



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue
Albany, CA 94706

MINUTES OF THE REGULAR MEETING WEDNESDAY, FEBRUARY 8, 2023

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, February 8, 2023.

2. ROLL CALL / LAND ACKNOWLEDGEMENT

Present: Hudson, MacLeod, Momin, Pilch (arrived at 8:06 p.m.), Watty

Absent:

Staff Present: 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 December 14, 2022

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

Commissioner MacLeod clarified his comment on page 8 line 28 as pressure-treated plywood is not an acceptable walking surface.

4-2. Planning & Zoning Commission Meeting Minutes January 25, 2023

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

4-3. PA22-047 Design Review Approval for a Second-Story Addition at 1072 Stannage Ave. - The applicant is seeking Design Review approval for a first and second-story addition at 1072 Stannage Avenue. The subject property is a 3,750-sq.-ft. lot with an existing 2-bedroom, 1-bathroom, 775-sq.-ft. home built in 1925. The scope of work includes a 224-sq.-ft. first-floor addition and remodel for an attached garage and reconfigured first-floor dining, kitchen, and deck space. Additionally, the scope includes a 1,080-sq.-ft. second-story addition to accommodate 2 additional bedrooms and 1 bathroom. This will result in a 4-



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1 bedroom, 2-bathroom, 2,079-sq.-ft. home with a maximum height of 26'-5". The
2 architectural style of the home will incorporate elements of the old design in a
3 modern cottage style featuring grey shingle, aged-bronze hardware, and slate tile.
4

5 **Recommendation:** Staff recommends that the Planning & Zoning Commission
6 review and approve the proposed project subject to the attached findings and
7 Conditions of Approval.
8

9 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
10 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.
11

12 **Motion to approve** Items 4-1 and 4-2 with the amendment to the December 14,
13 2022 meeting minutes. Watty

14 Seconded by Momin

15 AYES: MacLeod, Momin, Watty

16 NOES:

17 ABSTAIN: Watty (Item 4-1 only), Hudson

18 ABSENT: Pilch

19 **Motion passed, 3-0-1-1**
20

21 **Motion to approve** Item 4-3 as proposed. Watty

22 Seconded by Momin

23 AYES: MacLeod, Momin, Watty

24 NOES:

25 ABSTAIN: Hudson

26 ABSENT: Pilch

27 **Motion passed, 3-0-1-1**
28

29 Commissioner MacLeod noted the appeal period.
30

31 **5. ANNOUNCEMENTS / COMMUNICATIONS** 32

33 Commissioner Hudson introduced herself, and Commissioners welcomed her to the
34 Planning & Zoning Commission.
35

36 **6. PUBLIC COMMENTS** 37

38 **Peter Campbell** expressed concern that he could not find Resolution 2023-01 for Item 7-
39 1, on the City website.
40

41 Community Development Director Bond reported the resolution could be found in the
42 online attachments for Item 7-1 and on the table in the Council Chambers.
43



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

7-1. **City of Albany Draft 2023-2031 Housing Element** – Public Hearing to Recommend to the City Council Adoption of the 2023-2031 General Plan Housing Element and Recommendation to Approve an Addendum to the 2016 General Plan Environmental Impact Report. The Housing Element Update includes a needs assessment, identification of opportunity sites for development of housing, an analysis of potential constraints to housing, and policies and programs to achieve housing goals.

CEQA: The Commission will also consider a recommendation to the Albany City Council to approve an Addendum to the General Plan Environmental Impact Report certified by the City Council on April 18, 2016, prepared pursuant to the requirements of the California Environmental Quality Act.

Recommendation: Staff recommends that the Planning & Zoning Commission review and approve Resolution 2023-01 of the Albany Planning & Zoning Commission Recommending Adoption of the Albany 2023-2031 Housing Element and an Addendum to the General Plan Environmental Impact Report..

Barry Miller, Barry Miller Consulting, presented the staff reported dated February 8, 2023.

Community Development Director Bond shared revisions to the Environmental Impact Report (EIR) Addendum as recommended by the City Attorney.

In response to Commissioner Hudson's inquiry regarding the effect of the 27,300 reduction in population in Alameda County on the Association of Bay Area Government (ABAG) requirement for 1,114 housing units, Mr. Miller explained that half the cities in the Bay Area objected to the requirements, but a legislative action is necessary to change the requirements.

PUBLIC HEARING OPENED

Francesco Papalia remarked that the goal of the Tenant Opportunity to Purchase Act (TOPA) is to create a process that allows non-profits to buy property below market value and deny rental property owners the ability to sell property for the full market value. TOPA will have a negative effect on the stated objective of construction of diverse housing and housing types by private and non-profit developers. Keeping TOPA in the Housing Element will clearly inhibit the construction of new housing.

Chris Moore, East Bay Rental Housing Association, believed the City should lobby the Alameda County Board of Supervisors to end the eviction moratorium because it is a major cause of housing reduction. The City of Berkeley is not pursuing a TOPA program. Tenant protections segregate the community.



