



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, JULY 13, 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, July 13, 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

Commissioner Watty disclosed communications with the applicant occurred prior to the application filing and had no relation to the project at 1146 Evelyn Avenue.

Commissioner Donaldson disclosed that a casual discussion with the applicant during a site visit was unrelated to the project at 1146 Evelyn Avenue.

4. CONSENT CALENDAR

4-1. Planning & Zoning Commission Meeting Minutes June 22, 2022

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

4-2. PA22-039 Tentative Parcel Map to Merge 9 Contiguous Parcels into 1 Parcel for 540 San Pablo Avenue – The applicant is seeking approval for a tentative parcel map to merge 9 contiguous parcels into 1 2.18-acre parcel at 540 San Pablo Avenue. The 9 subject parcels are located between San Pablo Avenue and Adams Street & between Clay Street and up to the Sutter Health Albany Medical Office Building. The proposed parcel merger is required to accommodate a previously approved mixed-use residential development (PA21-002) that includes the construction of three new buildings in the subject area. The scope of this application and public hearing is limited to the merger of the 9 parcels only.



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1 No changes to the project design are under consideration as part of this
2 application.

3
4 **Recommendation:** Staff recommends that the Planning & Zoning Commission
5 approve the tentative parcel map, subject to the findings and conditions of
6 approval.

7
8 **CEQA:** On October 18, 2021, the City Council approved Resolution No. 2021-
9 106, determining the project is categorically exempt from the California
10 Environmental Quality Act Guidelines.

11
12 Community Development Director Jeff Bond requested the item be continued to a date
13 uncertain to allow staff to clarify details pertaining to the storm drain.

14
15 **Motion to approve** the minutes for the meeting of June 22, 2022, as presented,
16 and to continue PA22-039 for 540 San Pablo Avenue to a date uncertain.

17 Donaldson

18 Seconded by Watty

19 AYES: Donaldson, MacLeod, Pilch, Watty

20 NAYES: None

21 ABSTAIN: None

22 ABSENT: Momin

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

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

26
27 Community Development Director Jeff Bond announced the City Council will be
28 considering the San Pablo Specific Plan on July 18, 2022. There will be a special
29 meeting of the Planning and Zoning Commission on July 19, 2022, regarding an update
30 to the Housing Element. Council review of the draft Housing Element is scheduled for
31 July 26, 2022.

32 33 **6. PUBLIC COMMENTS**

34
35 **Jeremiah Pinguelo** questioned the roll call style of Chair Pilch and suggested that
36 Commissioners speak on their own behalf. He inquired whether the proposed parcel
37 merger would affect property taxes, and if a bat survey would be required for new
38 buildings constructed along San Pablo Avenue.

39 40 **7. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE** 41 **FOLLOWING ITEMS:** 42



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1 **7-1. Solano Avenue Outdoor Dining Parklet Program Guidelines** – Staff will
2 present draft parklet program guidelines, including requirements for the location,
3 size, design, and maintenance of the in-street parklet installations.
4

5 **Recommendation:** That the Commission recommend that the City Council
6 approve the draft parklet program guidelines.
7

8 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
9 15301 “Existing Facilities” of the CEQA Guidelines.
10

11 Michelle Plouse, Community Development Analyst, presented the staff report dated July
12 13, 2022.
13

14 PUBLIC HEARING OPENED
15

16 **Jeremiah Pinguelo** noted the parklet at Boss Burger is not Americans with Disabilities
17 Act (ADA) accessible and inquired about the inspection process. Signage alerting
18 approaching vehicles to the parklets would enhance safety. The one-foot space on the
19 driver’s side is a concern. Plants are obstructing the view of motorists in some areas
20 and should be maintained.
21

