

City of Albany

Planning and Zoning Commission Minutes May 22, 2012 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 Arkin, in the City Council Chambers at 7:30 p.m. on Tuesday, May 22, 2012.

2. **Pledge of Allegiance**

3. **Roll Call**

Present: Eisenmann, Maass, Moss, Arkin

Absent: Panian

Staff present: City Planner Anne Hersch

4. **Consent Calendar**

A. **PA 12-017: 951 Ordway Accessory Building Design Review-** The applicant is seeking design review approval of a new accessory structure located in the rear yard of 951 Ordway. There is an existing single-car garage which is proposed to be demolished. The new accessory structure is proposed to be 434 sq. ft. in area and will contain one covered off-street parking space, new laundry facilities, and a workshop area. This proposal results in 22% rear yard lot coverage. The new building will be 12 ft. in height and will be clad in textured lap siding. The roof will be clad with composition shingle.

Recommendation: Approve with project conditions.

Motion to approve item 4a: Commissioner Moss

Seconded by: Commissioner Maass

Ayes: Arkin, Eisenmann, Moss, Maass

Nays: None

Motion passed, 4-0

5. **Public Comment on Non-Agenda Items**

None.

6. **Public Hearing Items**

A. **PA 11-052 Sprint Antenna Replacement at 520 Cleveland Ave. -** The applicant is seeking a conditional use permit to replace antennas on an existing Sprint facility located in the parking lot of the Adhesive Products Incorporated at 520 Cleveland

1 Ave. The existing pole is 47' in height and contains four (4) antennas. The applicant
2 would like to change out the old antennas and replace them with four (4) new
3 antennas. The new antenna installation will reduce the overall pole height to 46'. The
4 existing pole is proposed to remain. The lease area is approximately 240 sq. ft. and is
5 located in the parking lot, towards the western property line boundary. The facility
6 has been in operation since 2001.

7 *Recommendation: Approve with project conditions.*

8
9 Ms. Hersch presented the staff report and made herself available for questions.

10
11 Commissioner Eisenmann asked about existing collocation at the project site.

12
13 Ms. Hersch explained the site was designed for collocation but has not had additional
14 carriers since it was constructed.

15
16 Commissioner Arkin requested more information on the recommendation to authorize
17 entering into a maintenance and facility removal agreement and whether it was a
18 standard that has been applied to other projects.

19
20 Ms. Hersch replied that there have been few approved wireless projects and for the ones
21 that have been, maintenance agreements were put in place so that the facilities would be
22 maintained and in the event that operations cease it would be removed in its entirety.
23 She clarified this matter for Commissioner Moss. Ms. Hersch indicated that the applicant
24 has approved the agreement.

25
26 PUBLIC HEARING OPENED.

27
28 **Misako Hill**, representative of Sprint and applicant, noted she had read the staff
29 report and Sprint agreed with the conditions that were outlined. She made herself
30 available for questions.

31
32 Commissioner Arkin noted the interim layout in the drawings for the antennas.

33
34 **Misako Hill** explained that Sprint would be doing a complete overhaul of the
35 equipment- antennas and cabinets in the enclosure area so the antennas would not be
36 able to be removed all at once without interrupting phone service. The antennas will
37 be removed two at a time.

38
39 Commissioner Arkin asked how long this would take.

40
41 **Misako Hill** replied it would likely take a few weeks to get the new antennas on.

42
43 Commissioner Eisenmann asked about the difference between the existing antennas
44 which are 800 megahertz and the upgrade to 1600 and 1900.

45

1 **Misako Hill** described it as data upgrade as Sprint has the iPhone. The new antennas
2 offer better coverage as well. She was unsure of the difference between the 1600 and
3 1900.

4
5 Commissioner Moss likened the difference to analog television and digital. The main
6 difference was data.

