



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

---

### MINUTES OF THE REGULAR MEETING WEDNESDAY, APRIL 26, 2023

#### REGULAR MEETING: 7:00 PM

#### 1. CALL TO ORDER

Commissioner Pilch called the regular meeting of the Planning and Zoning Commission to order at 7:00 p.m. on Wednesday, April 26, 2023.

#### 2. ROLL CALL / LAND ACKNOWLEDGEMENT

Present: Hudson, MacLeod, Momin, Pilch, Watty

Absent:

Staff Present: Community Development Director Jeff Bond

The Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021 was read.

#### 3. EX-PARTE COMMUNICATIONS

None.

#### 4. CONSENT CALENDAR

##### 4-1. Planning & Zoning Commission Meeting Minutes March 22, 2023

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

**Motion to approve** the meeting minutes as proposed. Watty

Seconded by MacLeod

AYES: Hudson, MacLeod, Momin, Pilch, Watty

NOES: None

ABSTAIN: None

ABSENT: None

**Motion passed, 5-0-0-0**

**4-2. Planning Application 23-017 Design Review for Second-Story Addition and Remodel at 1021 Cornell Ave.** – The applicant is seeking Design Review approval for a second-story addition and remodel at 1021 Cornell Ave. The subject property is a 5,000-sq.-ft. lot with an existing 3-bedroom, 2-bathroom, 1,829-sq.-ft. home built in 1925. The scope of work includes a 26-sq.-ft addition between the first and second floors to accommodate a larger and remodeled kitchen and new bedroom on the second floor. The existing architectural style is proposed to remain as contemporary Mediterranean. This will result in a 4-bedroom, 2-bathroom,



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

1 2,089-sq.-ft. home with a maximum height of 24'-4". Off-street parking is not  
2 required per California AB 2097.

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

7  
8 **California Environmental Quality Act (CEQA):** The project is Categorically  
9 exempt from CEQA pursuant to Section 15303 "New Construction or Conversion  
10 of Small Structures" of the CEQA Guidelines.

11  
12 Commissioner Watty recused herself from Item 4-2 because her residence is located  
13 within the requisite distance from the subject property.

14  
15 Community Development Director Jeff Bond reported the applicant wishes to change the  
16 plans to add a small closet at the rear of the second floor.

17  
18 **Motion to approve Planning Application 23-017** for 1021 Cornell Ave. Momin

19 Seconded by MacLeod

20 AYES: Hudson, MacLeod, Momin, Pilch

21 NOES: None

22 RECUSED: Watty

23 ABSENT: None

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

25  
26 Commissioner Pilch noted the appeal period.

27  
28 **4-3. Planning Application 23-015 Design Review for First-Floor Addition and**  
29 **Major Remodel at 921 Pierce** - The applicant is seeking Design Review approval  
30 for an addition and remodel at 921 Pierce Avenue. The subject property is a 6,000-  
31 sq.-ft. lot with an existing 2-bedroom, 1-bathroom, 1,380-sq.-ft. home built in 1943.  
32 The scope of work includes an 826-sq.-ft. first-floor enclosed addition at the rear  
33 of the existing home and remodel to accommodate expanded dining and kitchen  
34 areas and two new bedrooms and bathrooms. The existing architectural style of  
35 the home is proposed to remain as midcentury bungalow. This will result in a 4-  
36 bedroom, 3-bathroom, 2,206-sq.-ft. home with a maximum height of 15'-9". Off-  
37 street parking is not required per California AB 2097.

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

42  
43 **California Environmental Quality Act (CEQA):** The project is Categorically  
44 exempt from CEQA pursuant to Section 15303 "New Construction or Conversion  
45 of Small Structures" of the CEQA Guidelines.

46



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

1 Commissioner Momin recused himself from Item 4-3.

2  
3 **Motion to approve Planning Application 23-015** for 921 Pierce Ave. Watty

4 Seconded by MacLeod

5 AYES: Hudson, MacLeod, Pilch, Watty

6 NOES: None

7 RECUSED: Momin

8 ABSENT: None

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

10  
11 Commissioner Pilch noted the appeal period.

### 12 13 **5. ANNOUNCEMENTS / COMMUNICATIONS**

14  
15 Community Development Director Bond announced the American Planning Association,  
16 Northern Section of the California Chapter, awarded the San Pablo Specific Plan an  
17 Award of Merit.

