



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, MAY 11, 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, May 11, 2022.

2. ROLL CALL

Present: Donaldson, MacLeod, Pilch, Watty
Absent: Momin
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 April 27, 2022

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

Commissioner Donaldson corrected lines 4-9 on page 6 to omit the paragraph.

4-2. PA22-023 Design Review and Parking Exception for a Lower-Level Conversion at 813 Santa Fe Avenue – The applicant is seeking Design Review and Parking Exception approval for a lower-level conversion at 813 Santa Fe Avenue. The subject property is a 2,500 sq. ft. lot with a 2-bedroom, 2-bathroom, 960 sq. ft. home built in 1931. The project scope includes converting 260 sq. ft. of unfinished space behind the attached garage to accommodate a new full bathroom, laundry area and 1 additional bedroom for the home. All work is proposed within the existing footprint of the home. The existing architectural style of the home is proposed to remain. This will result in a 3-bedroom, 2-bathroom, 1,220 sq. ft. home with a maximum height of 20 feet. There is one off-street parking space in the attached garage. A Parking Exception is required to allow



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1 one additional off-street parking space in the front yard triggered by the project
2 scope.

3
4 **Recommendation:** Staff recommends that the Planning & Zoning Commission
5 review and approve the proposed project subject to the findings and Conditions
6 of Approval.

7
8 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
9 15303 “New Construction or Conversion of Small Structures” of the CEQA
10 Guidelines.

11
12 Associate Planner Christopher Tan advised that the lower-level bedroom 3 dimensions
13 are nine feet, one- and three-quarter inches by approximately ten feet. The minimum
14 dimensions required for a bedroom are seven feet by ten feet.

15
16 **Motion to approve** the consent calendar with the amendment to the April 27,
17 2022, meeting minutes. Donaldson

18 Seconded by Watty

19 AYES: Donaldson, MacLeod, Pilch, Watty

20 NAYES: None

21 RECUSED: None

22 ABSENT: Momin

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

24 25 **5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

26 27 **5-1. Anticipated Future Planning and Zoning Related Agenda Items**

28
29 Community Development Director Jeff Bond announced that a special meeting of the
30 City Council regarding the project at 1600 Solano Avenue is scheduled for June 1,
31 2022.

32 33 **6. PUBLIC COMMENTS**

34
35 **Jeremiah Pinguelo** inquired about what the Commission plans to do about vacant lots
36 in Albany, and whether the City has found a solution for the property infested with rats.

37
38 **Bryan Marten** asked whether all public comments have been posted to the agenda for
39 the May 11, 2022, meeting.

40
41 Associate Planner Christopher Tan advised that the comment, if received May 11, 2022,
42 will be posted by no later than end of day May 12, 2022.



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

3
4 **7-1. PA22-001 Design Review & Parking Exception for a Second Story Addition**
5 **at 1046 Pomona Avenue** – The applicant is seeking Design Review and
6 Parking Exception approval for a second story addition at 1046 Pomona Avenue.
7 The subject property is a 3,600 sq. ft. lot with a 3-bedroom, 2-bathroom, 1,410
8 sq. ft. house built in 1926. The project scope includes building a 789 sq. ft.
9 second story addition to accommodate 3 bedrooms, 2 bathrooms, and space for
10 laundry machines. A balcony is proposed on west side of the second story. The
11 exterior of the addition is proposed to be clad in a combination of fiber cement
12 siding and horizontal wood paneling with gable roof forms to match the existing
13 home. The existing Craftsman style of the home is proposed to remain. This will
14 result in a 4-bedroom, 3-bathroom, 1,979 sq. ft. home with a maximum height of
15 23 feet. One off-street parking space is provided in the existing garage. A
16 Parking Exception is required to locate one off-street parking space in the front
17 yard triggered by the project scope.

18
19 **Recommendation:** Staff recommends that the Planning & Zoning Commission
20 review and approve the proposed project subject to the attached findings and
21 Conditions of Approval.

22
23 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
24 15303 “New Construction or Conversion of Small Structures” of the CEQA
25 Guidelines.

26
27 Associate Planner Christopher Tan presented the staff report dated May 11, 2022.

28
29 **Phillip Moss**, project architect, advised that records indicated that there is no reserve.
30 Most of the addition has been moved off the property line. The pipe will be accessible
31 by offsetting the addition. The project proposed project is intended to accommodate the
32 extended family. Staff can meet with a landscape designer to develop a landscape plan.

33
34 When asked, **Mr. Moss** explained that the proposed setback is intended to allow for
35 operable windows facing the south, improve the south elevation appearance, and
36 provide room for equipment used during excavation of the pipe.

