



PLANNING & ZONING COMMISSION

Virtual Meeting
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, SEPTEMBER 14, 2022

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Commissioner MacLeod called the regular meeting of the Planning and Zoning Commission to order at 7:00 p.m. on Wednesday, September 14, 2022.

2. ROLL CALL

Present: MacLeod, Momin, Watty
Absent: Pilch (arrived during Item 8-2)
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 July 13, 2022

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

Commissioner MacLeod requested that “opposed limiting the capacity of any street” located on page 4, line 5 be omitted.

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

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

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



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1 Community Development Director Jeff Bond requested the item be continued to a date
2 uncertain to allow staff to clarify details pertaining to the storm drain.
3

4 **4-3. PA22-045 Major Conditional Use Permit for a New Tattoo Studio at 1112**
5 **Solano Avenue** – The applicant is seeking a Major Conditional Use Permit for a
6 new tattoo studio at 1112 Solano Avenue. The subject property is a 4,100 sq. ft.
7 lot with a 3,700 sq. ft. commercial building containing 5 tenant spaces. The
8 applicant is proposing to establish a new tattoo studio in a former hair salon
9 which measures approximately 800 sq. ft. in area. The business is proposed to
10 operate under the name “Best Day Ever”. The proposed hours of operation are
11 11am – 9pm, daily. A maximum of 4 employees and 6 patrons are proposed on
12 site during business hours. A Major Conditional Use Permit is required for all
13 tattoo parlor uses in the Solano Commercial Zoning District. There are no off-
14 street parking spaces for the subject property. No additional off-street parking is
15 required for the tattoo parlor use.
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” of the CEQA Guidelines.
23

24 **Motion to approve** the consent calendar with the amendment to the July 13,
25 2022, meeting. Watty

26 Seconded by Momin

27 AYES: MacLeod, Momin (Items 4-2 and 4-3), Watty

28 NAYES: None

29 ABSTAIN: Momin (Item 4-1)

30 ABSENT: Pilch

31 **Motion passed, 3-0-1-1**
32

33 5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

34
35 **5-1. Status Report on City Council Approval of Submittal of Working Draft**
36 **Housing Element to the California Department of Housing and Community**
37 **Development**
38

39 Community Development Director Jeff Bond announced the City Council held two
40 discussions and directed staff to amend the document, particularly the section in
41 chapter 6 related to tenant protections. A revised draft has been submitted to the
42 California Department of Housing and Community Development. Among 109
43 jurisdictions in the Bay Area, the City of Albany (City) was the 52nd to submit the
44 Working Draft. Staff and consultants will continue to work on the document as well as



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1 conduct both formal and informal outreach and engagement during the ninety-day
2 period. On September 19, 2022, there will be a vote by Council to ratify Sandy Reek's
3 appointment to the Commission. Hybrid meetings are anticipated to begin in October.
4

5 **6. PUBLIC COMMENTS**

6
7 **Jeremiah Pinguelo** inquired regarding the possibility of painting the unstriped streets
8 along Masonic Avenue.

9
10 **Don Hokett** suggested including area standard labor wages to the City's
11 prequalification language to demonstrate the importance of both the City and the
12 community.
13

14 **David Wemmer** indicated that the Planning and Zoning Commission is not responsible
15 for street striping, and that it would be more appropriate to consult with Public Works or
16 the traffic engineer.
17

18 Commissioner MacLeod recommended that feedback on street striping be directed to
19 the Transportation Commission.
20

21 **7. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE** 22 **FOLLOWING ITEMS:**

23
24 **7-1. PA22-032 Minor Conditional Use Permit for Three Food Trucks at 545 San**
25 **Pablo Avenue** – The applicant is seeking approval for a Minor Conditional Use
26 Permit for three food trucks to operate at 545 San Pablo Avenue. The subject
27 property is an 8,750 sq. ft. lot with an existing 1,134 sq. ft. restaurant building on
28 site (previously Caspers). The applicant is proposing to operate three food trucks
29 at the rear of the existing parking lot on the property. No alcohol sales are
30 proposed under this project scope. The existing restaurant building is proposed
31 to remain. The applicant is proposing outdoor seating and minor landscaping
32 improvements to complement the food trucks and outdoor dining areas. A total
33 of six (6) off-street parking spaces are proposed. The business is proposed to
34 operate from 8 am to 11pm daily. A total of five (5) employees are anticipated
35 on-site at any given time. A Minor Conditional Use Permit is required for the food
36 truck and outdoor dining.
37

38 **Recommendation:** Staff recommends that the Planning & Zoning Commission
39 approve the minor conditional use permit, subject to the findings and conditions
40 of approval.
41

42 **CEQA:** The project is Categorical exempt from CEQA pursuant to Section
43 15301 "Existing Facilities" of the CEQA Guidelines.
44



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1 Associate Planner Christopher Tan presented the staff report dated September 14,
2 2022.