### 18 19 **6. PUBLIC COMMENTS**

20  
21 **Jeremiah Pinguelo** inquired about a property owner's ability to repair his home without  
22 having a general contractor's license, City inspection of the work, and the City's program  
23 to loan tools to residents.

24  
25 Community Development Director Bond related that a program to loan tools would be  
26 under the Recreation Department. A property owner may repair his home without having  
27 a general contractor license, but City permits and inspections are required for the work.

### 28 29 **7. DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE** 30 **FOLLOWING ITEMS:**

31  
32 **7-1. Planning Application 2023-13 Design Review for Second-Story Addition and**  
33 **Remodel at 1251 Portland** – The applicant is seeking Design Review approval  
34 for a second-story addition and remodel at 1251 Portland Avenue. The subject  
35 property is a 5,000-sq.-ft. lot with an existing 2-bedroom, 1-bathroom, 1,977-sq.-ft.  
36 home built in 1938. The scope of work includes a 533-sq.-ft. second-story addition  
37 over the existing footprint to accommodate a new primary bedroom suite and  
38 bathroom. The scope of work also includes a kitchen remodel on the first floor. The  
39 existing architectural style of the home is proposed to remain in the MacGregor  
40 style. This will result in a 3-bedroom, 2-bathroom, 2,510-sq.-ft. home with a  
41 maximum height of 26'. Off-street parking is not required per California AB 2097.

42  
43 **Recommendation:** Staff recommends that the Planning & Zoning Commission  
44 review and approve the proposed project subject to the attached findings and  
45 Conditions of Approval.  
46



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

1           **California Environmental Quality Act (CEQA):** The project is Categorically  
2 exempt from CEQA pursuant to Section 15303 “New Construction or Conversion  
3 of Small Structures” of the CEQA Guidelines.  
4

5           Commissioners MacLeod and Watty recused themselves from the item.  
6

7           Community Development Director Bond presented the staff report dated April 26, 2023.  
8

9           **Emi Sherman**, project architect/applicant, reported the only way to expand the house is  
10 up. The addition will be located near an existing staircase and atop an existing semi-flat  
11 roof. The addition will be articulated with different volumes and rooflines in order to reduce  
12 its bulk. Many details of the addition will match the existing house. To accommodate solar  
13 panels, the homeowners wish to utilize clay tiles as a roof accent rather than covering the  
14 entire roof. The windows will be aluminum-clad with true simulated divided lites. The  
15 stucco detail of the addition will match the existing home. When asked, Ms. Sherman  
16 advised that the existing house has two roofs. The one on the north side has composition  
17 shingles while the other has clay tiles around another material in the center. The divided  
18 lites will be affixed to the front and back sides of the two glass panes with a small bar  
19 between the two panes so that they look similar to a true divided lites. The windows on  
20 the addition will match those of the existing home.  
21

22           PUBLIC HEARING OPENED  
23

24           None.  
25

26           PUBLIC HEARING CLOSED  
27

28           Commissioner Hudson understood the neighbor’s concern about the height of the  
29 addition being compatible with neighboring homes but not the concern about traffic.  
30

31           Commissioner Momin appreciated the handsome design of the project and its  
32 consistency with the original home’s character. The fenestration is quite thoughtful. The  
33 site elevation is nicely designed with stacked windows and interesting features that will  
34 be visible from a distance.  
35

36           Commissioner Pilch noted the need to apply exceptional design standards. The east  
37 elevation appears clunky. Clay-tile accents on the roof are fine. The simulated divided  
38 lites as described by the architect should be fine.  
39

40           **Motion to approve Planning Application 2023-13** for 1251 Portland Avenue.  
41

42           MacLeod

43           Seconded by Hudson

44           AYES: Hudson, Momin, Pilch

45           NOES: None

46           RECUSED: MacLeod, Watty

            ABSENT: None



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

---

1 **Motion passed, 3-0-2-0**

2  
3 Commissioner Pilch noted the appeal period.

