

City of Albany

Planning and Zoning Commission Minutes June 26, 2013 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 Eisenmann in the City Council Chambers at 7:00 p.m. on Wednesday, June 26, 2013.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Arkin, Donaldson, Eisenmann, Moss, Pilch

Absent: None

Staff present: City Planner Anne Hersch
Community Development Director Jeff Bond

4. **CONSENT CALENDER**

(Consent Calendar items are considered routine and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the Commission. There will be no separate discussion on these items unless a Commission Member or a member of the audience requests removal of the items from the Consent Calendar.)

- A. **PA 13-015 Zoning Clearance for Sprint at St. Mary's College High School**

1600 Posen- The applicant has filed a zoning clearance application for an existing Sprint facility at St. Mary's College High School. The scope of work includes removal and replacement of three (3) existing antennas located on the rooftop of the gymnasium building. The new antennas are will be larger than the existing antennas and will mount on new pipe mounts. The facility was originally approved and constructed in 2002. The antennas will be completely screened from view and will be located behind the existing screen wall.

Recommendation: Continue to a date certain of July 10, 2013 to allow the applicant to make corrections to application materials.

Chair Eisenmann recused herself from item 4A.

Motion to Approve item 5A: Arkin

Seconded by: Moss

Ayes: Arkin, Donaldson, Moss, Pilch

1 Naves: None
2 Motion Passses, 4-0
3

- 4 **B. PA 12-059 1109 Stannage, Second Story Addition** -The applicant received
5 Design Review approval for second story addition at 1109 Stannage
6 Avenue. The applicant has made changes to the window details which
7 require further Commission review and action.
8 **Recommendation: Approve window changes.**
9

10 Commissioner Arkin recused himself.

11
12 **Motion to Approve Item 6B:** Moss
13 **Secoded by:** Donaldson
14 Ayes: Donaldson, Eisenmann, Moss, Pilch
15 Naves: None
16 Abstain: Arkin
17 Motion passes, 4-0
18

- 19 **C. February 13, 2013 Planning & Zoning Commission Meeting Minutes**
20 **Recommendation: Approve**
21

- 22 **D. February 27, 2013 Planning & Zoning Commission Meeting Minutes**
23 **Recommendation: Approve**
24

25 Anne Hersch asked to remove item 4C and 4D from the discussion as they
26 were not ready yet.
27

28 **5. PUBLIC COMMENT**

29 For persons desiring to address the Commission on an item that is not on the
30 agenda please note that each speaker is limited to three (3) minutes. The Brown
31 Act limits the Commission ability to take and/or discuss items that are not on the
32 agenda; therefore, such items are normally referred to staff for comment or to a
33 future agenda.
34

35 **None.**
36

37 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**
38 **ITEMS**

- 39 **A. PA 12-056 Design Review & Conditional Use Permit for a roof-mounted AT&T**
40 **wireless facility at 1495 Solano-** The applicant is seeking Design Review and
41 Conditional Use Permit approval and related exemption from the California
42 Environmental Quality Act for a new roof-mounted AT&T Wireless facility at 1495
43 Solano Ave. The proposed project includes the installation of twelve (12)
44 antennas to be contained within a tower element located over the archway
45 entrance to the building. The tower element faces Solano Ave. Supporting
46 equipment will be located in the basement of building and will be completely

1 screened from view. The applicant has redesigned the enclosure following
2 Commission discussion from 4/24/13.

3 **Recommendation: approve subject to the attached findings and conditions.**

4
5 Commissioner Moss recused himself.

6
7 Anne Hersch presented the staff report. She noted there was additional
8 information for the Commission and the public.

9
10 In response to questions from the Commission, Anne Hersch said the signage
11 was part of permit plan check.

12
13 **Tom Mclver, applicant and representative for AT&T Wireless-** gave a brief
14 background on past issues with the applicant- third party review that indicates
15 a significant gap and issues relative to design. He said the significant gap was
16 specific to this area. He said the new design complies with the use elements as
17 detailed in the code. He asked commission to approve the application as
18 outlined in the staff report.