7
8 **Clay Larson, Albany resident**, noted that the Albany ordinance required the owner of
9 new towers or a tower undergoing major modifications to enter a written agreement to
10 keep the site of collocation at fair market prices. He said a decision should be made
11 whether this project constitutes as a major modification. He described the project and
12 suggested that the project may not be simply an optional condition of approval but may
13 be required by ordinance. He noted there had been polls of residents in the Gate view
14 condominiums and they had reported poor service from AT&T. He said he did not see
15 all the conditions of approval recommended the Kramer report. He read a few of the
16 conditions which stated the carrier be required to disclose signal coverage levels and
17 that the cables be connected to the rear of the antennas. He mentioned positioning the
18 remote radio units so they were less visible. He added changing the existing co-axes to
19 fiber optics. He wanted to know if the conditions were in the staff report.

20
21 Commissioner Moss noted that regardless of whether or not these conditions were in
22 the report, the commissioner who makes the motion could include them.

23
24 **Clay Larson** supported the approval of the project.

25
26 **Misako Hill** noted that she read the Kramer report and the recommendations. She
27 states that she cannot answer definitively if the changes will work for the engineers, but
28 she can check to see. She notes unused cabling can be removed.

29
30 Commissioner Maass asked about her reaction to the agreement that other carriers
31 could use the pole.

32
33 **Misako Hill** said structural analysis would have to be done but Sprint was open to
34 collocation as long as it was structurally and technically feasible.

35
36 Commissioner Maass asked who would judge the data Sprint provide/

37
38 Ms. Hersch replied that that would likely go to the City's plan checking service and a
39 licensed structural engineer would look it over.

40
41 **Misako Hill** added that typically carriers do preliminary structural analysis prior to
42 choosing a collocation site. She said the pole was managed by a tower company called
43 Crown Castle that would do the initial structural analysis if another carrier came in
44 before they made a formal application to the city.

45 Commissioner Moss notes that it looks like the project is over 10% roof coverage.

1
2 Commissioner Eisenmann noted that she saw that at some point, the pole was designed
3 to accommodate nine antennas.
4

5 **Misako Hill** replied that the initial application for Sprint was nine antennas.
6

7 Commissioner Arkin summarized by saying Sprint is at the site and is open to
8 collocation pending the issues mentioned.
9

10 PUBLIC HEARING CLOSED.
11

12 Commissioner Eisenmann noted that that the project seems to be in a reasonable
13 location. She added that it was in the most desirable zoning area, four antennas are
14 being replaced with 4 antennas, and the upgrades are reasonable. She supports the
15 application.
16

17 Commissioner Maass agrees adding the height meets requirements.
18

19 Commissioner Arkin noted that the changed antennas are located between two
20 freeways and in the industrial CMX zone and thus would probably not have much of a
21 visual impact. The ordinance requires screening of new antennas but he adds screening
22 would likely increase visual impact.
23

24 **Motion to approve item 6a with conditions in Staff Report and referencing the**
25 **recommendations in the Kramer report to be added: Commissioner Moss**
26

- 27 • He noted the recommendations from the Kramer report should be reviewed by the
28 applicant and that if the applicant cannot meet these requirement they should
29 provide an explanation in writing to staff detailing why it is not possible.
30

31 **Seconded by: Commissioner Eisenmann**
32

33 Ayes: Eisenmann, Moss, Maass, Arkin

34 Nays: None

35 Motion passed, 4-0
36

37 **B. PA 12-020: 1004 Stannage Design Review & Parking Exception-** The applicant is
38 seeking design review approval of a new first and second story addition for the home
39 at 1004 Stannage. The applicant is proposing to add 577 sq. ft. to an existing 919 sq. ft.
40 home. The addition will include 272 sq. ft. on the first floor, expanding the existing
41 living room and creating a new office. A new master suite 305 sq. ft. area is proposed
42 for the second story. The proposed building height is 23'2". The addition will be
43 stucco and painted to match the existing home. The roofing material will be
44 composition shingle. A new rear yard deck and trellis are also proposed as part of the
45 project.

1 ***Recommendation: Review and provide feedback to the applicant and staff.***

2
3 Commissioner Arkin noted while he lives on Stannage, he lives over 500 ft away and
4 will be allowed to stay for the discussion.

5
6 Ms. Hersch presented the staff report.

7
8 PUBLIC HEARING OPENED.