4  
5 **7-2. Resolution No. 2023-02 and Resolution 2023-03 Recommending That the City**  
6 **Council Adopt Amendments to the Transportation Element of the General**  
7 **Plan and Amendments to Chapter 20.20 and 20.28 of the Zoning Ordinance**  
8 **to Modify Off-Street Parking Requirements** – Based on feedback from the  
9 Planning & Zoning Commission at its March 8, 2023 meeting and input from  
10 community members, City staff and consultants have prepared draft General Plan  
11 and Zoning Ordinance amendments for the Commission’s review. This draft  
12 ordinance proposes to remove minimum parking requirements citywide in  
13 response to AB 2097 (except for the racetrack/Waterfront zoning district, where  
14 zoning amendments require voter approval). It also establishes maximum parking  
15 requirements for multifamily, commercial, industrial, and public uses. The draft  
16 ordinance also proposes to remove various code sections that allowed reductions  
17 or provided exceptions since they are no longer necessary outside the Waterfront  
18 Zoning District.

19  
20 **Recommendation:** Staff recommends that the Planning & Zoning Commission  
21 approve Resolution No. 2023-02 and Resolution 2023-03.

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

26  
27 Jean Eisberg, Lexington Planning, presented the staff report dated April 26, 2023. Staff  
28 requests the Planning & Zoning Commission (Commission) hold a public hearing  
29 regarding the proposed amendments, provide feedback to staff and consultants, and  
30 continue the item to a future date.

31  
32 PUBLIC HEARING OPENED

33  
34 **Jeremiah Pinguelo** believed a discussion of parking is more appropriate for the  
35 Transportation Commission. One accessible off-street parking space should be required  
36 for all property.

37  
38 PUBLIC HEARING CLOSED

39  
40 Commissioner Watty could support the additional maximum for one- and two-family  
41 residential properties as proposed given that unusual requests would be presented to the  
42 Commission. A recent court decision makes the removal of fees for parking exceptions  
43 necessary. The Commission may wish to allow parking in the front setback as it is  
44 prevalent in Albany. The proposed amendments are a good first step to amending parking  
45 requirements.



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

1 Commissioner Momin supported the amendments. Unbundling parking Citywide may not  
2 be feasible because it could impact the availability of on-street parking. The City should  
3 consider mandating a transportation demand management (TDM) program if projects  
4 propose no parking, particularly mixed-use or multifamily projects. Language regarding  
5 **unneeded/unmetered** parking outside the specific plan area may be useful. The provision  
6 limiting the paved area of front yards will be useful to limit the number of vehicles parked  
7 in front yards.

8  
9 Commissioner MacLeod supported the overall direction of the proposed amendments. A  
10 parking space does not necessarily have to be paved; therefore, limiting the paved area  
11 may not limit the number of vehicles parked in a front yard. Perhaps, there needs to be a  
12 maximum number of parking spaces allowed in the front setback. The TDM program  
13 should be required Citywide and made more robust. Parking should be unbundled  
14 Citywide as well. The maximums should be lower for some categories; 0.75 would be  
15 appropriate for multifamily residences. One covered space per single-family unit is fine  
16 given that the Commission can review a request for additional covered spaces.

17  
18 Commissioner Hudson appreciated the amendments supporting the use of public  
19 transportation; however, seniors may not be able to utilize public transportation.  
20 Permitted, timed, and fee-based parking could have a detrimental effect on businesses  
21 and create spillover parking in residential areas. If enacted, the amendments may need  
22 to be revised if they do not work.

23  
24 Commissioner Pilch anticipated the Commission discussing the TDM program and  
25 unbundled parking in the future. Loopholes regarding parking in the front setback and  
26 along driveways that extend to the rear of a property are concerns. The Transportation  
27 Commission and Climate Action Commission should be made aware of the proposed  
28 amendments. A residential parking permit program would be a method to reduce the  
29 effects of spillover parking. On page 4-30 of the Transportation Element amendments,  
30 the passage of Measure D should be incorporated into the text. Language in the Zoning  
31 Code amendments is subjective and should be revised, for example “overdependence on  
32 vehicles” at the bottom of page 7.

33  
34 Commissioner MacLeod expressed interest in a future discussion of bicycle parking.

35  
36 **7-3. Update on California Department of Housing and Community Development**  
37 **Department Review of the 2023-2031 Albany Housing Element** – The Housing  
38 Element is a State-mandated plan including data, policies, and programs to meet  
39 Albany’s current and future housing. The Housing Element must demonstrate that  
40 Albany can meet its “fair share” of the region’s housing needs over the next eight  
41 years. On Friday, April 21, 2023, the City received the attached correspondence  
42 from the California Department of Housing and Community Development  
43 Department.

