



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

June 14, 2023

MINUTES OF THE REGULAR MEETING WEDNESDAY, JUNE 14, 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, June 14, 2023.

2. ROLL CALL / LAND ACKNOWLEDGEMENT

Present: Hudson, MacLeod, Momin, Pilch, Watty

Absent: None

Staff Present: Community Development Director Jeff Bond

Transportation & Sustainability Manager Justin Fried

Interim Associate Planner Sophie Gabel-Scheinbaum

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 and Zoning Commission Meeting Minutes May 10, 2023

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

Motion to approve the consent calendar. (no motion made)

Seconded by (no second made)

AYES: Hudson, MacLeod, Momin, Pilch, Watty

NOES: None

ABSTAIN: None

ABSENT: None

Motion passed, 5-0-0-0

5. ANNOUNCEMENTS / COMMUNICATIONS

Commissioner Pilch indicated that the Albany Twin may be closing.

Commissioner Hudson announced a local postal vehicle was broken into and the mail stolen.



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6. PUBLIC COMMENTS

None.

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

7-1. Encroachment Permit Application for Outdoor Dining Parklet for “5 Tacos & Beers” at 1175 Solano Avenue – On September 19, 2022, the City Council approved the City’s Parklet Program Regulations, which allows for temporary outdoor uses on public right-of-way on Solano Avenue. Applications that involve three parking spaces and applications that have unique considerations require Planning and Zoning Commission consideration.

Recommendation: Staff recommends that the Planning and Zoning Commission review and recommend staff approve the encroachment permit for the proposed outdoor dining parklet, subject to the conditions of approval.

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

Transportation & Sustainability Manager Fried presented the staff report dated June 14, 2023.

PUBLIC HEARING OPENED

Unknown speaker believed there is a lack of parking along Solano Avenue and felt parklets are having deleterious effects on businesses.

Unknown speaker noted the loss of 17 parking spaces due to parklets and requested a parklet for customer parking at his business.

PUBLIC HEARING CLOSED

Commissioner Hudson referenced public comment regarding table placement and shared her observation of tables encroaching into pathways. If the tables are incorporated into the parklet, their placement should be considered.

Commissioner Pilch presumed that the business would alter any current conditions that do not comply with the encroachment permit.

Commissioner MacLeod indicated the application appears to remedy circulation issues through the removal of tables along the north side of the sidewalk. The number of seats is reduced in the application. The current materials, if they are re-used, should be



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1 freshened or cleaned up. While the loss of parking is a concern, parklets have a net
2 positive impact by animating life on the street. Studies have shown that parking is
3 sufficient in the area.
4

5 Commissioner Watty advised that the issue before the Planning and Zoning Commission
6 (Commission) is the aesthetics and accessibility of the parklet and the quality of the
7 materials. The parklet materials do need freshening up. 5 Tacos & Beers has become a
8 focal point and hub of civic life for Lower Solano. The Commission may wish to encourage
9 the business to extend existing landscaping into the parklet.
10

11 Commissioner Momin agreed that loss of parking is a small cost for improving the vitality
12 and walkability of the street. Pedestrians walking in front of businesses may increase
13 sales. The parklet is the one of the most vibrant along Solano Avenue. Pushing the
14 perimeter wall back from the street improves pedestrian safety. The barrels give the
15 parklet a makeshift look and should be replaced with elements that easily connect to the
16 wall. Maintenance of the existing materials would be a great improvement.
17

18 Commissioner Pilch concurred with Commissioners' comments. 5 Tacos & Beers is an
19 asset to the community, but it has pushed the boundaries by relocating the bike rack and
20 encroaching into pathways. The new tree will be an asset for the business and the public.
21

22 **Motion to approve** an encroachment permit application for "5 Tacos & Beers" at
23 1175 Solano Avenue. Watty