22 PUBLIC HEARING CLOSED
23

24 Commissioner Donaldson believed the parklets enhance the streetscape by adding a
25 sense of liveliness and ambiance. The City must determine what is best for the entire
26 business district. Bulb-outs located west of Masonic Avenue are an important resource
27 for seating and should be integrated into the guidelines. The mid-block cutout in the
28 parking lot near Little Star Pizza is being used as a miniature parklet, which may be in
29 violation of the use permit. Parklet size should be limited to two angle parking spaces
30 for private businesses. He supported the proposed setbacks of two feet on the car door
31 side and one foot on the regular side. He supported staff level design review on smaller
32 parklets and Planning and Zoning Commission design review on parklets adjacent to
33 bulb-outs or on a street already congested with parklets. Zaytoon’s parklet has a metal
34 roof and wooden joists, which may be a violation. Annual cleaning or refurbishing
35 should be required. He supported reduced fees for public parklets. The permit should be
36 terminated if the parklet is not used for a specified period of time, but two weeks is not
37 sufficient. There should always be five feet of clear space for pedestrians on the
38 sidewalk. Various benefits and disadvantages must be weighed for neighboring
39 businesses.
40

41 Commissioner Watty supported the Parklet Program and felt it created a sense of
42 placemaking that had not previously existed. A threshold should be established across
43 the board for requiring Commission approval. Providing a sense of permanence could



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1 be achieved by considering alternatives to orange safety cones and related features.
2 She encouraged incorporating more landscaping.

3
4 Commissioner MacLeod appreciated the parklets and believed that they enhanced the
5 urban experience. Some creativity should be allowed. Planter boxes are acceptable, but
6 a requirement is not necessary. K-rail barriers are not attractive and should be
7 discouraged. He suggested that the window of time for permit removal regarding non-
8 use of the restaurants be extended to four weeks.

9
10 Chair Pilch suggested the Commission exercise caution with the expenditure of City
11 resources on micromanaging. Parklets should be made available to the public during
12 the times when it is not in use. K-rail barriers can be painted to remove the industrial
13 appearance.

14
15 **Motion to approve** Solano Avenue Outdoor Dining Parklet Program Guidelines
16 with staff consideration of Commission comments and presenting to the City
17 Council. MacLeod

18 Seconded by Watty

19 AYES: MacLeod, Pilch, Watty

20 NAYES: Donaldson

21 RECUSED: None

22 ABSENT: Momin

23 **Motion passed, 3-1-0-1**

24
25 **7-2. PA22-037 Design Review for a New Single-Family Home at 829 Santa Fe**
26 **Avenue** – The applicant is seeking Design Review approval for a new single-
27 family home at 829 Santa Fe Avenue. The subject property is a 5,000 sq. ft. lot
28 with a 3-bedroom, 2-bathroom, 1,687 sq. ft. house built in 1931. The project
29 scope includes demolishing the existing home and building a new 4-bedroom,
30 3.5-bathroom, 2,736 sq. ft. home with a maximum height of 26 feet. The
31 architectural style of the home is proposed to be Modern Mediterranean in
32 appearance. The exterior of the home is proposed to be clad in painted stucco
33 with gable/hipped roof forms with asphalt shingles. Balconies are proposed on
34 the front and rear of the home on the second story. The applicant is proposing
35 two off-street parking spaces in an attached single-car garage and one open
36 parking space on the side of the home.

37
38 **Recommendation:** Staff recommends that the Planning & Zoning Commission
39 review and approve the proposed project subject to the findings and Conditions
40 of Approval.

41
42 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
43 15303 “New Construction or Conversion of Small Structures” of the CEQA
44 Guidelines.



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1
2 Associate Planner Christopher Tan presented the staff report dated July 13, 2022.

3
4 **Rebecca Amato**, project architect, explained that the current home is approximately
5 seven steps up from the sidewalk. The applicant intends to create a multi-generational
6 home environment with a lower level that is wheelchair accessible. The original home
7 was designed in a Mediterranean style, and a modern Mediterranean aesthetic was
8 incorporated. The concrete slab will be covered with tile to facilitate the flow of indoor
9 and outdoor living in California.

10
11 PUBLIC HEARING OPENED

12
13 **Jeremiah Pinguelo** supported the project and anticipated a second reading. He
14 inquired about the accessory dwelling unit (ADU) had its own meter, whether the project
15 was a complete demolition, and the requirements regarding open space. Setbacks of
16 three feet are a concern.

