



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, APRIL 27, 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, April 13, 2022.

2. ROLL CALL

Present: Donaldson, MacLeod, Momin, Pilch
Absent: Watty
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

Commissioner Momin announced that he was approached by a neighbor on the east side of the 1600 Solano Avenue site through Council Member McQuaid to meet and visit the building to gain a different perspective of the site. Council Member McQuaid and the City Attorney discussed appropriate conditions regarding the request. Additionally, Commissioner Momin received a voicemail from another neighbor. He believed that it would be more effective for both neighbors to address the full Commission by email or in-person during the meeting.

Commissioner Donaldson announced that he was contacted by Michael Barnes and Robert Cheasty regarding 1600 Solano Avenue. Robert Cheasty also wrote a letter.

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes April 13, 2022

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

Motion to approve the consent calendar to the March 23, 2022, meeting minutes. Donaldson

Seconded by MacLeod

AYES: Donaldson, MacLeod, Momin, Pilch



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1 NAYES: None
2 RECUSED: None
3 ABSENT: Watty
4 **Motion passed, 4-0-0-1**
5

6 **5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

7
8 None.

9 **6. PUBLIC COMMENTS**

10
11
12 None.

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

14
15
16
17 **7-1. PA21-015 Design Review & Density Bonus for a New Mixed-Use Development at 1600 Solano Avenue**— An application has been submitted for
18 Design Review and Density Bonus approval of a new approximately 60 ft. tall
19 mixed-used building with 12 housing units and 2,753 sq. ft. of medical space on
20 the first floor at 1600 Solano Avenue. The subject site is 0.12 acres with an
21 existing 1,543 sq. ft. two-story structure. The project is proposed to have two off-
22 street parking spaces. The application includes requests for waivers and
23 concessions from the City's development regulations. The action before the
24 Commission is consideration of a recommendation that the City Council approve
25 the proposed project. The proposed project is categorically exempt from the
26 requirements of the California Environmental Quality Act.
27

28
29 **Recommendation:** Staff recommends that the Planning & Zoning Commission
30 review and approve the proposed project subject to the attached findings and
31 Conditions of Approval.
32

33 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
34 15332 "Infill Development Projects" of the CEQA Guidelines.
35

36 Carla Violet, Urban Planning Partners, presented the staff report dated April 27, 2022.
37 When asked, she clarified that the correct square footage of the medical offices is 2,735
38 square feet. The project is not a commercial project entering into an agreement for
39 partnered housing. One balcony was counted as open space.
40

41 Community Development Director Jeff Bond advised that courts have ruled that projects
42 are not restricted to the bare minimum required to provide the Density Bonus units. The
43 City must provide the findings and analysis to support the conclusion that the proposed
44 actions will ensure the project is economically more feasible for the developer.



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1 **Kava Massih**, applicant, indicated that the space located to the left side of the
2 Americans with Disabilities Act (ADA) motor vehicle space could be designated as a
3 bike parking space with a trailer.

4
5 PUBLIC HEARING OPENED

6
7 **Robert Cheasty** expressed concern about waiving all medical office parking. State Law
8 is designed to promote housing rather than to promote commercial exceptions for local
9 zoning.

10
11 **Clay Larson** inquired about the staff report describing a front setback requirement of 15
12 feet on Solano Avenue commercial parcels.

13
14 **Julie Baller** expressed concern regarding discrimination against the handicapped,
15 elderly, and families with young children. She urged the Commission to deny the current
16 application.

17
18 **Beth Gleghorn** opposed the proposed building and parking.

19
20 **Simon Dobjensky** believed that the Commission should postpone the project until a
21 study is conducted regarding the intersection traffic.

22
23 **Howard Graves** recommended that the current building application be denied until
24 health and safety concerns are resolved.

25
26 **Kathryn Fairbanks** indicated that parking is already overwhelmed, and the intersection
27 is dangerous. Allowing the project would set a precedent for the area and steals from
28 the charm of Solano Avenue. She encouraged the Commission to consider a plan more
29 in harmony with the neighborhood and aesthetics of the street.

30
31 **Ms. Heather** supported comments regarding the intersection dangers.

32
33 **Allison Grinstead** highlighted objections submitted by the Solano Avenue Association.
34 The project removes vital parking for customers and shoppers who support the
35 merchants. The intersection is very dangerous. The Commission should postpone the
36 proposal to allow for thorough vetting. She requested that the architect reduce the
37 window size.

