

City of Albany

Planning and Zoning Commission Minutes June 25, 2014 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

- CALL TO ORDER-** The meeting of the Planning and Zoning Commission was called to order by Chair Donaldson in the City Council Chambers at 7:00 p.m. on Wednesday, June 25, 2014.

- PLEDGE OF ALLEGIANCE**

- ROLL CALL**

Present: Arkin, Donaldson, Moss, Pilch
Absent: Eisenmann
Staff present: City Planner Anne Hersch

- CONSENT CALENDAR**

(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.)

- PA 14-029 Antenna Replacement for AT&T Wireless at 1035 San Pablo Ave. -**

AT&T Wireless is seeking Zoning Clearance approval to replace three existing antennas with three new antennas and install three remote radio units (RRU) on the north, south and east side of the roof. The RRUs were previously approved but not installed under the original building permit. AT&T received Conditional Use Permit approval for a Wireless Facility (PA 12-050) in 2013. The facility was constructed and has been on air since the beginning of 2014. The existing antennas are 51" in height and the new antennas are proposed to be 50.9" in height. The remote radio units are 18.5" in height by 15" in width. The facility is not proposed to expand and will remain in the same configuration consistent with the Conditional Use Permit.

Recommendation: Approved subject to the attached findings and Conditions of Approval.

CEQA: Categorically exempt pursuant to Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines

Commissioner Arkin recused himself from this item for proximity reasons.

1 **Motion to Approve Consent Calendar:** Pilch

2 **Seconded by:** Moss

3 AYES: Donaldson, Moss, Pilch

4 NAYES: None

5 Motion Passed, 3-0.

6
7 **5. PUBLIC COMMENT**

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

12
13 Commissioner Arkin returned to the meeting. No one wished to speak.

14
15 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

16 **A. PA 14-036 Design Review & Parking Exception for a Second Story Addition at 941**

17 **Jackson** - The applicant is seeking Design Review and Parking Exception approval
18 for a second story addition. The subject lot is 3,700 sq. ft. and contains an 855 sq. ft.
19 two bedroom, one bathroom home built in 1943. The applicant is proposing to
20 expand the first floor to accommodate a new family room and master bedroom.
21 The new second story will include two bedrooms and one bathroom. The overall
22 living area will increase by 820 sq. ft. This will result in a three bedroom, two and
23 half bathroom home, 1,675 sq. ft. in area. The maximum building height is
24 proposed to be 24'7". The home is Minimal Traditional in appearance and is
25 proposed to remain. A Parking Exception is required to accommodate a 7'8" wide
26 parking space and two allow the second space to encroach into the required
27 front yard setback.

28
29 *Recommendation: Approve subject to the attached findings and Conditions*
30 *of Approval.*

31
32 *CEQA: Categorically exempt pursuant to Section 15303, "New Construction or*
33 *Conversion of Small Structures" of the CEQA Guidelines*

34
35 Anne Hersch presented the staff report.

36
37 PUBLIC HEARING OPENED.

38
39 **Juan Jose Arteaga**, project designer and applicant- said the building was designed not
40 to encroach too much into the rear yard because the owners wanted to maximize their
41 backyard space.

42
43 **Don Driscoll**, 934 Madison- spoke in behalf of his wife and himself. He seconded the
44 parking concerns of Jackson street neighbors, noting this project was near the highly
45 impacted area of Ocean View Elementary. He also said the drawings the applicant
46 submitted to the City were inaccurate and understated the negative impact this
47 project will have on his property. Driscoll suggested unlawful work was previously done

1 to extend this property. He also noted misrepresentation of the current lot coverage
2 and other aspects of the plan and asked that accurate drawings be submitted.

3
4 **Arteaga**- said that he had measured the dimensions himself and the plans are
5 accurate. He added there is a bike shed not drawn in the plans because it was
6 removable.

7
8 **Barbara Chambers**, 937 Jackson- verified that the building Driscoll referred to was a
9 shed and noted she had submitted some correspondence that was included in the
10 packet for this agenda item.

11
12 Commissioner Moss- was concerned the applicant was creating his own reason for a
13 parking exception.

14
15 **Amanda Mahan**, property owner- did not think there would be a parking problem with
16 the exception and noted it was the City that told them to ask for a parking exception.
17 She noted her shared driveway could only fit one car.