9
10 **Howard McNenny**, architect and applicant, noted that project is a modest addition to
11 the house and they had tried to be sensitive to the existing scale, detail, and labors. He
12 noted the house will remain symmetrical with an added third bedroom, additional
13 bathroom, an office area, and a larger living area. He does not know if there is an
14 issue of parking but he is requesting a parking exception and design review approval.
15 He made himself available for questions.

16
17 Commissioner Moss asked if the applicant check the grades to make sure that this did
18 not count against the floor area.

19
20 The Commission noted it was well below grade.

21
22 Commissioner Moss asked what the plate heights were on the master bed and
23 bathroom.

24
25 **Howard McNenny** explained they had kept the same existing roof slope.

26
27 Commissioner Arkin clarified that it was 8 ft. at the rear and 7'2" or 7'4" on the front.

28
29 Commissioner Moss asked that this be generally indicated on the plans; however, he
30 is not too worried about this project as it is below the height limit.

31
32 **Howard McNenny** said he would add the plate heights next time.

33
34 PUBLIC HEARING CLOSED.

35
36 Commissioner Moss liked the massing and the master bathroom jutting out. He noted
37 that the faux-deck helped break the rear elevation. He had no issues with the project
38 and was fine with the parking.

39
40 Commissioner Maass felt the simple design went with the house. He suggested
41 adding detail such as batten board to the gable ends near the north end bedroom and
42 bathroom as indicated in the staff report. He had no problems with the parking.

43
44 Commissioner Eisenmannn also did not have problems with the parking. She said it
45 seems reasonable to waive the requirement. She liked the massing, trellis, and the

1 detail with the steelwork at the balcony. She said the row of small gables seemed out
2 of scale compared to the rest of the house. She suggested having two larger ones
3 instead or extending them down onto the roof below. She noted there was a
4 "Disneyland" effect where the building got more charming on top and she wanted
5 this effect to be substantial and intentional. She supported the rest of it.

6
7 Commissioner Arkin noted that this had a 33% floor area ratio which is well below
8 the maximum and therefore he has not trouble with parking. He said the wood
9 treatment on the gable ends made the height difference from the front of the house to
10 the rear more apparent and may be better without it. He noted that because the floor
11 area ratio was below 45%, the commission would not be looking for additional
12 mitigation and exceptional design. He had no trouble with the application.

13
14 Commissioner Moss agreed with Commissioner Arkin. He did not like the gable
15 ends. He suggested painting the ends slightly different colors to set off the massing.

16
17 Commissioner Maass agreed that Commissioner's Moss suggestion would be a good
18 way to handle that. He noted the gable end of the bathroom was the main aspect that
19 seemed off.

20
21 Commissioner Arkin summarized the discussion by saying the application is fine as it
22 stands.

23
24 **Motion to approve item 6b with finding and conditions in Staff Report:**
25 **Commissioner Moss**

26
27 **Seconded by: Commissioner Maass**

28
29 Ayes: Eisenmann, Moss, Maass, Arkin

30 Nays: None

31 Motion passed, 4-0

32
33 Commissioner Arkin notes there is 14-day appeal period.

34
35 **7. New Business**

36
37 A. **Green Building Ordinance Update** - This is an informational update on the status of
38 the Green Building Ordinance update. The update process began in December 2011 and
39 has involved members of the Planning & Zoning Commission and the Sustainability
40 Committee reviewing the existing Ordinance and creating proposed changes. The
41 changes are intended to further support the goals and policies of the City's Climate
42 Action Plan and reduce greenhouse gas emissions in the City.

