



# PLANNING & ZONING COMMISSION

1000 San Pablo Avenue

Albany, CA 94706

Wednesday, September 27, 2023

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## MINUTES OF THE REGULAR MEETING WEDNESDAY, SEPTEMBER 27, 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, September 27, 2023.

#### 2. ROLL CALL / LAND ACKNOWLEDGEMENT

Present: MacLeod, Momin, Pilch, Watty

Absent: Hudson

Staff Present: Planning Manager Leslie Mendez

Interim Associate Planner Sophie Gabel-Scheinbaum

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 September 13, 2023

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

**4-2. Planning Application 23-039 Design Review approval for 1<sup>st</sup> and 2<sup>nd</sup>-story addition at 1024 Curtis Street** – The applicant is seeking Design Review approval for a first and second-story addition and remodel at 1024 Curtis St. The subject lot is 3,500 sq. ft. with an existing 1-story, 2-bedroom, 1-bathroom, 1,151-sq.-ft. home built in 1925. The scope of work includes a 1,209 addition split between the first and second stories to accommodate two additional bedrooms and two additional bathrooms. A junior accessory dwelling unit is being processed concurrently with the minor addition and is not subject to public review per California law. The existing Mediterranean style will be enhanced as part of the addition and remodel to include new windows on all facades, new wood-accented front porch, and stucco painted to match. This will result in a 4-bedroom, 3-bathroom, 1,925-sq.-ft. home with a maximum height of 24'-3". Off-street parking is not required per California AB 2097.



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1 **Recommendation:** No action recommended. Due to a delay in receiving a  
2 complete plan set that incorporates recent design modifications by the applicant,  
3 the public hearing will be continued to the October 11, 2023 Planning & Zoning  
4 Commission meeting.  
5

6 **California Environmental Quality Act (CEQA):** The project is Categorically  
7 exempt from CEQA pursuant to Section 15301 "Existing Facilities" of the CEQA  
8 Guidelines.  
9

10 **Motion to approve** the consent calendar. Watty

11 Seconded by Momin

12 AYES: MacLeod, Momin, Pilch, Watty

13 NOES: None

14 ABSTAIN: None

15 ABSENT: Hudson

16 **Motion passed, 4-0-0-1**  
17

### 18 5. ANNOUNCEMENTS / COMMUNICATIONS 19

20 Planning Manager Leslie Mendez announced the cancellation of the Planning and Zoning  
21 Commission's (PZC) October 11, 2023, meeting. The Council has scheduled a study  
22 session regarding Housing Element implementation priorities for October 3, 2023.  
23

### 24 6. PUBLIC COMMENTS 25

26 None.  
27

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

31 7-1. **Public Hearing on Resolution 2023-04 recommending that the City Council**  
32 **adopt amendments to the Planning and Zoning Code related to Accessory**  
33 **Dwelling Units** – The State Legislature has been modifying state law (California  
34 Government Code Section 65852.150, et seq.) governing Accessory Dwelling  
35 Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to reduce barriers,  
36 streamline the approval process, and expand production throughout California.  
37 Staff is presenting an updated ADU Ordinance that is consistent with state law and  
38 incorporates modifications that reflect local context. The proposed Ordinance would  
39 replace current Albany ADU regulations (AMC §20.20.080).  
40

41 **Recommendation:** Staff recommends that the Planning & Zoning Commission  
42 approve Resolution 2023-04 recommending that the City Council adopt  
43 amendments to the Planning and Zoning Code related to Accessory Dwelling  
44 Units.  
45



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1           **California Environmental Quality Act (CEQA):** Consideration of the ordinance  
2 is statutorily exempt from the provisions of the California Environmental Quality  
3 Act (CEQA) pursuant to Public Resource Code 21080.17 and CEQA Guidelines  
4 Section 15282(h), which provide that CEQA does not apply to the adoption of an  
5 ordinance implementing the provisions of Section 65852.1 (Accessory Dwelling  
6 Units) or Section 65852.2 (Junior Accessory Dwelling Units) of the California State  
7 Government Code.

8  
9 Planning Manager Mendez and Interim Associate Planner Sophie Gabel-Scheinbaum  
10 presented the staff report dated September 27, 2023.

