



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

MINUTES OF THE REGULAR MEETING WEDNESDAY, JULY 12, 2023

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Chair Pilch called the regular meeting of the Planning and Zoning Commission to order at 7:00 p.m. on Wednesday, July 12, 2023.

2. ROLL CALL / LAND ACKNOWLEDGEMENT

Present: Hudson, Momin, Watty, Pilch

Absent: MacLeod

Staff Present: Community Development Director Jeff Bond

Planning Manager Leslie Mendez

Interim Associate Planner Sophie Gabel-Scheinbaum

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 May 10, 2023

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

Community Development Director Jeff Bond reported no one moved to approve the May minutes during the June 14 meeting; therefore, staff presents the minutes again for approval.

4-2. Planning & Zoning Commission Meeting Minutes June 14, 2023, 2023

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

Chair Pilch requested the minutes for the May and June 2023 meetings reflect the Chair and Vice Chair by title rather than Commissioner.

4-3. Planning Application 23-032 Major Use Permit for Expansion of an Existing Day Care Center at 850 Talbot Avenue - The applicant is seeking major use



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

1 permit approval for the expansion of an existing day care center at 850 Talbot
2 Avenue. The subject site is a 5,164-sq.-ft. lot with an existing day care center at
3 the front (Unit A) and an existing vacant residence at the rear of the property (Unit
4 B) built in 1946. The applicant is proposing a change of use for Unit B from a
5 residential unit to an expansion of the existing Chinese language day care center.
6 Hours of operations will be maintained as existing, Monday-Friday 1 pm – 6 pm
7 during the academic school year and 8 am – 6 pm during the summer. The existing
8 architectural style of Unit B is proposed to remain. Off-street parking is not required
9 per California AB 2097.

10
11 **Recommendation:** Staff recommends that the Planning & Zoning Commission
12 review and approve the conditional use permit for the proposed day care center,
13 subject to conditions of approval.

14
15 **CEQA:** The project is Categorically exempt from CEQA pursuant to Section 15303
16 “New Construction or Conversion of Small Structures” of the CEQA Guidelines.

17
18 **Motion to approve** Items 4-1 and 4-2 as amended. Watty

19 Seconded by Momin

20 AYES: Hudson, Momin, Watty, Pilch

21 NOES: None

22 ABSTAIN: None

23 ABSENT: MacLeod

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

25
26 **Motion to approve** Item 4-3 as proposed. Watty

27 Seconded by Momin

28 AYES: Hudson, Watty, Pilch

29 NOES: None

30 ABSTAIN: Momin

31 ABSENT: MacLeod

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

33
34 Chair Pilch noted the appeal period.

35 36 **5. ANNOUNCEMENTS / COMMUNICATIONS**

37
38 Chair Pilch noted transportation surveys released by Link 21 and AC Transit.

39
40 Community Development Director Bond introduced Planning Manager Leslie Mendez,
41 who will be the Planning and Zoning Commission’s (Commission) staff liaison. The City
42 has released a rental survey that will inform staff’s prioritization of tenant protections. In
43 response to communications with the California Department of Housing and Community
44 Development (HCD), staff has submitted revisions to the Housing Element and is awaiting
45 HCD’s comments before presenting them to the Commission for discussion. HCD has not
46 yet certified the Housing Element. On July 17, 2023, the City Council will discuss



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

1 amendments to the Parking Ordinance, General Plan, and Planning & Zoning Code and
2 the Alameda County Transportation Commission's (ACTC) work on the San Pablo
3 Avenue corridor.

6. PUBLIC COMMENTS

4
5
6 None.

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

7-1. **Planning Application 23-031 Temporary Use Permit for FoodieLand Night Market at Golden Gate Fields (1100 Eastshore Hwy)** – The applicant is seeking a Temporary Use Permit for FoodieLand Night Market at Golden Gate Fields. FoodieLand Night Market is a street food festival with over 100+ food vendors, food trucks, and 50+ retail vendors. The event dates are proposed to be August 4-6, 2023, August 11-13, 2023 and October 6-8, 2023, from 1 pm to 10 pm in the north parking lot of Golden Gate Fields. The applicant anticipates 30,000-40,000 attendees over a three-day period. Attendees are expected to stay for a maximum of 2-3 hours. Vehicle parking is proposed at both the Buchanan Street and Gilman Street entrances on the subject property. Designated accessible and bicycle parking is available from the Buchanan Street entrance.

Recommendation: Staff recommends that the Planning & Zoning Commission review and recommend staff approve the temporary use permit for the proposed event, subject to conditions of approval.

CEQA: The project is Categoricaly exempt from CEQA pursuant to Section 15301 "Staff Facilities" of the CEQA Guidelines.

Community Development Director Bond presented the staff report dated July 12, 2023, and Commissioner MacLeod's written comments. The Commission may wish to allow staff to approve the permit in the future as the applicant has responded positively to past recommendations for improvements and changes.

