

City of Albany
Planning and Zoning Commission
Approved Minutes July 26, 2011, Meeting

Note: These minutes are subject to Planning and Zoning Commission approval. The minutes are not verbatim. An audiotape of the meeting is available for public review.

Regular Meeting

1. Call to order

The meeting of the Planning and Zoning Commission was called to order by Chair Moss, in the City Council Chambers at 7:30 p.m. on Tuesday, July 26, 2011.

2. Pledge of Allegiance

3. Roll Call

Present: Arkin, Moss, Panian
Absent: Eisenmann, Maass
Staff present: Planning and Building Manager Jeff Bond, Planning Clerk Amanda Bennett

4. Consent Calendar

a. Minutes from the June 28, 2011, Regular Commission Meeting.

Recommendation: Approve.

Commissioner Arkin noted the bottom of page two should state 30% rear yard coverage. The minutes were approved by unanimous.

5. Public Comment on Non-Agenda Items

Ed Fields, Albany resident, proposed an amendment to the Zoning Ordinance rather than rezoning University Village lots. Chair Moss asked staff to agendize the proposal.

6. Discussions and Possible Action on Matters Related to the Following Items

Chair Moss reordered the agenda, placing item 6c before item 6a.

- c. **701 Hillside. Planning Application #05-025. Design Review.** The project at 701-705 Hillside consists of the construction of two new single-family homes. Construction has been completed at 705 Hillside and is nearing completion for 701 Hillside. The purpose of this agenda item is to review requirements for issuance of a certificate of occupancy.
Recommendation: For discussion and direction to staff.

Planning Manager Bond introduced the periodic update on the project. Michael Wallace, neighbor of 701-705 Hillside, was unhappy about the lack of enforcement of the conditions of approval. Commissioner Arkin noted from now on multiple home applications would be reviewed separately, there had been the enactment of the nuisance ordinance, and the Commissioners would discuss permit expirations this evening.

- a. **Wireless Antenna at 423 San Pablo. Planning Application #11-004. Design Review and Conditional Use Permit.** The applicant requests City approval to allow the removal of the four existing wireless communication antennas and replacement with four new

antennas on an existing 65-foot high monopole. The monopole is an existing legal non-conforming facility pursuant to the Wireless Communication Facility provisions of the City's Planning and Zoning Code.

Recommendation: Staff recommends that the Planning and Zoning Commission deny the application unless substantial evidence is submitted for the record to support the finding that strict compliance with the Planning and Zoning Code would not provide for adequate radio-frequency signal reception and that no other alternative solutions that would meet the development standards are feasible.

Planning Manager Bond delivered the staff report. Chair Moss opened the public hearing and invited the applicant to make a presentation. Joe Parker, attorney representing Crown Castle, made a presentation. Stefan Yakella, R.F. engineer, explained his research and analysis. Chair Moss asked whether they considered changing the orientation of the panels. He stated the code limited the pole to serving Albany only.

Michael Ducette wanted to know how the carrier would park and access the site (he owns the parking lot). Patricia Ducette stated they park in a loading zone. Mr. Fields stated this was an upgrade to include a third service--LTE. Clay Larson, Albany resident, stated the City Council had determined this was an upgrade, which would not be permitted. Thea Candia, Albany resident, opposed the pole.

Crown Castle representative expressed willingness to work out a schedule with the parking lot owner. Commissioner Arkin asked about alternate sites studied. Commissioner Arkin asked staff whether collocation or existing buildings were the only options. They were not. No one else wished to speak. Chair Moss closed the public hearing. Commissioner Arkin noted this was an upgrade. He wanted the City Engineer or his designate to review the RF research and analysis.

Commissioner Panian agreed it was an upgrade. He asked staff whether the CUP was the correct mechanism for dealing with the non-conformance. He could deny the application. Chair Moss thought it should be forwarded to City Council for their guidance.

Commissioner Panian moved denial. Commissioner Arkin seconded, noting this was an upgrade of existing legal, non-conforming site--not maintenance. Commissioner Panian accepted the amendment to the motion.

Vote to deny item **6a** as amended:

Ayes: Arkin, Moss, Panian

Nays: None

Motion passed, 3-0.

Findings. 423 San Pablo.