18
19 The Commission noted Mahan could continue parking where she parks, but the
20 application by code needed to provide for those two off-site spaces.

21
22 Commissioner Arkin- noted the .51 FAR and had no design review issues. He was willing
23 to approve the two exceptions given the substandard width of the side yard. He
24 clarified that the property lines could only be verified with a survey.

25
26 Commissioner Moss- was afraid that allowing this exception would create a precedent.
27 He was fine with allowing one exception but not both.

28
29 Commissioner Pilch- had mix feelings about the parking exception but was willing to
30 approve the project with either two or one exceptions. He had no concerns with the
31 design.

32
33 Chair Donaldson- agreed with staff recommendation on additional windows and
34 articulation and wanted to see an improved front design. He wanted to see the final
35 design and suggested requiring a land survey for this project. He stated he agreed with
36 Moss on the single parking exception.

37
38 Commissioner Moss asked if two separate motions could be made, one for design
39 review of the project and one for the parking exception. Commissioner Arkin opted for
40 a single motion, but noted he would incorporate language into his motion to address
41 results from the land survey.

42
43 **Motion to Approve Item 6A:** Arkin

44 With:

45 -staff recommendation that additional windows be provided on the west and south
46 façade

1 -additional condition that a boundary survey be prepared to confirm setbacks shown in
2 the site plan. If the width of the driveway is different from what is indicated in the survey,
3 the project shall be brought back to Planning and Zoning Commission for further review
4 and discussion. He clarified that the two exceptions were for a width reduction for one
5 space and a front yard setback exception for the other space.

6 Seconded by: Pilch

7 Chair Donaldson noted this would likely go to a split vote in which case the motion
8 loses.
9

10 Commissioner Moss put forward a substitute motion. Commissioner Arkin agreed to
11 retract his original motion and second Moss's motion.
12

13 **Motion to Continue Item 6A to date certain of July 9, 2014 with the requirement that the**
14 **applicant have a land survey done:** Moss

15 Seconded by: Arkin

16 AYES: Arkin, Donaldson, Moss, Pilch

17 NAYES: None

18 **Motion passed, 4-0.**
19

20 Commissioner Moss explained this motion allows the applicant to make changes to the
21 application without denying the application.
22

23 **B. PA 14-035 Design Review for a Two Level Addition at 979 Cornell Ave.-** The
24 applicant is seeking Design Review approval for a two level addition at 979 Cornell
25 Ave. The subject lot is 5,000 sq. ft. with an existing three bedroom, two bathroom
26 home, 1,805 sq. ft. in area in built in 1920 and added to in 1992. The applicant is
27 proposing to expand the existing first floor to accommodate an expanded kitchen
28 and living room, and also create a new master suite on the second level. The
29 addition total project will result in a four bedroom, three bathroom home, 2,750 sq.
30 ft. in area with a maximum building height of 26'6". The existing home is Minimal
31 traditional in appearance is proposed to be contemporary in appearance with
32 larger window openings, and a blend of stucco and wood siding. Two off-street
33 parking spaces are provided in the attached two-car garage.
34

35 *Recommendation: Approve subject to the attached findings and*
36 *Conditions of Approval.*
37

38 **CEQA: Categorically exempt pursuant to Section 15303, "New Construction or**
39 **Conversion of Small Structures" of the CEQA Guidelines**
40

41 Anne Hersch presented the staff report.
42

43 **Antonio Lau**, project architect and applicant- explained the design of the building,
44 noting he tried to pay attention to the existing house while unifying the overall look of
45 various parts built at different times in the house's history. He noted the addition would
46 be towards the back. Lau responded to questions from the Commission.
47

48 Commissioner Arkin- suggested putting in more modern garage doors. He commended

1 the architect on various aspects of his design such as adding a gable roof and
2 changing the pitches. He was inclined to improve the design review.

3
4 Commissioner Pilch- thought the project was fine and did not have anything to add.

5
6 Commissioner Moss- had no issues with design.

7
8 Chair Donaldson- echoed the other Commissioners comments and asked the owners
9 what their thoughts where on remodeling the house.

10
11 Lau- noted the garage door would be changed but there are budget issues. The
12 commission noted some treatment where the panels could be replaced may suffice
13 and not necessarily a full replacement of garage doors.