37
38 PUBLIC HEARING OPENED

39
40 **Jeremiah Pinguelo** inquired regarding the foundation supporting additional weight, and
41 whether the home is located on a fault line.

42
43 PUBLIC HEARING CLOSED
44



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1 **Mr. Moss** explained that a normal foundation would not support the proposed second-
2 story addition. As part of the project, the foundation will be altered to accommodate the
3 second floor, and seismic standards will be raised. The project will exceed current
4 codes due to the need to dig a deeper foundation along the south side to keep weight
5 off the existing storm drain.
6

7 The owners requested the changes to the configuration of the front entrance to allow for
8 the second story stairs. The side archway is being converted into an arched window.
9 The existing configuration of the main front window will remain.
10

11 Commissioner Watty appreciated the arrangement of preserving some of the original
12 architectural style while incorporating contemporary and extended family adaptations.
13 The staff report needs to be corrected to state that the Parking Exception will result in a
14 total of only one parking space. She supported the Condition of Approval requiring that
15 the windows not be vinyl, and suggested that they instead be fiberglass, wood, or
16 aluminum clad. The window detail on the plans needs to be updated to reflect the
17 Conditions of Approval. She supported the project, exceptional design, and parking
18 exception.
19

20 Commissioner MacLeod concurred with Commissioner Watty's comments. He
21 supported requiring a landscape plan. The design is attractive, but the bump-out over
22 the stairs in the front looks too small. Pulling back the upper floor to allow for windows
23 makes sense. He supported requiring fiberglass or aluminum clad windows.
24

25 Commissioner Donaldson expressed concern regarding the offsetting of the entire
26 second floor and did not find it aesthetically attractive. Extending the south wall
27 vertically would be a preferable option. The stairway protruding out and over the front is
28 acceptable but overly detailed. He liked the existing front of the house, style of the
29 existing front window with the diamond decoration above. Removal of the archway
30 around the front door is understandable. He supported the project, including the parking
31 exception and changing away from the vinyl windows.
32

33 Chair Pilch supported the project and comments regarding the Conditions of Approval.
34

35 **Motion to approve** PA22-001 for 1046 Pomona Avenue subject to the findings
36 and Conditions of Approval with the addition to include the allowance for
37 aluminum clad windows. Watty

38 Seconded by MacLeod

39 AYES: Donaldson, MacLeod, Pilch, Watty

40 NAYES: None

41 RECUSED: None

42 ABSENT: Momin

43 **Motion passed, 4-0-0-1**
44



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1
2 **7-2. PA22-02 Conditional Use Permit for East Bay Dog Service Play Yard at**
3 **Caltrans Buchanan Parcel FLA-04-ALA-080-07** – The applicant is seeking
4 Conditional Use Permit approval for a dog service play yard at a Caltrans parcel
5 north of Buchanan Street and east of I-80. The subject property is a freeway
6 lease area (FLA) owned by Caltrans that is an empty lot by the freeway and
7 located in the CMX Zoning District. The applicant is proposing to establish a dog
8 play yard to accommodate dog walking, training, and puppy socials. The
9 business is proposed to operate from 9am to 6 pm Monday through Friday. A
10 maximum of 4 employees and 15 people/dogs are proposed on-site at any given
11 time. There is no off-street proposed for the business. Dogs are proposed to be
12 picked up from their homes by the business operators. A Conditional Use Permit
13 is required for all new uses in the CMX Zoning District. No building construction
14 is proposed under this project scope. Fencing is proposed for containment of the
15 dogs on-site.

16
17 **Recommendation:** Staff recommends that the Planning & Zoning Commission
18 review and approve the proposed project subject to the attached findings and
19 Conditions of Approval.

20
21 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
22 15301 “Existing Facilities” and Section 15304 “Minor Alterations to Land” of the
23 CEQA Guidelines.

24
25 Associate Planner Christopher Tan presented the staff report dated May 11, 2022.

26
27 **Dominique Solis**, applicant, indicated that she is seeking approval for a maximum of
28 eight employees and thirty dogs on-site at any given time. Hopefully, there will be an
29 area within the scoped parameters of approximately fifty yards to be sectioned for dog
30 play, training, and potentially an agility course to be offered. The maximum number of
31 people proposed on-site should be increased.

32
33 Associate Planner Christopher Tan advised that staff has had communication with at
34 least two Caltrans staff members who verified consent to leasing the area contingent
35 upon City approval.

36
37 PUBLIC HEARING OPENED

38
39 **Bryan Marten** requested that the project be denied on the grounds that it does not
40 serve the greatest good for the land. He inquired regarding the cost in terms of the
41 conditions of the lease, whether the leased land extends to the loop of the paths or if
42 paths will be obstructed, application of pesticides and herbicides, and determination of
43 the no-parking requirements.