3
4 **Julius Liu**, project applicant, disclosed a new proposal that includes the use of food
5 trucks to enhance flexibility and efficiency. When asked, Mr. Liu indicated that patrons
6 have access to two portable restrooms, but persons with disabilities may not be
7 adequately accommodated. All equipment remains within the existing building, but it
8 cannot be used until it has been authorized by the health department.

9 PUBLIC HEARING OPENED

10
11
12 **Jeremiah Pinguelo** supported the project. He suggested the existing building be used
13 for indoor dining during the winter to provide shelter from the rain. Food trucks must be
14 cleaned and sanitized on a daily basis.

15
16 **Patti Kjonaas** inquired about the use of City power or generators by food trucks, the
17 cleaning schedules, and the provision of sufficient parking for both the public and
18 DoorDash drivers.

19
20 **Veronica Davidson** expressed concerns about trash, generators, generators used for
21 food trucks impacting neighboring businesses, business oversight, and parking. She
22 suggested that other creative solutions be considered for the property.

23
24 **Ruth Gjerde** opposed the project. Noise from generators, garbage collected in bins,
25 and pest infestations would cause noxious and offensive disturbances.

26
27 **Francine Rahn** expressed concern that the project would result in noisy generators and
28 toxic fumes blowing toward her residence.

29
30 **Ken McCroskey** suggested requiring direct power line connections in order to eliminate
31 generator noise and emissions. A cinder block fence could be used to secure the area
32 from sound. ADA parking is located farthest from the food trucks. Speakers should be
33 located away from residences and the volume of music should be limited.

34
35 **Elizabeth Berg** concurred with Ms. Gjerde's concerns. Noise and garbage will be
36 generated outside of the building. Residents in the vicinity will be adversely affected by
37 the proposal to have food trucks on site from 8 a.m. to 11 p.m.

38
39 **Gary Kritikos** appreciated the concept of an outdoor food court, but management
40 should consider and ameliorate all concerns.

41
42 **Scott Davidson** expressed concerns about generators and proper restroom facilities on
43 the property.

44



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1 PUBLIC HEARING CLOSED

2
3 Commissioner Watty expressed concern regarding the lack of incorporation of the
4 building. Additional buffers or landscaping at the rear property line could alleviate noise
5 and activity. Proper restroom facilities are available in the building and should be
6 utilized. A strong business model is essential for the successful operation of an outdoor
7 business.

8
9 Commissioner Momin advised that mitigation measures and strong design
10 improvements are needed. Concerns of noise generated by outdoor seating and food
11 truck generators are valid. Fumes caused by generators are a health hazard. He
12 encouraged the owner to reconsider the layout to mitigate some concerns. Food trucks
13 and outdoor seating should be relocated to the area behind the existing Caspers
14 building. Reviving the large sign at the corner of the site would add a vibrancy to the
15 area. A more detailed description of the landscape improvements would be helpful.
16 Supplying power to the food trucks from the electric grid would reduce noise and
17 hazardous fumes. Portable restrooms should be arranged in appropriate locations and
18 maintained in the event that the restrooms in the front building cannot be made
19 available. The owner should have a plan for collecting and disposing of trash.

20
21 Chair Pilch supported the idea of food trucks, but the current proposal for the project
22 needs to be improved. Restrooms in the building should be utilized. Generators are
23 incompatible with the City's climate action goals. Food trucks should not be parked next
24 to residential properties.

25
26 Commissioner MacLeod indicated more specificity and detail in the site plan is needed.
27 Food trucks should not be parked along the back fence. A closing time of 10 p.m. may
28 be worth considering. The location of the trash cans and restrooms need to be included
29 on the site plan. Providing a bike corral for six to ten bikes on the north side would be
30 useful. Generators should be prohibited. Noise generated by food truck ventilation
31 systems is a concern.

