

# City of Albany

## Planning and Zoning Commission Minutes May 22, 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 Vice Chair Donaldson in the City Council Chambers at 6:30 p.m. on Wednesday, May 22, 2013.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Donaldson, Moss, Pilch

Absent: Arkin, Eisenmann

Staff present: City Planner Anne Hersch

Community Development Director Jeff Bond

4. **NEW BUSINESS**

**A. General Plan Update Review & Presentation** – This is the third in a series of Planning and Zoning Commission Study Sessions on the Albany 2035 General Plan Update. This Study Session will cover 2007-2014 Housing Element and 2014-2022 Housing Element of the General Plan. The Commission also will be briefed on anticipated next steps associated with preparation of the General Plan. The Commission will be convening Study Sessions on the Plan through Summer 2014, with the goal of producing an updated General Plan and Environmental Impact Report by that time. Each meeting will include an opportunity for public comment.

**Recommendation:** This item is a study session and no Commission action is required.

**Barry Miller**, General Plan consultant- presented the housing element of the General Plan. Miller noted that while the policies and actions are similar to those in the existing plan, this updated plan will account for changes in data since the last plan. In the presentation, Miller highlighted a number of housing related categories including: population changes, age distribution, racial composition, linguistic isolation, tenure, household composition, income distribution, overpayment for housing, overcrowding, vacancy rate, age of housing stock, housing value, median rent, and regional housing needs allocation. He said the American Community Survey, where some of the data was cited from, is a survey that extrapolates data to estimate unknown data between the Census every ten years. He pointed out the development of UC Village between 2000 and 2010 affected much of the data. Commissioner Moss suggested then that UC Village should consider separately from

1 Albany as the city has no control over that area. He described housing opportunity  
2 sites. He gave a summary of HCD comments on the draft and policies.  
3

4 **Ken Friedman**, Albany Bowl – asked if the senior housing proposed for the Gill Tract  
5 added to part of the housing data. Jeff Bond said yes, at least the units with  
6 kitchens.  
7

8 Commissioner Moss- noted UC Village has a large impact on Albany's data and  
9 might be throwing off numbers. He said Berkeley now has an inclusionary fee. He  
10 suggested offering incentives to encourage people to build more energy efficient  
11 housing.  
12

13 Commissioner Pilch- asked what affordable housing development would look like.  
14 Miller suggested such development would be achieved through working with  
15 affordable housing developers. He asked how to change the parking requirements.  
16

17 Jeff Bond indicated changes to the parking requirements would require a Measure  
18 D vote. Moss noted they could reduce parking space sizes and provide designated  
19 bike parking there without requiring a vote. He pointed out that the parking  
20 requirements hinder creating smaller, more affordable housing units.  
21

22 **Ken Friedman**, Albany Bowl- was concerned that the Albany Bowl property would  
23 be turned into mixed use property. He said if there was more density, more height,  
24 higher rent, less of a parking constraint and less parking requirements, there might  
25 be a developer to create a high density project. He agreed with the discussion on  
26 parking.  
27

28 Commissioner Moss- noted the inclusionary bonus allowed for adding 1-2 stories.  
29

30 **Paul O Curry**- said having senior housing in that Albany Bowl area would be ideal.  
31

## 32 **5. CONSENT CALENDAR**

33 (Consent Calendar items are considered routine and will be enacted by one  
34 motion. By approval of the Consent Calendar, the staff recommendations will be  
35 adopted unless otherwise modified by the Commission. There will be no separate  
36 discussion on these items unless a Commission Member or a member of the  
37 audience requests removal of the items from the Consent Calendar.)  
38

### 39 **A. PA 13-019 Conditional Use Permit for after school program at 1109**

40 **Washington St.-** The applicant is seeking a Conditional Use Permit to  
41 operate an after school program at 1109 Washington. The program is  
42 proposed to serve forty (40) school age children, K-12, from 1pm-9pm  
43 Monday-Friday, with an option to enroll up to eighty (80) students. The  
44 existing building is 4,354 sq. ft. in area and has fifteen (15) off-street  
45 parking spaces. The proposed business will employ five (5) full-time staff  
46 who are present during business hours. Summer programs are also

1 proposed to be offered. The operators currently operate TG Taekwondo  
2 at 813 San Pablo Ave.

3 ***Recommendation: Continue to June 12, 2013 when quorum will be***  
4 ***present.***  
5

6 No action was taken due to lack of quorum.  
7

8 **6. PUBLIC COMMENT**

9 For persons desiring to address the Commission on an item that is not on the  
10 agenda please note that each speaker is limited to three (3) minutes. The Brown  
11 Act limits the Commission ability to take and/or discuss items that are not on the  
12 agenda; therefore, such items are normally referred to staff for comment or to a  
13 future agenda.  
14

15 Vice Chair Donaldson- noted he just finished the civics academy and enjoyed it.  
16  
17

18 **7. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**  
19

20 **A. PA 13-010 Zoning Clearance for T-Mobile at St. Mary's College High**  
21 **School 1600 Posen-** The applicant has filed a zoning clearance  
22 application for an existing T-Mobile facility at St. Mary's College High  
23 School. The scope of work includes removal and replacement of six (6)  
24 existing antennas located on the rooftop of the gymnasium building. The  
25 new antennas are comparable in size to the existing antennas and will  
26 mount on new pipe mounts. The facility was originally approved and  
27 constructed in 2002. The antennas will be completely screened from  
28 view and will be located behind the existing screen wall.

