



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

REGULAR VIRTUAL MEETING AGENDA

WEDNESDAY September 14, 2022

7:00 PM Regular meeting

COVID-19 NOTICE – PUBLIC MEETING GUIDELINES

Consistent with California Assembly Bill 361, given the proclaimed state of emergency and the Alameda County Health Care Services Agency Director's recommendation for continued social distancing for public meetings, which is also consistent with CalOSHA requirements for social distancing for public meetings, Advisory Body members will be participating in public meetings via phone/video conferencing. The public is invited to participate via the methods below:

How to watch or listen to the meeting:

1. Meetings are streamed live and recorded for viewing on City website www.albanyca.org/meetings or on YouTube www.YouTube.com/AlbanyKALB
2. To observe the meeting by video conference, please go to <https://zoom.us/j/99056542995>
3. To listen to the meeting by phone, please call 1 (669) 900-9128, enter **Webinar ID 990 5654 2995**, follow by #. When asked for a participant ID, press # again. <https://support.zoom.us/hc/en-us/articles/201362193>

How to submit Public Comment:

1. Members of the public may submit comments in writing by emailing the Planning & Zoning Commission at pzc@albanyca.org with the agenda item clearly identified in the subject line of the email. Comments may also be submitted by mail to City of Albany – Planning Department Staff, 1000 San Pablo Avenue, Albany, CA 94706. All written comments received by 12 PM on the day of the meeting will be posted on the City website in advance of the meeting.
 2. To comment by video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the Agenda item. You will be asked to unmute yourself when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted.
 3. To comment by phone, you will “Raise Your Hand” by pressing *9 to request to speak when public comment is being taken on the Agenda item. You will be asked to unmute yourself by pressing *6 when it is your turn to make your comment for up to 3 minutes. You will be re-muted after the allotted time.
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1. CALL TO ORDER

2. ROLL CALL

The following Land Acknowledgement Statement shall be read at the beginning of each City Council meeting and Advisory Body meeting per Albany City Council Minute Action, November 15, 2021.

“The City of Albany recognizes that we occupy the land originally protected by the Confederated Villages of Lisjan. We acknowledge the genocide that took place on these lands and must make strides to repay the moral debt that is owed to this indigenous people, specifically the Ohlone Tribe. We thank them for their contributions which have transformed our community, and will continue to bring forth growth and unity. The City of Albany commits to sustaining ongoing relationships with the Tribe and together build a better future for all that now make this their home.”

3. EX-PARTE COMMUNICATIONS

Ex-parte communications include verbal and written communications between individual Commissioners and a party with a real interest in a pending Commission decision. Ex-parte communications should be avoided on matters pending before the Planning & Zoning Commission as they may represent or be perceived to represent evidence that may unfairly influence a Commissioner’s decision on a matter before the full Commission. If such contact does occur, the substance of the communication shall be disclosed before the full Commission and public in advance of public hearing items on the agenda. Written ex-parte communications shall be forwarded to staff so that it may be disclosed to the full Commission and public.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a member of the Commission or a member of the audience requests removal of the items from the Consent Calendar.

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

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

4-2. Planning & Zoning Commission Meeting Minutes July 19, 2022

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

4-3. PA22-045 Major Conditional Use Permit for a New Tattoo Studio at 1112 Solano Avenue - The applicant is seeking a Major Conditional Use Permit for a new tattoo studio



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at 1112 Solano Avenue. The subject property is a 4,100 sq. ft. lot with a 3,700 sq. ft. commercial building containing 5 tenant spaces. The applicant is proposing to establish a new tattoo studio in a former hair salon which measures approximately 800 sq. ft. in area. The business is proposed to operate under the name “Best Day Ever”. The proposed hours of operation are 11am – 9pm, daily. A maximum of 4 employees and 6 patrons are proposed on site during business hours. A Major Conditional Use Permit is required for all tattoo parlor uses in the Solano Commercial Zoning District. There are no off-street parking spaces for the subject property. No additional off-street parking is required for the tattoo parlor use.