17
18 PUBLIC HEARING CLOSED

19
20 Commissioner Watty indicated that individuals have the right to modify their living
21 spaces; however, the loss of MacGregor homes and the architectural quality of the
22 proposal are concerns. Massing and scale of the home appear out of context with the
23 neighbors. Variation in wall plane depths and projections is a principal in the Design
24 Guidelines for exceptional design approvals. The roof form adds extra height and bulk
25 to the building, and adjustments within the horizontal plane may be necessary to break
26 up the horizontal width. There is a faux-Mediterranean feel to the architectural style. The
27 window section does not appear to indicate true divided lights. She expressed concern
28 regarding the shifting location of the driveway and suggested providing one off-street
29 parking space or accommodating parking needs in an enclosed space. A level of
30 landscaping in the backyard is needed. At least the first fifteen or twenty feet of the
31 building should retain some of its existing architectural character. She expressed
32 support for accommodating multi-generational living and encouraged the applicant to
33 return with alternatives to the proposed universal design.

34
35 Commissioner Donaldson felt the design appeared massive. The floor area ratio (FAR)
36 is 0.7 when the ADU is included. There is a sense of elegance and class about the
37 design. The lack of landscaping in the front and back yards is a concern. A building with
38 less presence on the street front would be preferable. He would support one off-street
39 parking space and adding one on-street parking space with a narrower curb cut if the
40 amount of landscaping on the front yard could then be increased.

41
42 Commissioner MacLeod would support the demolition of the old house. Previously
43 existing elements do not have to be replicated moving forward. There is a generic feel
44 to the new design. The wood garage door and railings are helpful, but the front



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1 presence is very wide. More modulation in the front would be helpful. The curb cut could
2 be narrowed slightly and still provide access to the spaces for the vehicles.

3
4 Chair Pilch appreciated Commissioner Watty's comments regarding the design. He
5 supported referring the project back to the applicant for potential redesign and
6 continuation. Landscaping is needed in the back yard. The living room television is
7 mounted on the shared wall of the ADU bedroom, which may be problematic.

8
9 Commissioner Donaldson recommended a less massive front of the building, more side
10 setbacks, increased articulation in the front, and potentially a smaller size in the new
11 dwelling unit.

12
13 Commissioner MacLeod felt the ADU front window could be larger. The fascia board
14 appears too big. He suggested additional articulation in the front, changing the front
15 porch, and a more thoroughly developed landscape plan. The sides of the building look
16 generic. More planting on the right edge of the driveway would be helpful. The curb cut
17 should be narrowed.

18
19 Chair Pilch suggested that it may be worth considering whether the existing structure
20 could be reused and the areas where a second floor could be added.

21
22 Commissioner Watty clarified she was not insinuating a MacGregor should be rebuilt in
23 the new construction. There are two distinct options of working with what exists and
24 remodel an existing architectural style or build something contemporary in its time. She
25 noted that a principle of the California Environmental Quality Act (CEQA) discusses
26 historic resources, which includes not only those that are locally listed, but also eligible
27 to be listed.

28
29 **Motion to continue** PA22-037 for 829 Santa Fe Avenue subject to the findings
30 and Conditions of Approval. Watty

31 Seconded by Donaldson

32 AYES: Donaldson, MacLeod, Pilch, Watty

33 NAYES: None

34 RECUSED: None

35 ABSENT: Momin

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

37
38 **7-3. PA22-038 Design Review and Parking Exception for Single-Story Rear**
39 **Addition at 1146 Evelyn Avenue** – The applicant is seeking Design Review
40 and Parking Exception approval for a single-story rear addition at 1146 Evelyn
41 Avenue. The subject property is a 6,357 sq. ft. lot, located with a 2-bedroom, 1
42 bathroom, 896 sq. ft. house built in 1950. The subject property is in the R-1
43 Zoning District with the Watercourse Overlay. The project scope includes
44 converting the existing garage/basement level into habitable space, relocating



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1 the main entrance to street level, and building a 105 sq. ft. single story addition
2 at the rear of the home. Substantial interior reprogramming is proposed to locate
3 all bedrooms to the upper floor with all public spaces on the main level. The
4 existing architecture of the home is proposed to change to Transitional Modern
5 in appearance. This will result in a 3-bedroom, 2-bathroom, 2,712 sq. ft. home
6 with a maximum height of 22'-10". A Parking Exception is required to allow one
7 off-street parking space in the front yard.