32
33 **Motion to continue** PA22-032 for 545 San Pablo Avenue indefinitely with the
34 option for the applicant to make changes in alignment with the feedback
35 provided. Watty

36 Seconded by Watty

37 AYES: MacLeod, Momin, Pilch, Watty

38 NAYES: None

39 RECUSED: None

40 ABSENT: None

41 **Motion passed, 4-0-0-0**

42
43 **7-2. PA22-037 Design Review for a New Single-Family Home at 829 Santa Fe**
44 **Avenue** – The applicant is seeking Design Review approval for a new single-



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1 family home at 829 Santa Fe Avenue. The subject property is a 5,000 sq. ft. lot
2 with a 3-bedroom, 2-bathroom, 1,687 sq. ft. house built in 1931. The project
3 scope includes demolishing the existing home and building a new 5-bedroom,
4 3.5-bathroom, 2,736 sq. ft. home with a maximum height of 26 feet. The
5 architectural style of the home is proposed to be Modern Mediterranean in
6 appearance. The exterior of the home is proposed to be clad in painted stucco
7 with gable/hipped roof forms with asphalt shingles. Balconies are proposed on
8 the front and rear of the home on the second story. The applicant is proposing
9 two off-street parking spaces in an attached single-car garage and one open
10 parking space on the side of the home.

11
12 **Recommendation:** Staff recommends that the Planning & Zoning Commission
13 review the proposed project and provide feedback to the applicant and staff.
14 Draft findings and Conditions of Approval are provided should the Commission
15 decide to take action.

16
17 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section
18 15303 “New Construction or Conversion of Small Structures” of the CEQA
19 Guidelines.

20
21 Associate Planner Christopher Tan presented the staff report dated September 14,
22 2022.

23
24 **Rebecca Amato**, project architect, reported the roof forms have been modified from a
25 hipped roof to parapet roof for an overall lower building height. The front façade has
26 greater fenestration to break up the massing. Decorative brackets have been added to
27 the eave overhangs throughout. Wood siding has been applied to the corners of the
28 house and the entrance in order to provide warmth and lessen the overall massing of
29 the structure. Landscaping in the backyard has been developed. The applicant is
30 seeking a 20-foot wide curb cut to accommodate the proposed off-street parking.

31
32 PUBLIC HEARING OPENED

33
34 **Ken McCroskey** expressed concern regarding the maintenance that flat roofs will
35 require going forward. There is no other property on the street that provides space for
36 three cars parked exteriorly. Illustrations incorrectly depicted the neighbor as having a
37 large parking plaza next to their home.

38
39 **David Wemmer** inquired about whether heat pumps would be used for space heating
40 and water.

41
42 PUBLIC HEARING CLOSED

43



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1 Commissioner Watty appreciated the architectural refinements, particularly the removal
2 of some arched windows. There should be an equal or higher level of architectural
3 quality in replacements for MacGregor homes, and the modifications made meet this
4 standard.

5
6 Chair Pilch concurred with comments made by Commissioner Watty.

7
8 Commissioner Momin supported the project as proposed. The current version of design
9 is a huge improvement. There is a sense of authenticity about the building. There is a
10 greater level of detail and articulation in the building elevations.

11
12 Commissioner MacLeod appreciated the efforts of the architect in addressing previous
13 comments. The accessory dwelling unit (ADU) is well integrated. The home will provide
14 a multi-family experience. The facades on the side appear more attractive with little
15 articulation.

16
17 **Motion to approve** PA22-037 for 829 Santa Fe Avenue subject to the findings
18 and Conditions of Approval. Watty

19 Seconded by Pilch

20 AYES: MacLeod, Momin, Pilch, Watty

21 NAYES: None

22 RECUSED: None

23 ABSENT: None

24 **Motion passed, 4-0-0-0**

25
26 Commissioner MacLeod noted the appeal period.

27 28 **8. NEW BUSINESS**

29
30 **8-1. 2022 Green Building Code Update** – Local ordinances must be updated along
31 with the new state building codes every three years. Albany’s current green
32 building codes must be updated by January 1, when the 2022 California Building
33 Code goes into effect. As part of this update, staff recommends several
34 changes, including an all-electric requirement.

35
36 **Recommendation:** Recommend that the Council adopt a Resolution amending
37 the City of Albany green building requirements.

38
39 Community Development Analyst Michelle Plouse presented the staff report dated
40 September 14, 2022.

41
42 Commissioner Momin expressed support for modifying the resolution to clarify that
43 natural gas infrastructure and appliances will not be permitted.

44



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1 Commissioner Watty supported the project.

2
3 Commissioner MacLeod noted that it is encouraging to see both new construction and
4 major remodels.

5
6 Commissioner Momin indicated that all-electric construction is listed in the community
7 benefits section of the San Pablo Avenue Specific Guidelines and may require revision.

8
9 Chair Pilch suggested that charging requirements for electric vehicles be higher in both
10 multi-family and single-family housing.

11
12 PUBLIC HEARING OPENED

13
14 **Lucinda Young** appreciated the City moving forward with the all-electric requirement.
15 One-third of the City's carbon emissions come from residential and non-residential gas,
16 so achieving the climate action goals is essential.

17
18 **David Wemmer** concurred with Ms. Young's comments and expressed support for the
19 update.