19
20 Commissioner Arkin- asked if there was anyway AT&T would prefer a site such
21 as Safeway. **Mclver** stated he would not, because it was preferable working
22 with local property owners. Chair Eisenmann wanted to know more about
23 using a single system versus many small ones. **Mclver** contended one side
24 would not cover what three sites would.

25
26 Commissioner Eisenmann asked that speakers complete speaker cards in the
27 back prior to coming up. She also requested that speakers be mindful of the
28 time and try to keep what they say to less than 5 minutes.

29
30 PUBLIC HEARING OPENED.

31
32 **Ed Fields, Albany resident-** was concerned that the City's request for an
33 independent study was unmet. He pointed out that the representative was
34 not an RF engineer and should not be answering technical questions.

35
36 The following speakers supported the application:

37
38 **Allen Cain** (Solano Avenue Association)

39
40 **Winkie Campbell-Notar** (Albany Chamber of Commerce)-the application
41 would help make wireless communication more accessible to businesses

42
43 **Carol O Keefe**

44
45 **David Sanger** gave examples of poor cell coverage on Solano affecting
46 customers and businesses alike.

1 **Todd Abott** (Vice Pres. Albany Chamber of Commerce), mentioned the future
2 of Safeway was unsure and should not be looked at as an alternative
3

4 **Will Collin-Diamond**

5
6 **Peggy McQuaid** - the design was an improvement and that cell coverage
7 was a utility.
8

9 **David Gardner, 832 Curtis-** opposed the application. He has AT&T but did not
10 want to put up with the proposed cell site, mentioning that cell sites shut down
11 frequently and did not want to be disturbed by maintenance.
12

13 **Clay Larson-** said there was requirement in ordinance about roof mounted
14 antennas being far back as possible. He said the site could be moved to be
15 virtually invisible which was better than the existing copulas. He stated that
16 roof top coverage does not apply in this case.
17

18 Commissioner Donaldson- had no issues with technical or design review point
19 of view. He said the applicant responded to previous comments well. He
20 supported the application.
21

22 Commissioner Pilch- agreed with Donaldson that the applicant had
23 responded well to previous comments. He mentioned putting a clock in the
24 circular area but approved of the design either way. He asked where the
25 power was located in the tower. He wished there was RF engineer there to
26 answer questions but had no issues with the application.
27

28 Mr. Mclver responded that the power source was from an existing meter in the
29 garage which they would put a sub panel to. He said auxiliary equipment was
30 compacted into areas behind the site.
31

32 Commissioner Arkin asked what happened when the electricity grid goes down.
33

34 Mr. Mclver said they had 6-8 hours of backup power. He said there would be a
35 possibility that they would bring out a generator after this 6-8 hour window.
36

37 Mr. Mclver- was confident the generator would go on Solano side and not
38 Curtis but said AT&T might counterman that.
39

40 Commissioner Arkin- shared public's concern about switch in RF analysis and
41 the lack of trust with AT&T. He suggested having a licensed engineer that the
42 public could trust under the contractor's staff. He proposed accepting the
43 RCC report. He observed that the pilasters that separate the banks of windows
44 had dental detail that he would like to see on the pilasters near the arch
45 opening. He also thought eh recess circle should either be something or as an
46 arch mimicking the one below it. He liked the existing simple form proposal

1 and wanted to show the applicant some sketches of ideas he had that could
2 improve the project without adding significant cost.

3
4 Mr. McIver- explained they could not put a clock because they could not put
5 metal elements by the antennas. He proposed using a recessed arch instead.

6
7 Commissioner Eisenmann- said if staff was satisfied with the provided report,
8 she felt it should be respected. She appreciated the aesthetic appeal of the
9 enclosure and agreed the site should be away from residence. She agreed
10 with Commissioner Arkin's proposal of the pilaster detail and was fine with the
11 horizontal line separating the circle and arch.

12
13 Commissioner Donaldson- liked the relief of the depressed circle and the
14 angled corners. He agreed with Commissioner Arkin's pilaster suggestion.