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

CEQA: The project is Categorical exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines.

5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

5-1 Status Report on City Council Approval of Submittal of Working Draft Housing Element to the California Department of Housing and Community Development.

6. PUBLIC COMMENT

For persons desiring to address the Commission on an item that is not on the agenda please note that each speaker is limited up to three (3) minutes. The Brown Act limits the Commission ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

7-1. **PA22-032 Minor Conditional Use Permit for Three Food Trucks at 545 San Pablo Avenue** – The applicant is seeking approval for a Minor Conditional Use Permit for three food trucks to operate at 545 San Pablo Avenue. The subject property is an 8,750 sq. ft. lot with an existing 1,134 sq. ft. restaurant building on site (previously Caspers). The applicant is proposing to operate three food trucks at the rear of the existing parking lot on the property. No alcohol sales are proposed under this project scope. The existing restaurant building is proposed to remain. The applicant is proposing outdoor seating and minor landscaping improvements to complement the food trucks and outdoor dining areas. A total of six (6) off-street parking spaces are proposed. The business is proposed to operate from 8 am to 11pm daily. A total of five (5) employees are anticipated on-site at any given time. A Minor Conditional Use Permit is required for the food truck and outdoor dining.

Recommendation: Staff recommends that the Planning & Zoning Commission approve the minor conditional use permit, subject to the findings and conditions of approval.



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CEQA: The project is Categoricaly exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines.

- 7-2. PA22-037 Design Review for a New Single-Family Home at 829 Santa Fe Avenue -**
The applicant is seeking Design Review approval for a new single-family home at 829 Santa Fe Avenue. The subject property is a 5,000 sq. ft. lot with a 3 bedroom, 2 bathroom, 1,687 sq. ft. house built in 1931. The project scope includes demolishing the existing home and building a new 5 bedroom, 3.5 bathroom, 2,736 sq. ft. home with a maximum height of 26 feet. The architectural style of the home is proposed to be Modern Mediterranean in appearance. The exterior of the home is proposed to be clad in painted stucco with gable/hipped roof forms with asphalt shingles. Balconies are proposed on the front and rear of the home on the second story. The applicant is proposing two off-street parking spaces in an attached single-car garage and one open parking space on the side of the home.

Recommendation: Staff recommends that the Planning & Zoning Commission review the proposed project and provide feedback to the applicant and staff. Draft findings and Conditions of Approval are provided should the Commission decide to take action.

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

8. NEW BUSINESS

- 8-1. 2022 Green Building Code Update –** Local ordinances must be updated along with the new state building codes every three years. Albany’s current green building codes must be updated by January 1, when the 2022 California Building Code goes into effect. As part of this update, staff recommends several changes, including an all-electric requirement.

Recommendation: Recommend that the Council adopt a Resolution amending the City of Albany green building requirements..

- 8-2. Report on Temporary Use Permit for FoodieLand Night Market at Golden Gate Fields (1100 Eastshore Hwy) –** At the most recent Foodieland event in August 2022, the City was required to mitigate excessive trash impacts from the site into adjacent public open space. In addition, the City received reports that the provision of bike parking was inadequate and vehicle congestion was excessive. The purpose of this agenda item is to provide an opportunity for the Commission and members of the public to discuss the impacts of the event.

Recommendation: For information and discussion only. This agenda item has not been noticed as a public hearing, and thus no action can be taken by the Commission.

- 8-3 Resolution of Appreciation for Commissioner Doug Donaldson**

Recommendation: Staff recommends that the Planning & Zoning Commission approve the Resolution of Appreciation.



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9. **NEXT MEETING: September 28, 2022**

10. **ADJOURNMENT**

NOTICE

As a general policy, the Commission/Committee/Board will not begin discussion or consideration of an agenda item after 9:30 pm.

Agendas are posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: www.albanyca.org. Supporting documents and any public comments received will be made available for public inspection **online** or via email request. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk at 510-528-5710 or cityclerk@albanyca.org

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: cityclerk@albanyca.org or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.