24 Seconded by MacLeod

25 AYES: Hudson, MacLeod, Momin, Pilch, Watty

26 NOES: None

27 ABSTAIN: None

28 ABSENT: None

29 **Motion passed, 5-0-0-0**
30

31 **7-2. Encroachment Permit Application for Outdoor Dining Parklet for "Bua Luang**
32 **Thai Cuisine" at 1166 Solano Avenue** – On September 19, 2022, the City
33 Council approved the City's Parklet Program Regulations, which allows for
34 temporary outdoor uses on public right-of-way on Solano Avenue. Applications that
35 involve three parking spaces and applications that have unique considerations
36 require Planning and Zoning Commission consideration.
37

38 **Recommendation:** Staff recommends that the Planning and Zoning Commission
39 review and recommend staff approve the encroachment permit for the proposed
40 outdoor dining parklet, subject to conditions of approval.
41

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



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1 Transportation & Sustainability Manager Fried presented the staff report dated June 14,
2 2023.

3
4 PUBLIC HEARING OPENED

5
6 **Unknown speaker** questioned whether there is an upper limit on the use of parking for
7 parklets as the loss of parking has detrimental effects on businesses.

8
9 **Unknown speaker** inquired regarding the City's liability should someone in a parklet be
10 injured by a vehicle and the length of time until an encroachment permit expires.

11
12 **Estrella Sangburg** suggested the City work with businesses to obtain their support and
13 provide the parking study to businesses and the public.

14
15 **Unknown speaker** stated the Commission approved one parklet and should approve the
16 remaining applications as they are one and the same.

17
18 PUBLIC HEARING CLOSED

19
20 Transportation & Sustainability Manager Fried shared the history of discussions regarding
21 a cap on parklets and review of permits after three years.

22
23 Community Development Director Jeff Bond added that permittees are required to
24 provide proof of insurance and name the City as an additional insured. The Council
25 decided not to charge an annual fee per vehicle space for the three-year cycle.

26
27 Commissioner Watty remarked that the proposal is a dramatic improvement for the
28 current parklet. The parklet will feel more permanent with higher-quality materials and a
29 solid perimeter wall. The application complies with adopted standards and
30 recommendations. The City had not developed a parklet program for the emergency order
31 allowing parklets during the pandemic. Without clear guidance, restaurants developed
32 parklets of temporary architectural design and utilized a hodge podge of materials. With
33 the parklet program in place, restaurants need to utilize solid and proper materials that
34 can last for the next three years.

35
36 Commissioner Momin appreciated the improved design and layout for the parklet. The
37 parklet has sufficient space for more plants.

38
39 Commissioner MacLeod indicated the current proposal is simple and more
40 straightforward than the previous proposal. The design is good. The parklets are meant
41 to be removable should encroachment permits not continue at the end of the three-year
42 cycle.

43
44 Commissioner Pilch supported the application. Parklets do not improve or worsen
45 pedestrian safety. The current parklet is acceptable, but improvements are welcome.
46



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1 **Motion to approve** an encroachment permit for “Bua Luang Thai Cuisine” at 1166
2 Solano Avenue. Watty
3 Seconded by Momin
4 AYES: Hudson, MacLeod, Momin, Pilch, Watty
5 NOES: None
6 ABSTAIN: None
7 ABSENT: None
8 **Motion passed**, 5-0-0-0
9

10 **7-3. Encroachment Permit Application for Outdoor Dining Parklet for “Everest**
11 **Kitchen” at 1150 Solano Avenue** – On September 19, 2022, the City Council
12 approved the City’s Parklet Program Regulations, which allows for temporary
13 outdoor uses on public right-of-way on Solano Avenue. Applications that involve
14 three parking spaces and applications that have unique considerations require
15 Planning and Zoning Commission consideration.
16

17 **Recommendation:** Staff recommends that the Planning and Zoning Commission
18 review and recommend staff approve the encroachment permit for the proposed
19 outdoor dining parklet, subject to conditions of approval.
20

21 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
22 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.
23

24 Transportation & Sustainability Manager Fried presented the staff report dated June 14,
25 2023.
26

27 PUBLIC HEARING OPENED
28

29 **Nick Peterson** found parklets helpful in reducing traffic speed and accommodating
30 bicycles.
31