15
16 Commissioner Pilch- was concerned too many suggestions regarding design
17 review might produce a building that was completely different from what they
18 wanted. He thought it was good that the auxiliary equipment was in the
19 garage.

20
21 **Motion to Approve Item 7A with all attached finding and conditions**

22 **-Plus additional condition that emergency generator service be planned for**
23 **and ideally located on Solano Ave**

24 **-Design Review condition: that pilasters similar to those between windows be**
25 **added below the square face of the cell tower and applicant consider the**
26 **round recess illustrated or arch repeating that of entry below: Arkin**

27
28 Commissioner Arkin noted revised changes should be reviewed by staff.

29
30 **Seconded by:** Donaldson

31
32 Chair Eisenmann- clarified details of the arch with staff.

33
34 Commissioner Pilch- noted he supported Commissioner Arkin's direction to
35 staff to reconsider engineering review for future applications.

36
37 **David Gardner-** asked what would happen if the coverage from the new
38 antennas did not meet AT&T's expectations.

39
40 Commissioner Eisenmann-noted that that would be a decision for AT&T to
41 review should their coverage expectations not be satisfied. The Commission is
42 tasked a higher unit could not be built because it would not conform with
43 code.

44
45 **Ayes:** Arkin, Donaldson, Eisenmann, Pilch

46 **Nay:** None

1 **Abstain:** Moss

2 **Motion Passes, 4-0**

3
4 **B. PA 06-053 St. Mary's College High School Mitigated Negative Declaration/**
5 **Conditional Use Permit/Design Review for a new Music Bldg.** The Planning &
6 Zoning Commission will hold a public hearing to review and potentially take
7 action on a Mitigated Negative Declaration pursuant to the California
8 Environmental Quality Act, a Conditional Use Permit (CUP) request, and Design
9 Review for a new music building at St. Mary's College High School. The CUP
10 includes a proposal for anticipated new buildings on campus as funding
11 becomes available. If approved the CUP will establish new operating
12 conditions for the school. Design Review is also sought for a new 13,400 sq. ft.
13 music building on campus. This matter was continued to a date uncertain so
14 that neighbors, City staff, and St. Mary's representatives could complete
15 mediation related to Conditions of Approval. The draft Conditions before the
16 Commission are the result of the mediation discussions.

17 ***Recommendation: Review and approve subject to the findings and***
18 ***conditions. If the Planning & Zoning Commission requires additional time to***
19 ***review the project request, staff recommends that it be continued to a date***
20 ***certain of July 10, 2013 so that final action may be taken.***

21
22 Commissioner Moss rejoined the meeting. Chair Eisenmann recused herself from
23 Item 7B due to the proximity of her home to the location and left for the evening.

24
25 Vice-Chair Donaldson took over the meeting.

26
27 Anne Hersch presented the staff report. She reminded the Commission and
28 public additional information is available in the back of the room and on the
29 front dais.

30
31 Commissioner Pilch- asked for clarification about which issues in the staff report
32 have been resolved. Anne Hersch noted the parking issue, item G-1 is now
33 resolved, as are items pertaining to summer programs (B-5), point of contact(E-3),
34 and an item related to music building (H-3). The unresolved issues are the
35 language revolving around the chapel. She noted item B-2 was also unresolved.

36
37 **Vivian Kahn**, applicant - gave a brief overview of the project. She indicated that
38 they were requesting a use permit that has specific component projects with no
39 additional plans. She added there were proposed renovation, and 3,990
40 addition of floor area. She noted three priorities: 1) replacing and renovating old
41 and inadequate facilities (ex: band room, student center kitchen), 2) providing
42 for smaller class sizes and a chapel, and 3) consolidating and improving functions
43 such as administrative offices and the library. She added this school was not
44 associated with a parish church so the chapel was an important part of the
45 project. She noted they were willing to pay the City up to \$3000 a year to hire
46 compliance monitor to monitor the school to ensure that they comply with the