20
21 PUBLIC HEARING CLOSED

22
23 Chair Pilch suggested increasing the number of electric vehicle chargers to twenty-five
24 percent.

25
26 Community Development Analyst Michelle Plouse explained that the electrical capacity
27 requirements assume load sharing and are in alignment with installing twenty percent of
28 the chargers. There is potential for increasing the chargers to twenty-five percent.

29
30 **Motion to approve** the 2022 Green Building Code Update with the amendment
31 to increase the twenty percent of electric vehicle charging stations being installed
32 to twenty-five percent. Pilch

33 Seconded by MacLeod

34 AYES: MacLeod, Momin, Pilch, Watty

35 NAYES: None

36 RECUSED: None

37 ABSENT: None

38 **Motion passed, 4-0-0-0**

39
40 **8-2. Report on Temporary Use Permit for FoodieLand Night Market at Golden**
41 **Gate Fields (1100 Eastshore Hwy)** – At the most recent Foodieland event in
42 August 2022, the City was required to mitigate excessive trash impacts from the
43 site into adjacent public open space. In addition, the City received reports that
44 the provision of bike parking was inadequate and vehicle congestion was



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1 excessive. The purpose of this agenda item is to provide an opportunity for the
2 Commission and members of the public to discuss the impacts of the event.

3
4 **Recommendation:** For information and discussion only. This agenda item has
5 not been noticed as a public hearing, and thus no action can be taken by the
6 Commission.

7
8 Community Development Director Jeff Bond presented an overview of the staff report.

9
10 **Motion to extend** the meeting to 10:30 p.m. Pilch

11 Seconded by MacLeod

12 AYES: MacLeod, Momin, Pilch, Watty

13 NAYES: None

14 RECUSED: None

15 ABSENT: None

16 **Motion passed, 4-0-0-0**

17
18 PUBLIC HEARING OPENED

19
20 **Amy Smolens** suggested limiting arrivals for any one time in order to reduce emissions,
21 making an effort to promote the free bicycle parking on the website, and addressing
22 environmental concerns.

23
24 **Lucinda Young** expressed concern about the environmental harm caused by the
25 event.

26
27 PUBLIC HEARING CLOSED

28
29 **Kevin Wang**, applicant, explained that a walkthrough is completed each night to ensure
30 the area is clean. Janitorial staff will be on hand throughout the event to check for trash
31 and monitor the public recycling bins and trash bins. Road construction on Gilman
32 Street was responsible for some additional traffic. Caps are set based on parking
33 availability to limit overcrowding.

34
35 Commissioner MacLeod noted that there is no location of the bike parking on the site
36 map. A clear path of travel would make the bike parking area less hazardous. Litter
37 blowing into a state park and on the Bay Trail is unacceptable.

38
39 Chair Pilch suggested spreading out the traffic more throughout the day or consider
40 having a lower cap during certain times. Directional signage to the bike parking is
41 needed.

42



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1 **Mr. Wang** advised that a bike map will be created specifically to guide individuals to the
2 bike parking, and a barricaded area will be created so bicyclists can travel safely away
3 from traffic.
4

5 **8-3. Resolution of Appreciation for Commissioner Doug Donaldson**– At the
6 most recent Foodieland event in August 2022, the City was required to mitigate
7 excessive trash impacts from the site into adjacent public open space. In
8 addition, the City received reports that the provision of bike parking was
9 inadequate and vehicle congestion was excessive. The purpose of this agenda
10 item is to provide an opportunity for the Commission and members of the public
11 to discuss the impacts of the event.
12

13 **Recommendation:** Staff recommends that the Planning & Zoning Commission
14 approve the Resolution of Appreciation.
15

16 Chair Pilch commended Commissioner Doug Donaldson for his many years of service
17 to the City.
18

19 Commissioner MacLeod appreciated the institutional knowledge and dedication of
20 Commissioner Donaldson.
21

22 Commissioner Momin noted that working alongside Commissioner Donaldson has been
23 a great learning experience.
24

25 Commissioner Watty commended Commissioner Donaldson for his ability to disagree
26 civilly on policy while still maintaining good relationships.
27

28 The Commission agreed to approve the proclamation by acclamation
29

30 **9. NEXT MEETING – September 28, 2022, 7:00 p.m.** City Hall Council Chambers, 1000
31 San Pablo Avenue, or virtual meeting pursuant to state and county guidance.
32

33 **10. ADJOURNMENT**

34
35 The meeting was adjourned at 10:27 p.m.
36
37
38

39 Submitted by: Christopher Tan, Associate Planner
40
41
42

43 Jeff Bond, Community Development Director