44



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1 **Jeremiah Pinguelo** inquired whether this was the first or second reading. The small
2 part of the triangle looks like it will be blocked. The proposed project should be
3 presented to the Parks, Recreation and Open Space Commission. He inquired about
4 water and electricity access, dog waste services, Americans with Disabilities Act (ADA)
5 accessibility, payment methods, and pricing. Street parking is public.
6

7 **Julie Frank** expressed concern about the project not being presented to the City
8 Council. The City should seek an agreement with Caltrans regarding the use of open
9 space if possible.

10 PUBLIC HEARING CLOSED
11

12
13 **Ms. Solis** advised that there would be no obstruction or encroachment upon the bike
14 path. As part of its commitment to environmental responsibility, the company uses
15 ChipDrop, a program that allows arborists who have trimmed trees in the community to
16 drop the chipped logs at a designated location. Pesticides and herbicides would be
17 irresponsible for dogs and people and would not be used. The business would have a
18 strong pack it in, pack it out protocol regarding dog waste. Offering some free events is
19 desired, but contingent on accessibility. Staff wants to bring safety, employment, and
20 friendly dogs to the community.
21

22 Community Development Director Jeff Bond advised that a review period can be placed
23 on the Conditional Use Permit. If the project is approved by the Commission,
24 termination of the Conditional Use Permit at the time of the termination of the
25 agreement with Caltrans may be necessary for the opportunity to review again. The
26 specified parcel has not been identified in any formal plans or programs.
27

28 Commissioner Watty expressed concern about the land being closed for a profit-making
29 business but noted that the land is currently dirt filled and unused. There may be an
30 opportunity compromise in respecting public concerns and concerns regarding the long-
31 term privatization. She expressed support for a continuance seeking a formal resolution
32 or opinion from the Parks, Recreation and Open Space Commission.
33

34 Commissioner Donaldson indicated a Conditional Use Permit on a unique piece of land
35 is appropriate. The Parks, Recreation and Open Spaces Commission sounded
36 discouraged from difficulties working with Caltrans and potentially financing. The
37 entrepreneurship that the applicant brought forward is impressive and creative. Bringing
38 activity to the area under the freeway would be good. He supported the business plan
39 and the primary option for free parking. The project would become successful as a
40 private alternative to the public activities at Point Isabel and Albany Bulb. He supported
41 placing a time limit on project, potentially in correspondence with the lease term.
42

43 Commissioner MacLeod agreed with Commissioner comments. Efforts to strike a
44 balance between the public and private interests would be a good idea. Development



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1 opportunities for public use are dependent upon Caltrans and its attitude toward
2 permanent structures or permanent uses. The proposed project would have minimal
3 impact on the lot, whereas a bike park would require more permanent and expensive
4 infrastructure. He supported including a time limit not exceeding five years.

5
6 Chair Pilch indicated that approving the project for a relatively short time would be fine,
7 but City Council should be made aware. The applicant appears to have a successful
8 business. He expressed concern about the lack of details and would prefer a more
9 complete application.

10
11 When asked, **Ms. Solis** clarified that there was an interest in extending the days of
12 operation to include weekend days. Additionally, she advised that details regarding how
13 the space will be modified were included under the Changes Made section of the
14 business plan.

15
16 **Motion to approve** PA22-02 for East Bay Dog Service Play Yard at Caltrans
17 Buchanan Parcel FLA-04-ALA-080-07 subject to the Conditions of Approval
18 with modifications for a maximum of eight employees, a maximum of thirty dogs,
19 a maximum of seven days a week operation, and a permit for a period of five
20 years. Donaldson

21 Seconded by Watty

22 AYES: Donaldson, MacLeod, Pilch, Watty

23 NAYES: None

24 RECUSED: None

25 ABSENT: Momin

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

27
28 Community Development Director Jeff Bond noted the appeal period.

29
30 **7-3. 2023-2031 City of Albany Housing Element Work Session** – The purpose of
31 this work session is to focus on an analysis of affirmatively furthering fair
32 housing.

33
34 **Recommendation:** No action required. For information and discussion only.

35
36 Community Development Director Jeff Bond presented the staff report dated May 11,
37 2022.