29 ***Recommendation: Approve the zoning clearance with the attached***  
30 ***project conditions.***  
31

32 Vice Chair Donaldson was concerned that the application should not be in  
33 front of the Commission and should be taken care of administratively. Bond  
34 this application did require Commission approval and noted zoning  
35 certification can be appealed.  
36

37 Anne Hersch presented the staff report.  
38

39 **Greg Guerazzi**, representative for T-Mobile- explained that there was no  
40 visual impact and it was really a maintenance issue of swapping antennas.  
41 He indicated the RF frequencies would be changed.  
42

43 **Clay Larson-** said did not think there was enough information presented  
44 here. He was concerned that the antenna could look the same, but could  
45 be an enhancement of the project. Guerazzi noted there would be no  
46 changes in frequencies or power levels.  
47

- 1           **Motion to approve item 7A with staff’s findings and conditions:** Pilch  
2           **Seconded:** Moss  
3           AYES: Donaldson, Moss, Pilch  
4           NAYES: None  
5           Motion Passes, 3-0  
6  
7           **B.** Goat Regulations – Per the direction of City Council, the Planning &  
8           Zoning Commission will review the pros and cons of establishing  
9           regulations to allow goats to be a licensed and permitted animal in the  
10           City limits. Currently, the Albany Municipal Code allows goats for the  
11           purpose of weed abatement for a maximum of sixty (60) days. The  
12           Commission recently discussed goat policy at its April 10, 2013 hearing  
13           and directed staff to explore proper goat care, related space  
14           requirements, and to bring back information for Commission review.  
15           *Recommendation: Receive the report and provide feedback to staff.*  
16  
17           Anne Hersch presented the staff report.  
18  
19           Commissioner Pilch asked the method of composting goat waste.  
20           Dmetri Gaskin did not know the exact specifics, but he said he just  
21           put it in the green bin.  
22  
23           Commissioner Moss was concerned about run off and animal  
24           excrement and proposed developing an appropriate storm water  
25           management plan.  
26  
27           PUBLIC HEARING OPENED.  
28  
29           **Paul O Curry-** asked why the city charges to keep chickens. He  
30           requested putting animals in categories. He gave the example of  
31           licensing for dogs but not cats.  
32  
33           **Brian Martin,** neighbor of goat owners- said the large number of  
34           requirements they were creating for goats in Albany would result in  
35           only a few goats compared to the hundreds or thousands of dogs  
36           and cats that produce waste already.  
37  
38           **Suzanne Popkin,** goat owner- asked about the cost of the storm drain  
39           plan. He said they could do a study at her property if needed to  
40           investigate the effects of runoff that might be produced. She said  
41           the excrement is entered into the process of creating compost as  
42           soon as it is laid down.  
43  
44           Commissioner Pilch- asked that storm water requirement be modern  
45           and minimal. He agreed with the staff report.  
46

1 Commissioner Moss- said the issue was that this was a precedent for  
2 Albany so they wanted to make strict regulations before creating a  
3 citywide policy.  
4

5 Vice Chair Donaldson- was against amending the ordinance to allow  
6 goats. He noted the draft ordinance did not have language  
7 regarding the gender of the goats. He had concerns about extortion  
8 involved in neighbor consent. He suggested giving notices and  
9 letting neighbors comment at public hearing rather than have them  
10 sign a paper.  
11

12 Anne Hersch noted that chicken and bee keeping policies currently  
13 require a consent form and if one neighbor did not sign, the  
14 applicant could not receive a permit.  
15

16 **Paul O Curry-** felt Vice Chair Donaldson was bringing up irrelevant issues  
17 particularly the issue of runaway goats.  
18

19 **Susan Popkin-** suggested allowing only female goats and requiring that  
20 goats be dehorned. She noted the number of goats could be limited  
21 in the ordinance by the amounts of space required for each goat.  
22 She said that young goats may be noisy but generally goats were  
23 quiet. She also proposed that baby goats be kept with their mothers  
24 until five or six months.  
25

26 **Brian Martin-** mentioned that dogs also made noises and if there is a  
27 radius restriction on goats, there should be one on dogs as well.  
28

29 **Dmetri Gaskin,** owner of goats- appreciated the feedback.  
30

31 Commissioner Moss- agreed with Donaldson that there should be  
32 additional conditions. He felt this was a city issue and should be  
33 directed to City Council. Anne Hersch indicated this was case. Moss  
34 stated that he personally felt City Council should approve it.  
35

36 Commissioner Pilch- said a maximum of two, only females, and only  
37 Dwarf goats would work. He did not agree with the radius policy.  
38

39 Vice Chair Donaldson- opposed the application but said he would try  
40 his best to make it feasible if it passes.  
41

42 **C. Wireless Policy –** Per the direction of the City Council, staff has reviewed  
43 the City’s Wireless Ordinance and identified potential amendments to  
44 the existing Ordinance as well as new policies for the Commission to  
45 review. The Commission will review and discuss amendments to the  
46 wireless ordinance. The outcome of this discussion will be brought back  
47 to City Council for further consideration.