14
15 **Motion to Approve Item 6B:** Arkin

16 -noting the front porch shall maintain 6' setback

17 Seconded by: Pilch

18 AYES: Arkin, Donaldson, Moss, Pilch

19 NAYES: None.

20 Motion Passed, 4-0.

21
22 **C. Amendments to Planning and Zoning Code related to Digital Billboards-** The
23 Planning & Commission will review and possibly take action on recommendations
24 to the City Council to amend the Planning and Zoning Code on regulations to
25 amend sign regulations to restrict digital billboards in the Commercial Mixed Use
26 (CMX) Zoning district.

27
28 *Recommendation: Adopt Resolution 2014-03 forwarding a recommendation*
29 *to City Council to adopt Code amendments restricting digital billboards in*
30 *the CMX zone.*

31
32 ***CEQA: Categorically Exempt per Section 15332 "Infill Development Projects"***
33 ***of the CEQA Guidelines***

34
35 Jeff Bond presented the staff report. Chair Donaldson clarified this item would
36 essentially undo the Commission's previous work and discussion on this item and revert
37 back to the Commission's original plan to not approve digital billboards.

38
39 Chair Donaldson stated he did not agree with staff's recommendation. He noted the
40 Commission had done a lot of work on this application and felt that digital billboards
41 should be allowed in the CMX district.

42
43 PUBLIC HEARING OPENED.

44

1 **Maria Ling**, 545 Pierce- was happy that the City Council voted against the digital
2 billboards at 540 Cleveland but wanted the Commission to go further and revert back
3 to the old codes where digital billboards were not allowed in the CMX district.
4

5 **Chris Kirkham**, 545 Pierce- noted that he was one of the founders of
6 stopthedigitalbillboard.org and stated he had collected 326 signatures to petition
7 against digital billboards in Albany and any previously passed code amendments. He
8 felt the billboards commercialized the City and negatively impacted the environment.
9

10 **George Ray**, 545 Pierce- agreed with staff recommendation to revert back to the
11 original code, adding that the billboards would decrease property value.
12

13 **D. Jacobson**, 555 Pierce- was happy with City Council's to listen to the community and
14 decision to stop negotiations with Clear Channel. She hoped the Commission would
15 take back their previous decision on the billboards and approve it tonight.
16

17 **Judith Carillo**, 545 Pierce- stated her concerns about decreased property values, as
18 well as, wildlife and traffic impacts. She encouraged the Commission to take back their
19 previous decision.
20

21 **Jenny March**, 555 Pierce- was concerned about Commission Donaldson's comments
22 and she felt he did not listen to the people who lived at the front door of Albany. She
23 noted that the condominiums made up a large portion of the population and
24 recommended that the Commission follow staff recommendation.
25

26 **Rashid Nasim**, board member of HOA at 555 Pierce- said residents were not happy with
27 how the City handled the digital billboard laws. He said the billboards were a nuisance
28 and only decreased property values.
29

30 **Robert Cheasty**- spoke on behalf of Citizens for Eash Shore Parks club, Sierra Club, and
31 Audubon Society. He thought digital billboards were a bad idea and supported staff's
32 recommendation.
33

34 **Sal Strand**, 555 Pierce- suggested working with other cities around the bay to ban digital
35 billboards facing the bay. He also suggested the City create a hiking trail in the future
36 that leads to the proposed Pierce Street Park.
37

38 Chair Donaldson- thought it was an advantage to the City to put in digital billboards
39 and take down the existing regular billboards on Solano and San Pablo. He defended
40 his previous statements to keep the ordinance and generate revenue for the City. He
41 thought the environmental and design concerns could be managed. He pointed out
42 the billboards that would be going in would not be like the Ranch 99 project and
43 encouraged everyone to take a rational look at this project.
44

45 Commissioner Arkin- thought Donaldson had a well thought out stance. Arkin gave a
46 brief recent history of the digital billboard item- noting that the Commission had

1 originally wanted to prohibit digital billboards in Albany, but only agreed to put in
2 Zoning regulations after they were told the billboards were to be put in whether they
3 liked it or not. He stated he was happy get the language out of the ordinance.

4
5 Commissioner Moss- agreed Donaldson had a logical case, but wanted to see this item
6 removed from the ordinance as well. He stated he would like the definition for the
7 electronic billboard to remain in the code, but everything else replaced.

8
9 Commissioner Pilch- said he would vote in favor of removing language on digital
10 billboard. He was concerned with the loss revenue for the City but recognized there
11 were other ways to generate revenue.