1 approved conditions. In addition, the school as willing to give the city up to
2 \$25,000 to hire a traffic consultant to do a traffic calming program and to pay for
3 structural improvements such as installing signs, striping drop-off zones, speed
4 table on Albina. She said once these traffic conditions are approved, these
5 conditions would be added to the school handbook. A few concerns she
6 addressed were: that the maximum enrollment be set at 630 rather than a sliding
7 cap on enrollment, the rain garden, and use of the chapel. She said she had no
8 intention of turning the chapel into a parish church. She said the school agreed
9 that should there be an event at the chapel on a weekend afternoon; no other
10 school event would be scheduled on that day so as not to increase traffic even
11 more.

12
13 Commissioner Pilch- asked for the address of the house Kahn mentioned the rain
14 garden would be behind. Kahn indicated it was 1292 Monterey.

15
16 Commissioner Moss- asked the square footage of lot on Monterey. Kahn
17 indicated it was about 25-30 ft wide and 100 ft deep. Commissioner Donaldson
18 said they would not be setting the clock so ceding minutes to other speakers
19 would not be necessary.

20
21 PUBLIC HEARING OPENED.

22
23 **Joe Light, PPNA-** noted that one outstanding issue that remained today and was
24 set for discussion at 1 PM was sent by the school unilaterally rather than being
25 open to mediation between PPNA and the school as was previously decided. In
26 regards to the chapel, Light noted that there were 2 issues with the chapel- 1)
27 the use of chapel being use as a side issue discussion rather than part of the
28 condition 2) wording of the condition. Light requested that the condition limiting
29 the chapel use be added. He said the new condition regarding the uses of
30 chapel are more general than the original proposed application and warned
31 the Commission to be aware of this supposed revision. PPNA did not feel ready to
32 buy onto this as the school unilaterally made and submitted changes to staff and
33 the Commission that were different from previously agreed upon conditions
34 between PPNA and the school.

35
36 **Kevin Shipp, 1310 Albina-** requested to get notice of any hearings on any future
37 hearings, noting that he did not get notice regarding tonight's meeting. Shipp
38 said that it was striking that there was little information regarding the use of the
39 chapel in the future regarding noise, parking, and lighting. He noted that
40 disclosure about the projected impact of the chapel/ existing impact of school
41 events has been inadequate. He noted the proposed change of enrollment to
42 630 students should be investigated as it would affect CEQA. He brought up a
43 case where the school had not established a baseline and appropriately
44 addressed traffic impacts.

45

1 **Donna DeDiemar**- noted B-2 was tied to the condition of the chapel and was
2 intended to be approved by both parties had the condition of the chapel been
3 approved by both parties. She indicated because of today's earlier events, she
4 revised the B-2 issue so that the words "for religious purposes" were removed. She
5 said that Anne Hersch misstated the enrollment cap- she said that it should be a
6 maximum of 600 with up to 5% for purposes of attrition and other student body
7 changes. DeDiemar requested the Commission or a legal condition speak to this
8 issue, stressing that 630 students and 600 students plus 5% were completely
9 different. She described the major differences between PPNA and St. Mary's
10 proposals.

11
12 Jeff Bond- was not sure continued mediation would be a worthwhile solution.
13 DeDiemar agreed.

14
15 Anne Hersch- noted the letter from the school was forwarded to City's legal
16 counsel late in the day and no comment was received back. She said the legal
17 consult was most comfortable with the option of amending the application
18 rather than adding it as a condition.

19
20 Commissioner Moss- said change in student enrollment would kick the project
21 back to CEQA.

22
23 **Donna DeDiemar** - looked closely at the language St. Mary's used in their writing.
24 She stressed that the term "infrequent" is subjective and the distinction between
25 the community and the general public is vague. She pointed out the new use of
26 "weddings" that was added as an amendment. She said there was no baseline
27 for how frequent or infrequent proposed events are, how large the community
28 that uses the facilities are, and what constitutes impactful. She then presented
29 PPNA's proposal. She suggested using the City's zoning ordinance and code as
30 guidelines.