1           *Recommendation: Receive the report and provide feedback and*  
2           *direction to staff.*

3  
4           Anne Hersch presented the staff report. Jeff Bond noted City Council  
5           would like the Planning and Zoning Commission to list pros and cons for  
6           important matters.

7  
8           PUBLIC HEARING OPENED.

9  
10          **Clay Larson-** thought staff should be asked to come back with more concrete  
11          language. He did not like the bullet points and felt the Commission couldn't do  
12          much with it. He liked Orinda's ordinance and pointed out one policy where an  
13          application could be withdrawn for whatever reason.

14  
15          **Carol O Keefe-** agreed with Clay's thoughts but felt this was the first step in a  
16          broad discussion. She also liked Orinda's ordinance because it treated wireless  
17          facilities as utilities. She agreed with amending roof threshold requirements. One  
18          big point was that antennas were discouraged in residential areas unless  
19          needed. She pointed out antennas are ugly.

20  
21          Commissioner Pilch- was in favor of allowing restrictions to be lifted regarding  
22          wireless facilities and parks. He asked why the middle class tax relief act was  
23          important.

24  
25          Anne Hersch replied that the federal law serves as a model for city law on this  
26          issue

27  
28          Commissioner Moss – thought collocation and base stations should be integrated  
29          into design of the building and looked into more carefully in the code. He felt this  
30          should be done on public land. He said these should be allowed on PF zones in  
31          school and integrated into towers or steeples. He thought there should be  
32          guidelines on what is acceptable and what is not.

33  
34          Vice Chair Donaldson- was worried about evaluating and regulating output  
35          issues. He had no problems with parks and schools or public facilities or  
36          distributed antenna concept. He felt there should be flexibility for that. He thinks it  
37          makes sense to have more narrowly spaced service cell area. He thought the  
38          main focus of this commission should be design review aspects. He was  
39          concerned a Five Year Master Plan might be out of date by the time it is put into  
40          effect.

41  
42          Anne Hersch stated it would be the carrier submitting the Five Year plan. She  
43          noted San Francisco had similar requirements already. Commissioner Moss liked  
44          the Five Year Plan ideas because it would give the Commission an idea of  
45          additional antennas being put in in adjacent cities in recent years. Commissioner  
46          Pilch agreed the Five Year Plan was a good idea.

47

1 Vice Chair Donaldson- agreed with eliminating the application submittal  
2 requirements as part of city ordinance. He disliked that alternatives location  
3 analysis option because it was unfair. He had no problems with amending  
4 rooftop threshold requirements. He also suggested striking the 10% rule and  
5 making it a design review issue. Commissioner Moss agreed with Donaldson's  
6 suggestions regarding alternatives location analysis and the 10% rule. He said a  
7 set of draft findings might be helpful and wanted more reports on projects that  
8 went over two years.

9  
10 Anne Hersch said the City's consultant would be doing third-party RF checking.

11  
12 Donaldson did not think outside peer review was necessary. He liked the idea of  
13 having the City be able to make decisions in some cases. He stated a number of  
14 other cities that allowed antennas in residential districts.

15  
16 Commissioner Moss did not recommend placing antennas in residential zones.

17  
18 Vice Chair Donaldson said the current ordinance was hard to make references  
19 to.

20  
21 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

25  
26 Anne Hersch noted St. Mary's will be back to the Commission in June. For new  
27 commissioners, there will be a site walk at St. Mary's to familiarize them with the  
28 project.

29  
30 Vice Chair Donaldson noted he would be present for the June 12<sup>th</sup> meeting but  
31 would be absent for the meeting on June 26<sup>th</sup>.

32  
33 **9. FUTURE PLANNING AND ZONING COMMISSION AGENDA ITEMS**

34  
35 Next Planning and Zoning Commission hearing: **Wednesday, June 12, 2013 at 7:00**  
36 **pm.**

37  
38 **10. ADJOURNMENT**

39  
40 The meeting was adjourned at 10:10 p.m.

41  
42 Next regular meeting: Wednesday, June 12, 2013, 7:00 p.m. at Albany City Hall  
43

44  
45 \_\_\_\_\_  
46 Submitted by: Anne Hersch, City Planner  
47

1 \_\_\_\_\_  
2 **Jeff Bond**  
3 **Community Development Director**