He suggested the Commission extend the



1 zero parking minimum to Solano Avenue projects and raise the height limit. Four-story
2 buildings along Solano Avenue would be appropriate. The Commission should consider
3 upzoning R3 to SPC. The existence of R3 on contiguous blocks to the San Pablo
4 Avenue commercial zone poses a significant housing constraint. Repealing Measure K
5 would be beneficial. He suggested renaming R1.
6

7 Commissioner Watty supported comments regarding a slight increase to height and the
8 removal of parking constraints for housing on Solano Avenue. The primary focus of the
9 Commission should be on removing constraints and increasing density and
10 development potential on San Pablo Avenue. It would be worthwhile for remaining
11 single-family zoning to be upzoned to two-family.
12

13 Chair Pilch supported comments about incorporating a summary table, increasing the
14 FAR on Solano Avenue, removal of parking constraints, and that the in-lieu fee is not as
15 applicable in Albany. He also supported upzoning neighborhoods to R2 and R3 where
16 appropriate, raising the height to reduce the appeal of the State Density Bonus Law to
17 developers and achieve more inclusionary units, and put forth ballot measures to reform
18 Measure K and Measure D. The City should allow two-story accessory dwelling units
19 (ADUs). Tiny housing would be good for the City. Not allowing multiple units in R1
20 would be a mistake. He suggested softening the language focused on maintaining small
21 housing and instead embrace the need for Albany to grow.
22

23 8. NEW BUSINESS

24 8-1. Proclamation of Appreciation for Planning Manager Anne Hersch

25 **Recommendation:** Staff recommends that the Planning & Zoning Commission
26 review and approve the proclamation.
27

28 Chair Pilch read the Proclamation of Appreciation for Planning Manager Anne Hersch
29 as adopted by the Planning and Zoning Commission per City of Albany Action, March
30 21, 2022.
31

32 PUBLIC HEARING OPENED
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34 **Jeremiah Pinguelo** expressed appreciation for Planning Manager Anne Hersch and
35 her incredible service to the Commission and to the City of Albany.
36

37 PUBLIC HEARING CLOSED
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39 Commissioner Donaldson appreciated the proclamation.
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43



ZONING COMMISSION

Meeting
94706

1 Commissioner MacLeod expressed appreciation for Planning Manager Anne Hersch for
2 her contribution and extended his best wishes.

3 **Motion to approve** the Proclamation of Appreciation for Planning Manager Anne
4 Hersch. Donaldson

5 Seconded by MacLeod

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

7 NAYES: None

8 RECUSED: None

9 ABSENT: None

10 **Motion passed, 5-0-0-0**

11
12 **9. NEXT MEETING – April 13, 2022**, City Hall Council Chambers, 1000 San Pablo
13 Avenue, or virtual meeting pursuant to state and county guidance.

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15 **10. ADJOURNMENT**

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

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21 _____
22 Submitted by: Christopher Tan, Associate Planner

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24 _____
25 Jeff Bond, Community Development Director