32 PUBLIC HEARING CLOSED
33

34 Commissioners Watty, Momin, and Pilch supported the proposed design.
35

36 Commissioner MacLeod understood the perimeter barriers are to be 42 inches in height
37 to prevent people from falling into the street. Generally, the proposal is fine.
38

39 Transportation & Sustainability Manager Fried related the height requirements of 42
40 inches from the street surface and 36 inches from the sidewalk.
41

42 **Motion to approve** an encroachment permit for “Everest Kitchen” at 1150 Solano
43 Avenue. Watty
44 Seconded by MacLeod
45 AYES: Hudson, MacLeod, Momin, Pilch, Watty
46 NOES: None



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1 ABSTAIN: None
2 ABSENT: None
3 **Motion passed, 5-0-0-0**
4

5 **7-4. Resolution No. 2023-02 and Resolution 2023-03 Recommending to the City**
6 **Council Approval of Amendments to the Transportation Element of the**
7 **General Plan and Amendments to Chapters 20.20 and 20.28 of the Zoning**
8 **Ordinance to Modify Off-Street Parking Requirements** – The proposed
9 amendments codify changes to parking regulations in response to Assembly Bill
10 (AB) 2097. AB 2097, which was passed into law in 2022, eliminated off-street
11 parking requirements within one-half mile of major transit stops. The proposed
12 General Plan amendments and Planning and Zoning Code amendments would
13 remove minimum parking requirements citywide, except for the
14 racetrack/Waterfront zoning district. It also establishes maximum parking
15 requirements for multifamily, commercial, industrial, and public uses. The
16 proposed amendments also would remove various code sections that allow
17 reductions or provide exceptions since they would no longer be necessary. The
18 proposed amendments are categorically exempt from the California Environmental
19 Quality Act (CEQA).
20

21 **Recommendation:** Staff recommends that the Planning and Zoning Commission
22 approve Resolution No. 2023-02 and Resolution No. 2023-03 recommending to
23 the City Council approval of amendments to the Transportation Element of the
24 General Plan and amendments to Chapters 20.20 and 20.28 of the Zoning
25 Ordinance to modify off-street parking requirements.
26

27 **California Environmental Quality Act (CEQA):** The proposed amendments are
28 within the scope of the General Plan Environmental Impact Report (EIR), certified
29 by the City Council on April 18, 2016. Nothing in these revisions constitute
30 significant changes to the project studied in the EIR and any revisions will not
31 cause any new significant impacts, or substantially more severe impacts than
32 those evaluated in the EIR such that a subsequent or supplemental EIR or
33 negative declaration would be required pursuant to CEQA Guidelines sections
34 15162 and 15163; and none of the other conditions described in CEQA Guidelines
35 section 15162 calling for the preparation of a subsequent EIR or negative
36 declaration have occurred.
37

38 Jean Eisberg, Lexington Planning, presented the staff report dated June 14, 2023.
39

40 PUBLIC HEARING OPENED
41

42 **Darla** inquired regarding parking requirements for the Albany Family Housing project
43 under the new law. If the project does not have to provide parking, approval of the project
44 should be reviewed.
45



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1 **Unknown speaker** opposed zero parking requirements. Perhaps the City should not
2 comply with the law or should require off-street parking for accessory dwelling units
3 (ADU).
4

5 **Unknown speaker** opposed anything that brings more cars into the City because the
6 pollution from cars makes people sick.
7

8 **Nick Peterson** supported zero parking minimums because there are many alternatives
9 to driving a car. Parking minimums have resulted in more traffic, more cars, reduced street
10 safety, and increased pollution and global warming.
11

12 **Harry Chomsky** supported the proposed amendments because they get closer to the
13 ideal scenario of people understanding the cost of parking and paying the cost when they
14 want to.
15

16 **Clay Larson** believed discussions about curb management and transportation demand
17 management (TDM) need to happen sooner rather than later.
18

19 **Elaine Stelton** noticed cars encroaching into driveways due to the loss of parking on
20 Kains Avenue. An Albany police officer told her that cars strike buildings about 20 times
21 per month in Albany. Loading and 10-minute parking zones, parking enforcement, and
22 red curbs at driveways would be useful.
23

