



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue  
Albany, CA 94706

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### REGULAR MEETING AGENDA

WEDNESDAY December 14, 2022

7:00 PM Regular meeting

#### COVID-19 NOTICE – PUBLIC MEETING GUIDELINES

Albany Planning & Zoning Commission hearings are conducted in person at City Hall Council Chambers. As a courtesy, and technology permitting, members of the public may continue to participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

#### How to watch or listen to the meeting:

1. Meetings are streamed live and recorded for viewing on City website [www.albanyca.org/meetings](http://www.albanyca.org/meetings) or on YouTube [www.YouTube.com/AlbanyKALB](http://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 attend Planning & Zoning Commission meetings in-person at City Hall Council Chambers and request to speak during public comment period.
  2. Members of the public may submit comments in writing by emailing the Planning & Zoning Commission at [pzc@albanyca.org](mailto: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.
  3. 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.
  4. 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 October 26, 2022

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

#### 4-2. Resolution of Appreciation for Christopher Tan

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve the proposed resolution.



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### 5. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION

### 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. PA22-059 Design Review and Parking Exception for a Second-Story Addition at 1019 Key Route Ave** – The applicant is seeking Design Review and Parking Reduction approval for a second-story addition at 1019 Key Route Avenue. The subject property is a 3,743 sq. ft. lot with a 2 bedroom, 1 bathroom, 1,111 sq. ft. house. The project scope includes raising the existing structure, moving the structure three feet to the east, and building a new lower level. This will result in a 3 bedroom, 3 1/2 bathroom, 2,032 sq. ft. residence with a maximum height of 26 feet. The project also includes a “junior” accessory dwelling unit on the second level. The existing architectural style of the home is proposed to remain, clad in stucco with a low slope front gable roof. A Parking Reduction is required to waive one off-street parking space triggered by the proposed project scope.

**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 15303 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.

- 7-2. PA22-057 Design Review, Conditional Use Permit, and Parking Exception for a Second-Story Addition at 825 San Carlos Avenue** – The applicant is seeking Design Review, Conditional Use Permit, and Parking Reduction approval for a second-story addition at 825 San Carlos Avenue. The subject property is a 3,751 sq. ft. lot with a 2 bedroom, 1 bathroom, 807 sq. ft. house. The project includes extending the ground floor into the rear yard and a second story addition. This will result in a 4 bedroom, 3 bathroom, 2,062 sq. ft. residence with a height of 26 feet. The architectural style of the home is proposed to be a contemporary-craftsman style with a front gable roof. A Parking Reduction is required to waive one off-street parking space. The conditional use permit is required for the extension of the existing non-conforming side yard setback on the north side of the property.

**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 15303 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.



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### 8. NEW BUSINESS

- 8-1. Review of Preliminary Applications for In-Street Outdoor Dining Parklets on Solano Avenue** – Restaurants along Solano Ave who would like to continue utilizing in-street parklets for outdoor dining for an additional three years will be required to receive City approval to do so. The purpose of this meeting is to review the applications received for the continued use and upgrade of outdoor dining parklets and provide the Commission an opportunity to offer guidance to restaurant operators and City staff on the parklet design and application processing.

**Recommendation:** Staff recommends that the Planning & Zoning Commission review the preliminary applications and provide guidance to restaurant operators and city staff on the parklets size, preliminary design and materials, and application processing.

- 8-2. California Department of Housing & Community Development Review of the City of Albany's Draft Housing Element** – On Monday, December 12, 2022, the City expects to receive a letter from the California Department of Housing and Community Development describing revisions required to the City's draft Housing Element to ensure compliance with State law. The purpose of this agenda item is to provide an opportunity to share the letter with the Commission and members of the public.

**Recommendation:** For information and discussion only.

- 8-3. Pre-Application Consultation Regarding Potential Condominium Conversion at 810-812 Masonic Avenue** – The City has received an inquiry regarding the feasibility of converting an existing duplex in a single family residential district to a two-unit condominium. This is an unusual potential application, and as a courtesy to the potential applicant, staff is requesting the Commission provide preliminary feedback prior to the applicant preparing a detailed application.

**Recommendation:** For information and discussion only.

- 8-4. Discussion of Implementation of Senate Bill 1214 Regarding Copyright Protection of Architectural Plans Submitted to the City** – In order to ensure compliance with Federal Copyright laws, new state law requires the City to significantly change the manner in which members of the public may access architectural plans prepared by licensed professionals.

**Recommendation:** For information and discussion only.

### 9. NEXT MEETING: January 11, 2023

### 10. ADJOURNMENT



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### 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](http://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](mailto: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](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.