11  
12 PUBLIC HEARING OPENED

13  
14 None.

15  
16 PUBLIC HEARING CLOSED

17  
18 Chair Pilch requested the PZC consider a setback of 0-6 inches for ADUs and a height  
19 limit of 25 feet for new, attached ADUs. A height limit of 28 feet is appropriate to match  
20 the height and pitch of an existing roof.

21  
22 Commissioner Momin supported many of the proposed amendments, including the  
23 exemption for ADUs up to 800 square feet and elimination of the two-tiered permitting  
24 process. Provisions for converted ADUs could be clarified more. Footnote 4 could be  
25 moved to the definitions section. The PZC may wish to consider a 3 or 4-foot setback for  
26 two-story ADUs and a 0 to 6-inch setback for one-story ADUs. A fire wall requirement  
27 may be more appropriate for converted ADUs than new detached ADUs.

28  
29 Commissioner Watty generally supported the proposed amendments, particularly the  
30 exemption for 800-square-foot ADUs and the 3-foot setback. If a 3-foot setback prevents  
31 the construction of an 800-square-foot ADU, state law allows an ADU to encroach into  
32 the setback.

33  
34 Commissioner Momin noted footnote 3 refers to the front setback only and footnote 4  
35 refers to waiving all setback requirements for a 150-square-foot addition to an existing  
36 structure.

37  
38 Interim Associate Planner Gabel-Scheinbaum advised that, according to state law,  
39 requirements for lot coverage, floor area ratio (FAR), open space, minimum lot size, or  
40 front yard setback cannot preclude the construction of an ADU.

41  
42 Commissioner MacLeod appreciated the intent to comply with state law and to facilitate  
43 the construction of ADUs. A 20-foot height limit in general and a 28-foot height limit to  
44 match an existing roof pitch are acceptable. A 1-hour fire wall should be required at 3  
45 feet. Designing and constructing a building on a zero lot line is difficult, especially if there  
46 is an existing structure. A 3-foot setback is preferable. The exemption for an 800-square-



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1 foot ADU is acceptable. Perhaps the PZC could discuss eliminating FAR requirements  
2 for single-family residences in the future. The City's requirement for fire sprinklers is not  
3 equitable for all property owners.

4  
5 Planning Manager Mendez reported the Albany Fire Department (AFD) would be loathe  
6 to remove any life safety element from the ordinance. Community Development Director  
7 Jeff Bond added that ADUs are typically not visible to passersby; therefore, a passerby  
8 is not as likely to notice a fire in an ADU.

9  
10 Commissioner Watty related that state law allows the City to require sprinklers in ADUs  
11 only when the main home has sprinklers.

12  
13 Chair Pilch concurred with Commissioner Momin's comments regarding clarification of  
14 provisions and Commissioner MacLeod's comments regarding elimination of FAR  
15 requirements and proposed a revision to include side and rear yard setbacks in the  
16 language regarding preclusion of construction of an 800-square-foot ADU.

17  
18 Planning Manager Mendez explained that a 3-foot setback is the minimum space needed  
19 for AFD access around an ADU. Staff would have difficulty supporting Chair Pilch's  
20 proposal. Commissioners may wish to revise the ordinance to require a minimum one-  
21 hour fire wall for all ADU exterior walls located within 3 feet of the property line. The  
22 requirement would apply to the existing walls of a converted ADU as well.

23  
24 Commissioner Watty clarified that the suggested language for fire walls would reinforce  
25 Building Code requirements.

26  
27 **Motion to approve Resolution 2023-04** with the revisions discussed. Watty

28 Seconded by Momin

29 AYES: MacLeod, Momin, Pilch, Watty

30 NOES: None

31 ABSTAIN: None

32 ABSENT: Hudson

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

34  
35 **8. NEW BUSINESS**

36  
37 **9. NEXT MEETING: October 11, 2023 at 7:00 PM**

38  
39  
40 **10. ADJOURNMENT**

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42 The meeting was adjourned at 8:42 p.m.



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Submitted by:

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Jeff Bond, Community Development Director