24 PUBLIC HEARING CLOSED
25

26 Commissioner MacLeod advised that the state law instituting zero parking minimums
27 applies to about 75% of the City. The proposal extends the minimums to the rest of the
28 City. A project may provide more parking than required. The proposal is quite reasonable,
29 furthers transit and climate action goals, and is a better utilization of space for housing.
30 The City should revisit its TDM requirements and make them more robust. Berkeley's 0.5
31 parking maximum near transit stops is not discouraging housing development.
32

33 Commissioner Momin believed the proposal will comply with state law and reduce vehicle
34 emissions and dependence on vehicles. In his experience as an architect, projects
35 provide more parking than required. The proposal will benefit housing affordability.
36

37 Commissioner Watty supported the inclusion of portions of Albany that are not affected
38 by the state law. Applying different regulations to areas that appear the same is
39 complicated for staff and a disservice to the community. The proposal will not require
40 homeowners, landlords, or business owners to make changes to existing parking. The
41 proposal targets developers, and developers are aware of market demands. If the rules
42 are adopted and prove to be wrong, they can be changed.
43

44 Commissioner Hudson expressed concern regarding the inconvenience of reduced on-
45 site parking for people with disabilities, aged citizens, and families. Lower parking
46 requirements improve land use and rely on public transit that may not be adequate for the



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1 community's needs. Businesses in the City need parking because they attract a large
2 number of people from outside Albany.

3
4 Commissioner Pilch reported the Albany Family Housing project will provide one parking
5 space per unit. Parking management and TDM programs impact some streets more than
6 others. The Commission may want to consider requiring loading zones and accessible
7 parking spaces for all projects and unbundled parking for rental and for-purchase
8 condominium projects. Mr. Larson's suggested revisions should be made. Language
9 regarding Measure D should note voters' passage of an amendment to eliminate parking
10 requirements in Measure D.

11
12 Commissioner MacLeod agreed with requiring unbundled parking for both rental and for-
13 purchase condominium projects.

14
15 Community Development Director Bond noted the complexity of purchasing and selling a
16 condominium and a separate parking space.

17
18 Commissioner Watty believed language could be crafted such that purchasing a
19 condominium does not involve two transactions. A buyer should be able to choose
20 parking or no parking.

21
22 Commissioner MacLeod understood the Commission would discuss TDM programs at
23 some time in the future. More thought and discussion of the issues are needed. The
24 addition to Section 20.28.020K of the Zoning Ordinance needs to be more specific and
25 should have a dollar value for transit passes.

26
27 Commissioner Momin recalled the Commission's discussion of requiring transit passes
28 based on number of bedrooms in a unit versus one pass per unit.

29
30 Commissioner Watty suggested the Commission defer revision of the transit pass
31 language to a future TDM discussion.

32
33 Ms. Eisberg clarified that the comment on page 4-30 of the Transportation Element is
34 intended to incorporate the passage of Measure D into the text.

35
36 **Motion to approve Resolution No. 2023-02 and Resolution 2023-03**
37 recommending to the City Council approval of amendments to the Transportation
38 Element of the General Plan and amendments to Chapters 20.20 and 20.28 of the
39 Zoning Ordinance to modify off-street parking requirements with an amendment to
40 unbundle parking for sale and rental projects. Watty

41 Seconded by Momin

42 AYES: Hudson, MacLeod, Momin, Pilch, Watty

43 NOES: None

44 ABSTAIN: None

45 ABSENT: None

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



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8. NEW BUSINESS

8-1. Planning Application 23-021 Study Session for New Residential Units at 925 Adams Street – An application has been submitted for Design Review approval for two (2) new residential units and a conversion and remodel of an existing building at 925 Adams St. The subject property is a 5,000-sq.-ft. lot with one existing 1,928-sq.-ft. 2-story building currently used commercially. The project proposes to remodel and convert the existing building into a 3-bedroom 3-bathroom residential unit and add two (2) additional 3-story residential units of approx. 1,600 sq. ft. each. The new units are proposed to have 3 bedrooms, 3 or 4 bathrooms, roof decks and garages. This will result in three separate residential units totaling 5,146 sq. ft. with a maximum height of 32' 11". This is a study session, and no action will be taken.