43 ***Recommendation: Review and provide feedback to staff.***
44

1 Commissioner Moss pointed out that he brought the in the California Green code both
2 the 2010 and 2012 version with additional analysis for interested Planning and Zoning
3 commissioners. He noted it was a free download by the state and all the building codes
4 are available to download free for residential and commercial buildings.
5

6 Ms. Hersch presented the staff report.
7

8 PUBLIC HEARING OPENED.
9

10 Commissioner Arkin noted a few issues discussed in the subcommittee that he wanted
11 to bring to the Planning and Zoning Commission. The first was trying to incorporate a
12 system that addresses all of the applications that the City receives, acknowledging that
13 most building applications are for small projects. The committee discussed having a step
14 version application for the Green Building ordinance. Small project would be projects
15 that do not need planning review. These are given 50 points. Medium sized projects
16 would be projects that need planning review but not a sprinkler system check. These
17 would receive 75 points. Lastly, larger project that do require sprinkler check and
18 planning review would receive certification.
19

20 Commissioner Moss brought up the issue of what the state would do with the Cal green
21 code and what the state was going to do with that. He noted some of this would no
22 longer be voluntarily done.
23

24 Commissioner Eisenmann asked if there was redundancy of what would be done.
25

26 Commissioner Moss noted there would be redundancy and that the building green
27 would likely update their checklist soon depending on the state's requirements.
28

29 Commissioner Maass said if there was a point system put in place; it should be
30 something beyond what applicants would be required to do anyway.
31

32 Commissioner Moss noted this would be an issue to discuss if Albany moved to tier 1
33 which is more restrictive than the standard. It would be difficult to move to tier 2.
34

35 Commissioner Maass mentioned there may be a point where more requirements make
36 people less likely to pull a permit.
37

38 Commissioner Moss noted that there would also be a point where these requirements
39 were enforced and not just put on paper. He questioned whether they should go to tier
40 and make the process more costly or just keep ensuring applicants are making the
41 mandatory measures. He noted currently there is no one to enforce the mandatory
42 measures which are just for commercial but will soon extend to residential.
43

44 Commissioner Eisenmann mentioned Berkeley and that the measures were mandatory
45 in other cities. She was interested in more information on what was particular to

1 Albany's microclimate that may not be mentioned in the Cal green. She mentioned that
2 the energy score program was not embraced by the department of energy yet but she
3 feels could be put into Albany's checklist. She noted then people buying a home in
4 Albany would not that green energy was an issue the city took very seriously.
5

6 Commissioner Maass asked if the local real estate community has weighed in on this
7 issue.
8

9 Ms. Hersch noted that there has been no feedback so far but that there was someone she
10 wanted to follow up with. She said an energy inspection could be completed similar to a
11 sewer lateral review and termite report and it gives a good idea of the long term changes
12 that could be made for the future.
13

14 Commissioner Maass said it seems this would have an impact on price negotiation even
15 if changes are put in place.
16

17 Ms. Hersch commented that the inspections would note that these changes have been
18 made to home and would make the property more valuable for resale.
19

20 Commissioner Arkin said the energy score program could also be applied to remodels
21 and additions so that the score card could be revised with these changes and would not
22 necessarily be revised at a point of sale. He asked if Cal green was a greater priority to
23 the participation in the green checklist.
24

25 Commissioner Moss said tier 1 and tier 2 are voluntary programs where there are no
26 scores. Tier 1 requires the applicant to pick three items from this list to upgrade or do
27 and the mandatory is one. To go higher, the applicant would have to pick more items
28 they wish to accomplish. He noted he did not see a nexus between the Cal green and
29 builded green scoring. The builded green looks at many different aspects.
30

31 Commissioner Arkin particularly wanted to look closer at how to maximize and further
32 incentivize building energy upgrades that lower greenhouse gas emissions.
33

34 Commissioner Maass asked if the inspection to certify this would be paid for by
35 increasing fees and permits.
36

37 Commissioner Arkin agreed and added that or it would be a third-party certification
38 that a homeowner would have to get. He said it would cost an estimated \$300-500.
39

40 Commissioner Moss said either the city would hire the certifier or the applicant will hire
41 someone directly.
42

43 Commissioner Arkin said that a substantial remodel or addition, the certification would
44 be reasonable to ask for.
45

1 Commissioner Moss preferred to choose the mandatory measures and add specific goals
2 that Albany has as part of the mandatory measures.

3
4 Ms. Hersch indicated that there would likely be one more meeting about this topic
5 before it goes to City Council.