38
39 **Jeremiah Pinguelo** inquired about the possibility of a second reading on the agenda
40 item, ownership of a driveway on Solano Avenue, low-income units, ADA approval, fire
41 and earthquake safety, easement behind the building, and ambulance response time for
42 the top floor.

43



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1 **David Greensfelder** hoped that staff will have additional time necessary to conduct a
2 detailed evaluation of California Environmental Quality Act (CEQA) concerns and
3 potential health and safety matters.
4

5 **Miriam Kaminsky** expressed concerns regarding the parking waivers. A commercial
6 project is supposed to provide one parking space for each 200 square feet of
7 commercial space, and the proposed project should have 14 parking spaces. A medical
8 office that does not provide parking for patients is a violation of ADA.
9

10 **Belle Adler** inquired about how the neighborhood will benefit from the proposed project.
11

12 **Shellie Kahane** supported the comments about intersection safety concerns. There is
13 no clear benefit to the two low-income spaces. Housing more in line with the
14 neighborhood is necessary. She urged the Commission not to approve the proposed
15 project.
16

17 **leila Kasrovil**, applicant, explained that the parking requirements prevented the project
18 from being economically feasible. Efforts are taken to address the concerns of all
19 neighbors.
20

21 **Vladimir Schaefer** expressed concern about the parking and suggested reassessment.
22 Projects need to be financed in a way that makes them sustainable.
23

24 **Karen Friis Lysmer** suggested that a three-way traffic light be considered.
25

26 **Rena Rickles** stated that no CEQA exemption can be made without a finding that there
27 is a significant impact on traffic and safety. She asked that the Commission either not
28 vote or vote to deny specifically on the question of the waiver for the medical mixed-use
29 portion.
30

31 PUBLIC HEARING CLOSED
32

33 Communications Development Director Jeff Bond explained that ADA does not
34 mandate a particular amount of parking, but certain percentages of the parking spaces
35 need to be accessible. The project parking as designed meets the requirements.

36 Commissioner Donaldson expressed concern with the base project being eight studio
37 apartments and allowing the project to go to twelve one-bedroom and two-bedroom
38 units. The project should be continued for additional work by the architect and staff. The
39 FAR levels in the General Plan for the project zone should be considered. The project
40 has an FAR of 3.75, which is nearly doubled the allowable level for Solano Avenue.
41 More analysis is needed. It is uncertain whether the parking concession requested can
42 apply to parking spaces for the medical building. The project would require the removal
43 of a beautiful oak tree. The staff report should describe how the categorical exemption
44 and parking concession could be approved under the Density Bonus Law based on the



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1 findings in the Wollmer v. City of Berkeley case. Approval of the project would be a
2 windfall for the developer, but it would make a mockery of the Solano Avenue zoning
3 regulations in the General Plan. No finding that the project meets the zoning standards
4 for the location intensity and type of development can be made. He disagreed with the
5 finding that a building height of 60 feet would be in scale and harmony with existing
6 development and stated that it should be modified. The finding indicating that vehicular
7 parking is sufficient is inadequate. A project that has a nearly doubled FAR and height
8 limit, fraction of the required open space, and is missing 24 required off-street parking
9 spaces is not in the interest of the community's general welfare. More information is
10 needed regarding the State Density Bonus Law and how it can be applied.

11
12 Commissioner MacLeod supported the project. The proposed project is a precursor to
13 building more housing and upzoning in Albany. Reduced parking is appropriate and
14 nondiscriminatory. He supported concerns regarding the intersection being dangerous.
15 The balcony should be larger. Additional window area is needed for the common rooms.
16 Cargo bike space should be included.

17
18 Commissioner Momin supported the project. The small-scale mixed-use project is
19 suitable for the location and will create two affordable housing units. The development
20 of 3,000 square feet of commercial space by using an FAR waiver is an excessive use
21 of Density Bonus. The project has 40 units in terms of Density Bonus to make it
22 financially feasible. A reduction in the commercial space would reduce some bulk of the
23 building and a large amount of parking demand. He supported commercial use on the
24 first floor. Eliminating the second medical office from the back and replacing with two
25 units from the top floor above the office would remove the need for the long corridor on
26 the east side. The corridor would be added with a medical office in the front that would
27 still make a sizeable commercial space, but parking demand would be smaller and
28 reduce the highest portion of the building. Additionally, there would be a better transition
29 with the residential structure on the southern side. He appreciated the improvement to
30 the west side of the building and the height for the residential lobby. Bike parking
31 provisions appear sufficient. Overall, the project is important for the City. He suggested
32 that the applicant consider a community outreach so that neighbors can address
33 concerns.