Recommendation: For discussion only. This is a study session, and no action will be taken.

California Environmental Quality Act (CEQA): The project is expected to be categorically exempt from CEQA pursuant to Section 15303 "New Construction or Conversion of Small Structures" of the CEQA Guidelines.

By acclamation, the Commission extended the meeting past 9:30 p.m.

Interim Associate Planner Sophie Gabel-Scheinbaum presented the staff report dated June 14, 2023.

Henry Fleischmann, applicant representative, reported the project proposes three units in order to provide open space and retain the existing building. The two front units are split to avoid the massing of one building and create a diversity of buildings. The distance between the two buildings is 4 feet to accommodate stairways and usable space inside each building. The project proposes to relocate the curb cut in an effort to set the buildings as far back from the existing oak tree as possible. The building height of 32' 11" is measured from the ground to the roof access hatch. The windows are placed to provide privacy for adjacent residences. The view from the third-story roof deck will be over the surrounding lots rather than into the lots. When asked, Mr. Fleishmann advised that bicycle parking is located across from unit 3 and labeled on sheet A-0.2. Currently, there are no provisions for cargo bikes. The oak tree sits on the property line. He and his staff arborist have discussed preserving the tree. The garages are small and intended to be used for charging compact vehicles overnight.

Community Development Director Bond related that he would ask the City Arborist to review standard conditions of approval for tree protection and monitor the tree during construction.

PUBLIC HEARING OPENED



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1
2 **Unknown speaker** shared neighbors' concerns regarding trees, particularly the oak tree;
3 impacts on residences at 919 and 929 Adams; and parking.
4

5 **Janelle** indicated neighbors were unaware that the San Pablo Avenue Specific Plan
6 affects development on Adams. The project will be incongruent with the neighborhood.
7

8 **Pantip Chawalit** expressed concern that the buildings will block sunlight to his solar
9 panels.
10

11 **PUBLIC HEARING CLOSED**
12

13 Commissioner Watty believed the project needs a clear residential entryway facing the
14 street. The cantilevered portion of the second building feels awkward and not intentional.
15 The concept of three detached single-family homes is a great way to provide incremental
16 densification and keep the single-family aesthetic. The proposed height is not a concern.
17 The neighborhood has a pattern of similarly scaled buildings. Perhaps the tree that is
18 special to the neighbors could be relocated.
19

20 Commissioner Momin appreciated the arrangement of the approach with the two units
21 and the courtyard with parking in front of unit 3. The interior planning is good. There is not
22 much interaction between the front courtyard and the building. Closing the gap between
23 units 1 and 2 would provide more space between units 2 and 3 and an open feeling for
24 the whole area. Maneuvering cars in and out of the garages is a concern.
25

26 Commissioner MacLeod encouraged the applicant to build more units if possible. The
27 gap between units 1 and 2 does not serve a purpose and probably will not be used. A
28 party wall would reduce the building's energy usage. The parapet could be pulled back
29 from 919 Adams. The bump out is awkward. The elevations are inconsistent, and the
30 design logic among the elevations is not apparent. The street side seems unwelcoming.
31 Adaptive reuse of the rear building is a good approach to conserve resources and reduce
32 the building's carbon footprint. A more convenient and accessible bike storage system
33 with space for cargo bikes would be great. Roof decks are a great way to create more
34 open space for the project.
35

36 Commissioner Pilch stated the project is a great improvement for the lot. The project
37 provides on-site parking. The street side is not usable or a good use of space. The bike
38 parking needs to be enclosed and secured.
39

40 **9. NEXT MEETING: June 28, 2023 at 7:00 PM**

41
42 **10. ADJOURNMENT**
43

44 The meeting was adjourned at 10:18 p.m.
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Submitted by:

Jeff Bond, Community Development Director