12
13 **Motion to Approve 6C:** Pilch

14 Seconded by: Arkin

15 AYES: Arkin, Moss, Pilch

16 NAYES: Donaldson

17 **Motion Passed, 3-1.**

18
19 **7. NEW BUSINESS**

- 20
21 **A. Study Session on Draft General Plan Parks, Open Space, and Recreation**
22 **Goals, Policies, and Actions** - This is the next in a series of Planning and
23 Zoning Commission Study Sessions on the Albany 2035 General Plan Update.
24 This Study Session will cover the first draft of the General Plan goals and
25 policies for parks, open space, recreation goals, policies, and actions. An
26 opportunity for public comment will be provided.

27 ***Recommendation: The Planning & Zoning Commission review and provide***
28 ***feedback on the proposed goals and policies.***

29
30 **Barry Miller**, General Plan consultant- gave an overview of the sections of the
31 General Plan already reviewed and went over the seven policies for the
32 Recreation and Open Space section of the General Plan including open space
33 protection, parkland expansion and improvement, park management and
34 maintenance, recreational programming, joint use and collaboration, trails, and
35 service standards. He went over feedback from the Parks and Rec Commission
36 including consolidating and clarifying per capita service standards, impacts of
37 open space policies on private properties, and minor changes including policies
38 on signage, trail safety, Ohlone Greenway, and vegetation management. He
39 asked some discussion questions and turned the meeting back to Chair Donaldson
40 for discussion.

41
42 PUBLIC HEARING OPENED.

43
44 **Sal Strand**- said that historically the Pierce street community has felt separated
45 from the city and pointed out the contributions the 500 block of Pierce makes in
46 sewer taxes. He asked that trails be lateral going onto Gateview, not vertical.

47

1 **Chris Kirkham**, 545 Pierce- noted that the crest of Albany Hill would be open space
2 and asked that the language regarding open space on the hill be extended.
3 Chair Donaldson noted that that land was owned by the city.

4
5 **D. Jacobson**, 555 Pierce- said she learned some land on the hill is private and
6 suggested the City buy it.

7
8 PUBLIC HEARING CLOSED.

9
10 Chair Donaldson- said Miller did a nice job and had made few marks on the draft.
11 He thought the comments from Parks and Recreation Committee were more
12 detailed than what needs to be discussed for General Plan and should be filtered
13 through appropriately. He thought there should be a better relationship between
14 the school district and the City.

15
16 Commissioner Moss- pointed out a section regarding structural setbacks that
17 seemed to contradict their goal of adding more secondary residential units in the
18 rear yards. He also mentioned revisiting past language that limited Albany
19 resident's use of land at UC village. He encouraged placing guidelines for rooftop
20 open space.

21
22 Commissioner Arkin- thought that the Parks and Recreation Commission provided
23 good review.

24
25 Barry Miller- brought up the Parks and Recreation Commission's discussion on open
26 space and private yards. Commissioner Moss and Commissioner Pilch brought up
27 night lighting and Moss suggested being in line with state requirements.

28
29 The Commission discussed including day lighting in regards to the creek and the
30 Conservation element.

31
32 Miller- noted the City would net look at conservation and sustainability and starting
33 the housing element update which needs to be adopted by council by January
34 2015. He said they were beginning a redline strike out version of existing housing
35 document to resubmit to the state. They expected the next steps near the end of
36 July.

37 38 **ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

42
43 Commissioner Arkin- noted he has noticed a lot of lingering story poles and asked
44 if they should encourage people to take them down after they have been
45 approved. Commissioner Moss suggested putting a requirement to take down the

1 poles fourteen days after a project has received Planning and Zoning Commission
2 approval.

3
4 Chair Donaldson- said he had looked over the El Cerrito Specific Plan for San
5 Pablo Avenue. Jeff Bond noted the City had a college intern working on this
6 project and she would report at the next meeting. Staff noted there would be six
7 residential remodel applications next meeting and the El Cerrito Condominium
8 project may be included as well.

9

10 **8. ADJOURNMENT**

11
12 The meeting was adjourned at 10:16 p.m.

13
14 Next regular meeting: Wednesday, July 9, 2014, 7:00 p.m. at Albany City Hall

15

16

17

18 _____
Submitted by: Anne Hersch, City Planner

19

20 _____

21 **Jeff Bond, Community Development Director**