38
39 **Barry Miller**, Housing Element Consultant, reported Affirmatively Furthering Fair
40 Housing (AFFH) seeks to combat housing discrimination, eliminate racial bias, undo
41 historic patterns of segregation, and lift barriers that restrict access to foster inclusive
42 communities and achieve racial equity, fair housing choice, and opportunity for all
43 Californians. Albany was included as a designated high-risk or undesirable area for
44 home mortgages. Impacts of past housing policies on communities of color include



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1 higher rates of homelessness, poverty, disability, and unemployment; lower rates of
2 graduation, life expectancy, and home ownership; and lack of access to generational
3 wealth and retirement income. Senate Bill (SB) 686 identified the Housing Element as a
4 vehicle to address the specified issues. All public agencies are required to administer
5 programs and activities relating to housing and community development in a manner to
6 AFFH and take no action that is materially inconsistent with the obligation. Four
7 components of AFFH include Outreach, Assessment of Fair Housing, Site Analysis, and
8 Priorities, Goals, and Actions. Albany is identified as a high-resource area. The
9 northeast part of the City has the highest rate of renter overpayment. AFFH principles
10 require that Albany create housing opportunities on Solano Avenue, Albany Hill, and
11 along San Pablo Avenue.

12 PUBLIC HEARING OPENED

13
14
15 **Margie Marks**, speaking on behalf of Albany Thrives Together and Albany Uprising,
16 appreciated that the redlining map of 1937 was included in the report. 53% of Albany
17 renters want real rent control and prevention from evictions. The City needs to put
18 protections in place like Berkeley to protect renters who have Section 8 or other rent
19 supplement vouchers. Over one thousand Albany residents are eligible for Section 8,
20 but the City has less than twenty. The City should consider imposing a vacancy tax to
21 fund housing. She suggested translations in Mandarin and Cantonese. A Land Trust
22 would help keep the property affordable.

23
24 **Jeremiah Pinguelo**, Social and Economic Justice Commissioner, looked forward to a
25 presentation.

26
27 **Bryan Marten**, resident, appreciated the document. The City needs more affordable
28 housing and has more work to do to ensure that there is equity and fairness. Most new
29 housing targets seem to be focused on San Pablo Avenue. Albany needs to ensure that
30 fourplexes are allowed by right citywide. Housing on Solano Avenue should be
31 prioritized.

32
33 **Clay Larson** believed that a comparative evaluation of daylight plane requirements in El
34 Cerrito and Berkeley should be conducted to evaluate their impacts.

35 PUBLIC HEARING CLOSED

36
37
38 Chair Pilch indicated the need for robust outreach and engaging with all organizations
39 and non-profit organizations within the City. Single family zoning should be
40 reconsidered. He suggested exploring just cause eviction rules, vacancy tax, and rules
41 requiring landlords to take Section 8.
42



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1 Commissioner Donaldson expressed interest in learning more about the pros and cons
2 of potential options brought forward by Margie Marks. He supported Section 8 but
3 indicated that the funding is limited, and the waiting list is long.
4

5 Commissioner Watty agreed that the fair housing issue is complex and interwoven. The
6 opportunity for multifamily housing throughout every census track is important. The
7 greater the diversity of zoning controls that allow for the greatest amount of housing
8 diversity lets individuals put in duplexes, fourplexes, or higher density housing. She
9 suggested having conversations around whether any actions are resulting in evictions.
10

11 Commissioner MacLeod indicated that the issue extends beyond land use, and
12 contributing factors include tax policy, tax credits, financing, vouchers, and federal
13 subsidies. There could be a more systematic approach to building affordable housing.
14 He agreed that a more diverse set of housing types allows for a more diverse set of
15 residents and expressed support for additional units and units of varying types. He
16 supported upzoning along Solano Avenue and along Brighton Avenue. Additionally,
17 upzoning R1 across the City to R2 would be worthwhile. Regarding its requirements and
18 limitations, R3 is not very different from R2. He supported comments about renter
19 protections and eviction protections, but that should be the responsibility of the City
20 Council. He opposed pulling back along San Pablo and the San Pablo Specific Plan and
21 would rather upgrade the rest of the City. Measure K should be placed on the ballot.
22

23 Commissioner Donaldson agreed with concerns about the 15% inclusionary
24 requirement for affordability. He suggested that zoning tools be explored that allow the
25 Commission to propose new developments in a way that helps the affordability overall.
26

27 Chair Pilch agreed that the City needs to build as much affordable housing as possible,
28 but tools are limited due to lack of funding and because federal housing was abandoned
29 by the federal government. Anti-displacement measures, tenant protections, and ending
30 single family zoning should be considered.
31

32 **8. NEW BUSINESS**

33 None.
34

35 **9. NEXT MEETING – May 25, 2022**, City Hall Council Chambers, 1000 San Pablo 36 Avenue, or virtual meeting pursuant to state and county guidance. 37

38 **10. ADJOURNMENT**

39 The meeting was adjourned at 9:53 p.m.
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41
42
43



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Submitted by: Christopher Tan, Associate Planner

Jeff Bond, Community Development Director