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1 **Peter Campbell** commented that rent stabilization measures smack of rent control, and
2 state laws are already more than adequate. Ordinances regarding just cause for eviction
3 and nondiscrimination and anti-harassment are unnecessary. There is no mention of
4 protections for rental providers who must vacate units for required repairs. Access to legal
5 counsel should be provided to tenants and rental providers. Rental providers need to
6 know if potential tenants have a history of eviction.
7

8 **David Hertzner** related that TOPA will be a disaster for Albany and should be removed
9 from the Housing Element.
10

11 **Margie Marks** suggested the City study the public's awareness of the Rent Review
12 Program. An ordinance regarding just cause eviction would not affect landlords.
13

14 **Elena Casillas** urged the Planning & Zoning Commission (Commission) hear from Mr.
15 Schoenfeld regarding landlords' understanding of the City's Rent Review Program.
16

17 **Dawn Kamodo** proposed the City notify all Albany property owners once an affordable
18 accessory dwelling unit (ADU) program has been developed and include information
19 about Section 8 housing. Property owners may be reluctant to build an affordable ADU
20 because of TOPA.
21

22 **Twan** stated that TOPA diverts funding to developers that inefficiently deliver housing.
23 TOPA is not designed to help tenants.
24

25 **Bryan Marten** noted that the Housing Element relies on one neighborhood along San
26 Pablo Avenue to provide the lion's share of housing. Development standards for Solano
27 Avenue should be revised to encourage more housing.
28

29 **Nicholas Nagle**, Housing Action Coalition, encouraged the City to continue looking for
30 places for housing or for ways to streamline the process that would create housing.
31

32 **Judy Bly** remarked that her friends in the Asian community want to build ADUs to provide
33 housing and income, but rent control is not an incentive for them.
34

35 PUBLIC HEARING CLOSED
36

37 When asked, Mr. Miller explained that staff removed the TOPA program from the original
38 Draft Housing Element because of comments from housing providers. The Council voted
39 to return the TOPA program to the Draft Housing Element. As written in the Draft Housing
40 Element, TOPA will be placed on a work program for discussion, not implementation, by
41 2025.
42

43 Chair Pilch understood TOPA to be a general concept that could be implemented in a
44 number of different ways.
45



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1 Commissioner Watty recalled the Commission reviewing the substance of the Draft
2 Housing Element in depth over the past two years. The Commission has done a good job
3 of exploring ways to balance Albany's interests with state laws. A more strategic
4 conversation about Solano Avenue seems to be the next big topic for the Commission's
5 focus. Changing residential zoning standards is a meaningful way to increase housing
6 without dramatically changing the character of Albany. Increasing heights and density
7 along Solano Avenue may be uncomfortable for the community. The Draft Housing
8 Element is a good roadmap for substantive conversations in the next several years. She
9 proposed removing the requirement for Council approval of density bonus projects.

10
11 Commissioner Momin agreed with most comments to the California Department of
12 Housing and Community Development's (HCD) responses. The City's comment
13 regarding realistic capacity should include if properties are developed via commercial
14 projects only, then the allowed floor area ratio (FAR) is not a good incentive for developers
15 to propose 100% commercial projects. The City's comments regarding the use of non-
16 vacant sites should highlight the fact that all the projects are in-fill projects. The comment
17 regarding small sites would be stronger if the expedited and incentivized lot consolidation
18 process is allowed for mixed-use projects only. Regarding Program 3D, it would be useful
19 for staff to work with developers and builders through incentives for accessible units so
20 that affordability and accessibility can be achieved in private developments.

21
22 Chair Pilch supported the comment regarding outreach. Lot consolidation could make the
23 construction of triplexes and fourplexes more feasible. The language regarding by-right
24 triplexes and fourplexes on certain lots could be stronger. Changing the term landlord to
25 housing providing may be problematic. Page 3-37 of the redlined version mentions
26 campers along the BART tracks, but the tracks are elevated.

27
28 Commissioner MacLeod believed zoning standards will make the biggest impact on
29 housing. Eliminating Council approval for density bonus projects is a good idea. The
30 Commission will review a TOPA program very carefully to ensure it is not an obstacle to
31 housing.

32
33 Commissioner Hudson expressed concern that increased density may stress the
34 condition of the housing stock and residents.

35
36 **Motion to approve** Resolution 2023-01 of the Albany Planning & Zoning
37 Commission recommending adoption of the Albany 2023-2031 Housing Element,
38 an Addendum to the General Plan Environmental Impact Report, noting the
39 Housing Element's compliance with CEQA, finding the Housing Element as drafted
40 is in the public interest and on balance consistent with the City's adopted General
41 Plan, further finding that the City's Vacant Site Identification is not an impediment
42 to meeting the City's Regional Housing Needs Allocation (RHNA) obligations, and
43 finding the Housing Element in substantial compliance with state law, HCD's
44 subsequent comments, and conformity with the Governmental Check List. In
45 addition, the Planning & Zoning Commission recommends the City Council strike
46 the Council hearing on state density bonus projects. Watty



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1 Seconded by Pilch
2 AYES: MacLeod, Momin, Pilch, Watty
3 NOES:
4 ABSTAIN: Hudson
5 ABSENT:
6 **Motion passed, 4-0-1-0**

7
8 **8. NEW BUSINESS**

9
10 **9. NEXT MEETING:** February 22, 2023 at 7:00 PM

11
12 **10. ADJOURNMENT**

13
14 The meeting was adjourned at 9:16 p.m.

15
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19
20 _____
21 Submitted by:

22
23
24 _____
25 Jeff Bond, Community Development Director