PUBLIC HEARING OPENED

None.

PUBLIC HEARING CLOSED

Commissioner Watty appreciated the applicant's responses to Commission feedback and the opportunity to generate revenue for the City. The City Council can mandate a type of serveware by adopting an ordinance, but the Commission cannot mandate a type of serveware through a condition of approval. Staff approval of a permit application in future years is appropriate unless something does not go well in 2023.



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

1
2 Commissioner Momin indicated the application is much more organized, and the
3 applicant has taken care of prior issues. He agreed with staff approval of permit
4 applications in future years.

5
6 Commissioner Hudson suggested vendors utilize paper or compostable serveware.

7
8 Chair Pilch noted that Condition of Approval 12 requires the use of reusable or
9 compostable serveware and/or serveware containing post-consumer recycled content.
10 The Commission previously requested the use of compostable serveware. The
11 Commission may wish to amend the conditions of approval to delete the language
12 regarding post-consumer recycled content and to add language regarding a security
13 guard and location signage for bicycle parking.

14
15 **Motion to approve Planning Application 23-031** for FoodieLand Night Market
16 with additional conditions of approval regarding a security guard and signage for
17 bicycle parking. Watty

18 Seconded by Momin

19 AYES: Hudson, Momin, Watty, Pilch

20 NOES: None

21 ABSTAIN: None

22 ABSENT: MacLeod

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

24 25 **8. NEW BUSINESS**

26
27 **8-1. Study Session on Proposed Planning & Zoning Code Amendments for**
28 **Accessory Dwelling Units (ADUs)** – A key component of the City’s strategy for
29 meeting its future housing needs, as outlined in the City’s recently adopted 2023-
30 2031 6th Cycle Housing Element, is to encourage the production of Accessory
31 Dwelling Units (ADUs) throughout the City. In addition, amendments are required
32 for compliance with recent changes in State law.

33
34 **Recommendation:** For discussion only. This is a study session, and no action will
35 be taken.

36
37 Interim Associate Planner Sophie Gabel-Scheinbaum presented the staff report dated
38 July 12, 2023.

39
40 PUBLIC HEARING OPENED

41
42 None.

43
44 PUBLIC HEARING CLOSED
45



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

1 Commissioner Watty supported simplification of processes and compliance with State
2 law. A detached ADU height limit of 20 feet citywide is simple and practical. An attached
3 ADU height limit that matches the underlying height limit is a concern, but a height limit
4 of 25 feet would allow a two-story addition with a small basement and gabled roof. For a
5 future discussion, perhaps staff could consider and present a local program that sets the
6 standard height limit at 25 feet and provides a waiver process to exceed the standard up
7 to the height limit for the underlying zoning district. Utilizing the limits in State law benefits
8 companies that construct ADUs statewide. Side and rear setbacks of 3 feet make sense.

9
10 Commissioner Momin encouraged staff to find ways to prevent building in the front
11 setback. A height limit of 18 or 20 feet should be citywide. He requested staff clarify in the
12 future the measurement of building height on sloping lots, particularly lots that slope
13 toward a neighboring residence as the structure could impact the neighbor's privacy and
14 access to sunlight. A 20-foot height limit for new detached ADUs is appropriate to provide
15 flexibility in roof design. A waiver to allow an ADU to exceed a standard 25-foot limit could
16 allow the Commission to control design of an ADU in relation to the existing structure. He
17 supported a 4-foot setback for side and rear yards as it would provide space for circulation
18 or a garden.

19
20 Chair Pilch wished to ensure objective standards for ADUs are stated explicitly. A concern
21 with a 20-foot height limit for detached ADUs is that ADUs will be designed as boxes with
22 flat roofs. A height limit of 25 feet is preferable. For attached ADUs, staff's
23 recommendation of a height limit matching the underlying zoning district's height limit is
24 fine. Setbacks of 0-6 inches or 3 feet are preferable because of the small size of Albany
25 lots. To alleviate the Albany Fire Department's concern about access, zero setbacks
26 could be allowed for ADUs with sprinkler systems. Setbacks are not a good way to
27 mediate lot line disputes. Additional standards that preclude windows in a structure are a
28 concern as window treatments can address privacy concerns.

29
30 Commissioner Hudson favored 3-foot setbacks and Chair Pilch's idea of zero setbacks
31 for ADUs with sprinkler systems. A 20-foot height limit for a detached ADU should be fine.
32 A height limit similar to the main structure's height limit should be fine for attached ADUs.

33 34 **9. NEXT MEETING: July 26, 2023 at 7:00 PM**

35
36 Community Development Director Bond reported the July 26 meeting will likely be
37 canceled. No meetings will be held in August.

38 39 **10. ADJOURNMENT**

40
41 The meeting was adjourned at 8:42 p.m.
42
43
44
45
46



PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, July 12, 2023

1
2
3
4
5
6

Submitted by:

Jeff Bond, Community Development Director