31
32 Commissioner Pilch- noted that in PPNA's item B-10- the term "rare" is not
33 described either. He asked if there had been discussion yet about specifically
34 defining frequent and infrequent.

35
36 **Donna DeDiemar** - indicated that it did not have to be defined as it goes to the
37 proposed Neighborhood Liaison Committee which is an equal representation of
38 both PPNA and St. Mary's. She said PPNA as a group had not come up with a
39 specific number of what constitutes as frequent or infrequent exceptions as any
40 exception would require an impact study seeing as there are not currently
41 exceptions. She said that events that did not impact noise, traffic, and parking
42 should not be reasonably denied. She indicated that "for religious purposes"
43 should be removed because once put in writing, it could cause many people to
44 be nervous about raising an issue.
45

1 **Chris Hamilton, Albina Ave resident-** said PPNA seeks denial of the large new
2 building on campus. He said if there are not adequate conditions for the chapels
3 in the CUP, PPNA suggests no approval at all. He said if St. Mary's is religious
4 facility or school, it would not be allowed in the PF category. He noted that the
5 term "religion" should be taken out of the conversation so that the
6 Commissioners/public might be more comfortable with restricting the uses on a
7 building.

8
9 **Andrew Watry, Monterey Ave resident-** was concerned about the rain garden.
10 He felt the issues were taken care of and thought that the Commission couldn't
11 make a decision on something that was changed so much with so little notice.

12
13 **Robin Ramsey, Beverly Place resident-** stressed the enrollment cap issue. She said
14 600 plus up to 5% to account for attrition was not equivalent to 630 students.

15
16 **Jennifer Winch, Hopkins Court resident-** said PPNA did not speak for everyone.
17 She understood the neighbor's concern but felt that she has dealt well with the
18 school directly before. She did not see the school being busy every week
19 because of the proposed chapel.

20
21 PUBLIC HEARING CLOSED.

22
23 Vice Chair Donaldson- reminded the Commission that there were three issues on
24 the table: 1) CEQA document, 2) the Conditional Use Permit, 3) Design review for
25 proposed music building. He said if there are motions made, the CEQA
26 document decision must be made first.

27
28 Commissioner Pilch- asked what the current wording of the application is. Anne
29 Hersch noted that it was 600 plus up to 5%.

30
31 **Vivian Kahn-** said 630 is in the application on page 7. She stressed that from the
32 beginning, St. Mary's proposed 630 student and 630 was the number used in
33 environmental review purposes as well. She said the advisory committee had not
34 power to approve or deny anything, they can only make suggestions to staff and
35 the Commission. She advised putting triggers on the use-permit that regulate
36 time and location of events. She said there are no religious assembly uses in the
37 Zoning Ordinance. She stated that Albany's Zoning Ordinance allows weddings
38 and such events in Public Facilities (PF) zone- with a use permit. She said she had
39 to run key conditions but the school's legal counsel.

40
41 Commissioner Moss- asked Kahn to speak more specifically in the future on
42 particular definitions such as "infrequently".

43
44 Jeff Bond- said the City's legal consult advised that staff include the language in
45 the actual application. He said a consultation with City attorney could be
46 provided for Commission if they wished.

1
2 Commissioner Donaldson- said consultation might be important regarding the
3 enrollment cap issue and CEQA. He agreed with Commissioner Moss that time,
4 place, and number of events can be regulated. Jeff Bond reminded that where
5 this language is placed is important.

6
7 Commissioner Moss- said that if St. Mary's could regulate themselves – that was
8 fine. If the City does, however, there could issues.

9
10 Commissioner Pilch- asked if there was a difference between having the
11 language as an amendment to the application versus having it as part of the
12 conditional use permit. Jeff Bond said that PPNA would like to have it as a
13 condition of approval, but the City's legal counsel had hesitation about this.