The following findings were made by the Planning and Zoning Commission as part of the motion to deny the application: 1. The existing installation is a legal non-conforming facility; 2. The City Council has determined that the proposed upgrade is not maintenance; 3. The

proposed installation at 62 feet in height exceeds the development standard of a 48 foot height limit; and 4. The Commission is unable to make the findings of section 20.100.030 regarding the necessity and desirability and compatibility because the proposal is not consistent with the City ordinances.

- b. 501-505 San Pablo. Planning Application #11-038 Conditional Use Permit.** The applicant is requesting approval for a donation reception center associated with their proposed retail store. Donations would be accepted inside the store during business hours. No significant changes to the exterior of the existing building are proposed.
Recommendation: Approve.

Lily Jacobson delivered the staff report. Chair Moss opened the public hearing and invited the applicant to make a presentation. Patrica Soloman from Goodwill was available to answer questions. Commissioner Arkin asked how donations would work. Patricia Salmon, from Goodwill, indicated donations would be similar to how Blockbuster customers came and went. Kristen Kimble, Albany resident, was surprised she did not get a public notice. She was concerned about impacts to her neighborhood--trash and vehicles. Julia Reese, Albany resident, agreed. Ruth Gjerde, Albany resident, also had concerns, but thought it might be a good location for a Goodwill store. No one else wished to speak. Chair Moss closed the public hearing.

Chair Moss asked whether the hours for delivery and pick-up could be limited. Ms. Salmon assented. Commissioner Panian asked what parking was required. Retail to retail. But then why did it need a CUP? Chair Arkin thought a gate might solve dumping problems. Planning Manager Bond reported the police asked there not be a gate, at least initially. Chair Moss recommended lighting pointed at the building--away from residential.

Commissioner Arkin moved approval with the removal of the traffic spikes option. Commissioner Panian seconded and proposed a review of operations six months after opening. Commissioner Arkin accepted the amendment.

Vote to approve item **6b** as amended:

Ayes: Arkin, Moss, Panian

Nays: None

Motion passed, 3-0.

Findings. 501-505 San Pablo.

Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
1. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i>	<i>The General Plan designates this area for General Commercial. The project meets City zoning standards for location, intensity and type of development. The site is an existing commercial building, currently vacant, and the conversion of use into a Goodwill Store with a</i>

	<p><i>Donation Reception Center is an appropriate use of the site.</i></p>
<p>2. Adverse Impacts. <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i> 	<ul style="list-style-type: none"> a. <i>The proposal is in scale and harmony with existing development near the site. It is an already developed site.</i> b. <i>There already exist 29 parking spaces on-site, and no changes will be made to the parking configurations. There is sufficient space for a loading area on the eastern side of the building, where the proposed donation reception center is.</i> c. <i>The applicant will make provisions to ensure that no idling occurs in the loading area. Noise impacts will be mitigated by screening between the subject property and the adjacent R-3 zone.</i> d. <i>There exists significant landscaping between the property and the abutting R-3 district.</i>
<p>3. Consistency with Zoning Ordinance, General Plan and Specific Plan. <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p><i>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area.</i></p>

d. Preliminary Discussion Regarding Amendments to the Albany Municipal Code to Regulate the Length of Time for Completion of Construction Projects.

Recommendation: For discussion and direction to staff.

Planning Manager Bond introduced the item. Mr. Fields asked about maximum. No one else wished to speak. Chair Moss closed the public hearing.

7. Announcements/Communications:

- a. City of Albany Planning and Zoning Update "E-Notification"
- b. Update on City Council agenda items related to Planning and Zoning activities.
- c. Reminder to Register at www.voicestovision.com for *Voices to Vision 2* sessions regarding the Lawrence Berkeley National Laboratory Second Campus to be held July 30 - 31 and August 1, 2011.
- d. Lawrence Berkeley National Laboratory Community Meeting Scheduled for Wednesday August 3, 2011, 7:30 pm, Albany Community Center.
- e. Review of status of major projects and scheduling of upcoming agenda items

8. Future Planning and Zoning Commission Meeting Agenda Items:

- a. No Commission meetings will be held during the month of August.
- b. Next Regular Planning and Zoning Commission hearing scheduled for Tuesday, September 13, 2011.

9. Adjournment

The meeting was adjourned at 10:08 p.m.

Next regular meeting: Tuesday, September 13, 2011, 7:30 p.m.

Submitted by:

Jeff Bond
Planning Manager