44  
45 **Recommendation:** For information only.  
46





## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

1 Community Development Director Bond reported the California Department of Housing  
2 and Community Development (HCD) has provided its feedback regarding the Housing  
3 Element. After speaking with HCD staff, City staff does not believe the letter raises any  
4 new policy issues but seeks clarification of the City's intentions. The most substantive  
5 comment concerns affirmatively furthering fair housing (AFFH). HCD seeks more finely  
6 focused targeting and place-based strategies for ensuring equitable development in the  
7 City. HCD has agreed to provide more specificity to assist with revisions. Page 4 of the  
8 letter notes that the Housing Element will need to be re-adopted once it has been revised.  
9 However, HCD staff has indicated re-adoption may not be necessary. Staff will present  
10 Housing Element revisions to the Commission regardless of a need for re-adoption.

11  
12 PUBLIC HEARING OPENED

13  
14 **Elaine Stelton** inquired regarding the location of emergency shelters other than schools  
15 and whether any are being planned.

16  
17 PUBLIC HEARING CLOSED

18  
19 Community Development Director Bond clarified that the emergency shelter is intended  
20 for people who have an emergency need for housing. An emergency shelter is permitted  
21 in the San Pablo Commercial Zoning District and in the Commercial Mixed-Use District.

22  
23 **7-4. Temporarily Modifying Condominium Conversion Application Review**  
24 **Procedures** – Section 20.60.070 of the Albany Municipal Code requires proposed  
25 condominium conversion applications to be accepted twice annually at the end of  
26 April and the end of October and be processed no later than 60 days from the  
27 dates of application. It is proposed that for calendar year 2023 applications be  
28 accepted on an open basis.

29  
30 **Recommendation:** Staff recommends that the Planning & Zoning Commission  
31 review and approve temporarily modifying condominium conversion application  
32 review procedures.

33  
34 Community Development Director Bond reported the process allows no more than 3% of  
35 the total amount of housing stock to be converted to condominiums per year. Applications  
36 have not reached the 3% limit. The Commission held a study session a few months  
37 previously regarding the conversion of a duplex to a condominium. The proposal is to  
38 allow staff to present the application to the Commission when it is ready rather than  
39 waiting until October. Amendments to Section 20.60.070 will be included in staff's next  
40 round of Municipal Code amendments.

41  
42 PUBLIC HEARING OPENED

43  
44 None.

45  
46 PUBLIC HEARING CLOSED



## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**7-5. Interim Guidance to Staff on Implementation of Accessory Dwelling Unit Regulations** – Section 20.20.080 of the Albany Municipal Code details developments standards for accessory dwelling units, including 16-foot and single-story height limits. Recently adopted State laws mandate 18-foot height limits, which will allow two-story code-compliance accessory dwelling units.

**Recommendation:** Staff recommends that the Planning & Zoning Commission review and approve an interpretation of State and City requirements to allow two-story accessory dwelling units that do not exceed 18 feet.

Community Development Director Bond reported in compliance with State law, staff administratively approves applications for accessory dwelling units (ADU). A recent State law set the minimum height limit for ADUs at 18 feet. An 18-foot height can easily accommodate two stories. Staff has received an application for a two-story ADU that is less than 18 feet in height. Staff proposes to approve the application and not enforce the current one-story requirement. Staff will amend the ADU Ordinance in the next few months.

PUBLIC HEARING OPENED

**Kathleen Breeding** supported allowing two-story ADUs and an 18-foot height limit.

PUBLIC HEARING CLOSED

Commissioner Watty believed the Albany Municipal Code should align with State law.

Commissioner MacLeod supported staff's interpretation.

Commissioner Pilch suggested the Commission hold a future discussion regarding the measurement of height and increasing the height limit to 25 feet.

## 8. NEW BUSINESS

## 9. NEXT MEETING: Wednesday, May 10, 2023 at 7:00 PM

## 10. ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

---

Submitted by:





## PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

April 26, 2023

---

1  
2  
3  
4

---

Jeff Bond, Community Development Director