6
7 Commissioner Eisenmann suggested adding requirements specific to Albany such as
8 reclaiming rain water.

9
10 Commissioner Arkin reiterated his top priority to be requirements that lower
11 greenhouse gas emissions and helped Albany meet the goals of its Climate Action Plan.
12 He asked how the Planning and Zoning felt about the energy score.

13
14 Commissioner Moss suggested meeting with real estate companies to discuss the energy
15 score idea. He noted that the companies did seem to like the energy score card idea but
16 he felt that in the long run it is important for the real estate companies to be more open
17 to idea.

18
19 Commissioner Maass asked how many other communities have adopted this idea.

20
21 Ms. Hersch explained that Berkeley has a program but unlike their program, Albany's
22 would not require an improvement to be made. She noted that Berkeley has a program
23 where when a house is on the market, there has to be energy upgrades. The seller could
24 put this in as a credit, or the buyer has 18 months to make a certain dollar amount worth
25 of improvements to the property. There are, however, no ways to effectively enforce
26 this. She said this idea is clean and neat and other than cost of inspection does not create
27 another cost for home owners.

28
29 Commissioner Eisenmann said the realtors she knows say there are few turnovers in
30 Albany so they would be willing to embrace this new system.

31
32 Ms. Hersch noted often when people purchase homes they are looking at the school
33 district in Albany so this additional green requirement would be a bonus.

34
35 Commissioner Arkin added home energy scores could be given to both houses that
36 switch owners and houses undergoing a significant remodel or addition.

37
38 **Howard McNenny** liked Commissioner's Moss comment about how the building
39 requirements are adding up and are making the process very expensive. He noted
40 structural costs are increasing for seismic requirements. He proposed looking closely at
41 the energy requirements to see if there is really a large return for it. He does not believe
42 the City will profit from placing too many requirements on what people can do on their
43 homes. He also added there were many redundant items that were already in the
44 conditions of approval. He listed a few examples of such.

45

1 Commissioner Arkin noted that there was local priority points added that takes away
2 ten points if the applicant has air conditioning.

3
4 **Howard McNinny** noted that Albany has been working with other cities on this green
5 ordinance but not Berkeley which has a reco system. He wanted to know if there could
6 be anything learned from that.

7
8 Commissioner Arkin noted that the checklist was outdated and they have noted some
9 aspects that Howad McNinny mentioned.

10
11 Commissioner Moss agreed that some aspects were not a necessity in Albany, nuy he
12 said others like whole house fans were nice to have on hot days. He stated Albany
13 should not rush into anything as codes are being updated soon.

14
15 **8.8. Announcements/Communications/Discussions**

- 16
17 a. Update on City Council agenda items related to Planning and Zoning activities.
18 b. Review of status of major projects and scheduling of upcoming agenda items.

19
20 Ms. Hersch indicated AT&T filed an appeal of the Planning and Zoning Commission's
21 action at the previous meaning. AT&T had filed the appeal at the City Clerk's office
22 earlier that day. Ms. Hersch noted that this would be taken to City Council tentatively
23 for July 2, 2012. The address of the site is 1035 San Pablo Avenue.

24
25 Ms. Hersch stated that the Toyota of Berkley application would also be taken back to the
26 next Planning and Zoning hearing. She noted that the Saint Mary's MND would also be
27 going out for public comment in the within next week and that the City had a follow up
28 meeting with representatives from Safeway and the Safeway project was also making
29 progress with the environmental consultant. In regards to the University Village project,
30 she said she was not sure when they would be back with the development agreement
31 but they would be back at a date yet to be determined.

32
33 **9.9. Future Planning and Zoning Commission Agenda Items**

- 34
35 a. Next Planning and Zoning Commission hearing scheduled for Tuesday, June 12, 2012.

36
37 **10. Adjournment**

38 The meeting was adjourned at 8:39 p.m.

39
40 Next regular meeting: Tuesday, June 12, 2012, 7:30 p.m. at Albany City Hall

41
42
43 _____
44 Submitted by: Anne Hersch, City Planner
45

1 _____
2 **Jeff Bond**
3 **Community Development Director**