14
15 Commissioner Arkin- said they should be cautious about taking subjective versus
16 quantitative conditions since the last time this project was given a conditional
17 use permit. He suggested using numbers rather than words. He agreed with the
18 neighbors against revising the application on the same night of that they take
19 action. He said the language that has been standing should continue to stand.
20 He wanted a proposal that was noticed and in a staff report and available well
21 ahead of time. He suggested the school have some quantified description of
22 use. He opted to continue to a date uncertain to insure that notices are given
23 out to everyone affected. Arkin asked to look at the 1993 CUP. He disagreed with
24 the suggestion to remove the words "for religious purposes" as it describes what
25 the school is about. He asked if item E-2 was sufficient for defining the
26 Neighborhood Liaison Committee.

27
28 Commissioner Pilch- concurred that this item be continued. He agreed with
29 Commissioner Moss's suggestion that the number of events per year should be
30 regulated. He was concerned that additional uses for the chapel over the
31 weekend would mean revisiting the CEQA document. He wanted to see more
32 bicycle parking in the ongoing drawings.

33
34 Commissioner Moss- appreciated the neighborhood association and St. Mary's
35 efforts. He agreed with the other commissioners that definitions of the use and
36 time should be quantified. He agreed with the idea of the Neighborhood Liaison
37 Committee but felt the committee should be regulated by set guidelines. He felt
38 they should not redefine the enrollment cap and stick with the 600 plus up to 5%.
39 In regards to the rain garden, Moss suggested following the requirements
40 required by the state of California. He agreed with continuing the item and
41 defining some terms.

42
43 Vice-Chair Donaldson- was concerned about the "for religious purposes" clause
44 in item B-2 and opted to vote against it. He preferred the PPNA language. He
45 appreciated the initial report used the 630 students but was inclined to let the
46 language regarding the enrollment cap stay as is. He said the state C-3

1 regulations will not change the environmental impacts in regards to the rain
2 garden. He said the rain garden was really a Berkeley project.

3
4 **Motion to Continue Item 6B to date uncertain:** Arkin

5 He noted notice will be sent.

6 **Seconded by:** Moss

7 Ayes: Arkin, Donaldson, Moss, Pilch

8 Nays: None

9 Abstain: Eisenmann

10 Motion Passed, 4-0

11
12 **7. NEW BUSINESS**

13
14 **A. CEQA Consultant Request for Proposals (RFP)-** A brief update to the Planning
15 & Zoning Commission on CEQA RFP consultant process. **Recommendation:**
16 ***The Planning & Zoning Commission designate one or two members to***
17 ***participate in CEQA consultant interviews.***

18
19 Anne Hersch presented the staff report. She asked for up to two volunteers to
20 be on the panel to pick a consultant for proposal. Commissioner Donaldson
21 volunteered.

22
23 **B. Request for Guidance on processing procedures for applications at 613**
24 **Evelyn and 830 Pomona.** – The City has received an application for a
25 secondary residential unit at 830 Pomona and has pre-application
26 discussions for a parking exception at 613 Evelyn. Both projects have
27 elements that make it difficult to evaluate whether the Commission should
28 review the applications in a public hearing. **Recommendation: Provide**
29 ***direction to staff.***

30
31 Anne Hersch presented the staff report and asked for guidance on how to
32 proceed. Jeff Bond noted 613 Evelyn's application could be done either with
33 a public hearing or administratively. The commission wanted administrative
34 design review. Commissioner Moss asked if the item could be put on the
35 consent calendar.

36
37 She noted setback issues with 830 Pomona. Jeff Bond said they would be
38 approve the application as legal nonconforming.

39
40 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

41 (Staff discussion and Commission member announcement of status of previous
42 agenda items and requests for future agenda items. No public comment will be
43 taken on requests for future agenda items).

44
45 Jeff Bond noted the July 24th meeting will be another discussion of the general
46 plan.

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9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS

Next Planning and Zoning Commission hearing: **Wednesday, July 10, 2013 at 7 pm.**

10. ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Next regular meeting: Wednesday, July 10, 2013, 7:00 p.m. at Albany City Hall

Submitted by: Anne Hersch, City Planner

Jeff Bond
Community Development Director