34
35 Chair Pilch supported comments regarding the need for the intersection concerns to be
36 addressed. Reduced parking is acceptable. Large additions are necessary to help
37 resolve the housing crisis. He supported the commercial use on the first floor, lowering
38 the height of one portion of the building, and reduced commercial space. The bike room
39 should be increased by one-third, and no less than half of the racks need to be wheel-in
40 accessible.

41
42 Commissioner MacLeod supported Commissioner Momin's suggestion about
43 eliminating the second rear medical office. In addition, he supported a bigger bike room.



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1 He suggested making the entry transparent in the front, bigger balconies, and some
2 window improvements for the main rooms in the units.
3

4 **Motion to approve the Resolution** for PA21-015 for 1600 Solano Avenue with
5 additional conditions that there be charging outlets every 4 feet in the bicycle
6 room, that the door to the bicycle room be moved to the center of the lobby, that
7 the entry way be made transparent, that the bike room be made large enough to
8 accommodate 12 cargo bikes and 12 other bicycles, and that the balconies be
9 enlarged to provide the minimum amount of open space as called for by Albany
10 Code. Pilch

11 Seconded by Momin

12 AYES: MacLeod, Momin, Pilch

13 NAYES: Donaldson

14 RECUSED: None

15 ABSENT: Watty

16 **Motion passed, 3-1-0-1**
17

18 **Motion to approve Resolution 2022-01** recommending the City Council
19 approve that PA21-015 for 1600 Solano Avenue be found categorically exempt
20 from CEQA Guidelines. MacLeod

21 Seconded by Momin

22 AYES: MacLeod, Momin, Pilch

23 NAYES: Donaldson

24 RECUSED: None

25 ABSENT: Watty

26 **Motion passed, 3-1-0-1**
27

28 **7-2. PA22-005 Conditional Use Permit & Parking Waiver for Bright Start**
29 **Montessori Preschool at 1600 Solano Avenue**– The applicant is seeking
30 Conditional Use Permit and Parking Waiver approval for a new daycare center at
31 1600 Solano Avenue. The subject property is a 5,112 sq. ft. lot with an existing
32 1,543 sq. ft. two-story structure. The applicant is proposing to establish a new
33 daycare center by the name of Bright Start Montessori Preschool. A maximum of
34 24 children are anticipated to be on site with up to 3 employees working. The
35 business hours are proposed to be 6am to 6pm, Monday through Friday. Two (2)
36 off-street parking spaces are provided on site. A Parking Waiver is required to
37 waive two (2) off-street parking spaces for the daycare center use.
38

39 **Recommendation:** Staff recommends that the Planning & Zoning Commission
40 review and provide feedback to applicant and staff. Draft Conditions of Approval
41 are provided should the Commission decide to take action.
42



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1 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
2 15303 “New Construction or Conversion of Small Structures” of the CEQA
3 Guidelines.

4
5 Associate Planner Christopher Tan presented the staff report dated April 27, 2022.

6
7 PUBLIC HEARING OPENED

8
9 **Jeremiah Pinguelo** inquired regarding emergency response time.

10
11 PUBLIC HEARING CLOSED

12
13 The Commission approved by acclamation to continue the meeting until 10:30 PM.

14
15 When asked, **Samudra De Alwis**, applicant, indicated that there is sufficient square
16 footage inside and outside of the building to accommodate 24 students.

17
18 Commissioner MacLeod stated that the site plan from a previous application was
19 helpful.

20
21 Commissioner Momin requested a plan regarding staggering drop-offs and pick-ups.

22
23 Chair Pilch suggested that the applicant consider that bicycle parking could be for any
24 user of the facility.

25
26 Commissioner Donaldson noted that there is a bike rack in front of 1604 Solano
27 Avenue.

28
29 **Motion to approve** PA22-005 for 1600 Solano Avenue with an additional
30 condition that the bike rack be moved to the south of both pathways on the
31 Ordway Street side and in the northern area of the yard. Pilch

32 Seconded by Donaldson

33 AYES: Donaldson, MacLeod, Momin, Pilch

34 NAYES: None

35 RECUSED: None

36 ABSENT: Watty

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

38
39 **8. NEW BUSINESS**

40 None.

41
42 **9. NEXT MEETING – May 11, 2022**, City Hall Council Chambers, 1000 San Pablo
43 Avenue, or virtual meeting pursuant to state and county guidance.



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1 **10. ADJOURNMENT**

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

Submitted by: Christopher Tan, Associate Planner

Jeff Bond, Community Development Director