8
9 **Recommendation:** Staff recommends that the Planning & Zoning Commission
10 review and approve the proposed project subject to the findings and Conditions
11 of Approval.

12
13 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
14 15303 "New Construction or Conversion of Small Structures" of the CEQA
15 Guidelines.

16
17 Associate Planner Christopher Tan presented the staff report dated July 13, 2022.

18
19 **Mauricio Melchor**, project architect, advised that efforts are being made to maintain
20 many of the existing features. The structure and some interior configurations of the
21 second floor will be maintained. The lower level of the home is currently unconditioned,
22 and floors will require raising. An electric vehicle charging station could be installed in
23 the northern curb cut.

24
25 PUBLIC HEARING OPENED

26
27 **Lisa Wenzel** inquired whether the ADU contained one bedroom and one bathroom.

28
29 **Louise Snitz** expressed concerns relating to the southern driveway, wood deck, and
30 privacy. She inquired about the duration of the project.

31
32 PUBLIC HEARING CLOSED

33
34 Associate Planner Christopher Tan clarified that the ADU is proposed to contain two
35 bedrooms and two bathrooms.

36
37 Commissioner Donaldson remarked that the most significant advantage of the project is
38 how it deals with the Watercourse District, Federal Emergency Management Agency
39 (FEMA) map, and floodplain. He appreciated that the building was outside the twenty-
40 foot setback and raised three feet. Having the entrance on the ground floor is helpful.
41 The balcony and porch on the front are good. Parking should remain as is with the two
42 driveway curb cuts. He expressed support for the project.

43



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1 Commissioner Watty indicated the existing deck is within the setback and acceptable.
2 She appreciated that the new construction attached to the building being within all of the
3 setbacks and of a high-quality architecture. ADU size is determined by the state. There
4 is not a net negative in terms of on-street parking spaces for the public as a result of the
5 project. She expressed support for the project.
6

7 Commissioner MacLeod appreciated the project and the effort to pull the building back
8 twenty feet. The two curb cuts are not much of a concern. He liked the south facing
9 façade. Hopefully, the applicant can address some concerns of privacy with the
10 southern neighbor by planting trees or shrubs between the two properties.
11

12
13 **Motion to continue** the meeting to 10:15 p.m. Donaldson

14 Seconded by MacLeod

15 AYES: Donaldson, MacLeod, Pilch, Watty

16 NAYES: None

17 RECUSED: None

18 ABSENT: Momin

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

21 Chair Pilch believed that the northern pad could be used for vehicles. Landscaping
22 would be more appealing than hardscape, but there is an existing condition for a curb
23 cut. Loss of on-street parking spaces is not a concern. Permits for the deck should be
24 carefully reviewed to ensure that there are no legal irregularities. He suggested that the
25 Commission consider a condition to bring parking completely into Albany.
26

27 Community Development Director Jeff Bond advised that regarding the deck, permits
28 were pulled. The property owner began repairs and staff consulted with FEMA to ensure
29 the work followed compliance regulations. Ultimately, a building permit was obtained for
30 the replacement.
31

32 **Motion to approve** PA22-038 at 1146 Evelyn Avenue with the condition that the
33 southern driveway be entirely within the City of Albany. Pilch
34

35 **Counter Motion to approve** PA22-038 at 1146 Evelyn Avenue as proposed with
36 the staff recommendation. Watty

37 Seconded by Donaldson

38 AYES: Donaldson, MacLeod, Pilch, Watty

39 NAYES: None

40 RECUSED: None

41 ABSENT: Momin

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



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1 **8. NEW BUSINESS**

2
3 None.

4
5 **9. NEXT MEETING (SPECIAL MEETING) – July 19, 2022, 7:00 p.m.** City Hall Council
6 Chambers, 1000 San Pablo Avenue, or virtual meeting pursuant to state and county
7 guidance.

8
9 **10. ADJOURNMENT**

10
11 The meeting was adjourned at 10:02 p.m.

12
13
14
15 _____
16 Submitted by: Christopher Tan, Associate Planner

17
18
19 _____
Jeff Bond, Community Development Director