

# *City of Albany*

## Planning and Zoning Commission Minutes June 10<sup>th</sup>, 2015 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 Donaldson in the City Council Chambers at 7:00 p.m. on Wednesday, June 10<sup>th</sup>, 2015.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Friedland, Giesen-Fields, Menotti, Kent, Donaldson

Absent: None.

Staff Present: City Planner Anne Hersch

City Attorney Craig Labadie

4. **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.)

- A. PA 15-027 Variance & Design Review at 958 Neilson-** The applicant is requesting Design Review and Variance for a rear addition at 958 Neilson. The subject lot is 2,700 sq. ft., with an existing 1,140 sq. ft. three bedroom, one bathroom home built in 1927. The lot has 51 ft. of street frontage by 53 ft. depth which does not accommodate conforming setbacks. The applicant would like to enclose an existing exterior porch located at the northwest corner of the home, adding 15 sq. ft. of new living space. This area is proposed to accommodate a new bathroom in the home. A variance is required to allow for a 4 ft. side yard setback and a 4'6" rear yard setback for addition. Design Review is required for the expansion to the home. A Planning Commission study session was held on May 13, 2015. Action may be taken at this hearing. There is no change to existing parking.

1 Recommendation: Review and approve subject to the attached findings  
2 and Conditions of Approval.  
3

4 *CEQA: The project is Categorically exempt pursuant to Section 15303 "New*  
5 *Construction or Conversion of Small Structures."*  
6

7  
8 **B. PA 15-032 Design Review and & Conditional Use Permit for 1112 Key**  
9 **Route-** The applicant is seeking Design Review and Conditional Use Permit  
10 approval for a second story addition at 1112 Key Route Blvd. The subject  
11 site is 3,465 sq. ft. with an existing 1,107 sq. ft. three bedroom, two  
12 bathroom home built in 1946. The applicant is seeking Design Review  
13 approval to add a 432 sq. ft. second story addition that will include two  
14 bedrooms and one bathroom. The first floor will be reconfigured and will  
15 include a 48 sq. ft. addition at the rear to accommodate the new  
16 stairwell. This will result in a four bedroom, three bathroom house 1,747 sq.  
17 ft. in area, 18'8" in height. Two off-street parking spaces are provided,  
18 one in the attached garage and one in the adjacent driveway. A  
19 Conditional Use Permit is required to extend the non-conforming north  
20 wall located 3'1" off of the north property line.

21 **Recommendation: Review and approve subject to the attached findings**  
22 **and Conditions of Approval.**  
23

24 *CEQA: The project is Categorically exempt pursuant to Section 15303*  
25 *"New Construction or Conversion of Small Structures."*  
26

27 Commissioner Menotti asked staff whether there is a possibility for the  
28 applicant to use a grey water system. Anne Hersch explained they could  
29 suggest it to the applicant.  
30

31 **Motion to approve Consent Calendar items:** Friedland  
32 Seconded by: Giesen-Fields  
33 AYES: Friedland, Giesen-Fields, Kent, Menotti, Donaldson  
34 NAYES: None  
35 **Motion passed, 5-0**  
36

37 **5. PUBLIC COMMENT**

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

43 No one wished to address the commission.  
44

45 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING**  
46 **ITEMS:**  
47

1           **A. A. PA 15-034 Design Review, Conditional Use Permit, and Parking**  
2           **Reduction for 1042 Pomona-** The applicant is seeking Design Review,  
3           Conditional Use Permit and Parking Reduction approval for 1042  
4           Pomona. The subject lot is 3,600 sq. ft with an existing 920 sq. ft. two  
5           bedroom, one bathroom home built in 1926. The applicant is proposing to  
6           add a 905 sq. ft. second story addition with three bedrooms and two  
7           bathrooms. The first floor will be reconfigured to include a new kitchen,  
8           living room, dining room and family room. A new 354 sq. ft. first floor deck  
9           will be relocated at the rear of the home. The existing accessory structure  
10          in the rear yard will be removed. A conditional Use Permit is required to  
11          extend the non-conforming existing south wall vertically with a 2'7"  
12          setback. A parking reduction is required as there is one off-street parking  
13          space. The house will change in appearance from Spanish Revival to  
14          modern. The house will increase in height from 16'2" to 26'2".  
15          **Recommendation: Review and approve subject to the attached findings**  
16          **and Conditions of Approval.**

17  
18          ***CEQA: The project is Categorically exempt pursuant to Section 15303***  
19          ***"New Construction or Conversion of Small Structures."***

20  
21          Anne Hersch presented the staff report.

22  
23          Maurice Levitch, Architect.

24  
25          Commissioner Friedland asked about the deck. Maurice Levitch explained  
26          the style of the deck in relation to the rest of the home.

27  
28          Commissioner Giesen-Fields asked if they had concerned any other  
29          parking strategies. Maurice Levitch explained they were quite limited with  
30          the existing conditions but they have concerned traditional California  
31          landscaping.

32  
33          Commissioner Kent asked about change in foundation. The architect  
34          explained it will remain with some bolstering here and there for the new  
35          second addition.

36  
37          Chair Donaldson asked about window placement in one of the rooms  
38          specifically. The architect explained that it had been a design decision.

39  
40          Chair Donaldson asked about any landscaping considerations. The  
41          architect explained they hadn't specifically discussed it other than having  
42          drought tolerant plants.

43  
44          Commissioner Kent asked about a discrepancy with the checklist and the  
45          proposed plans. The architect clarified the confusion. Commissioner Kent  
46          expressed concern about some of the design lines. The architect  
47          explained the design decision more thoroughly.

48

1 PUBLIC HEARING OPENED

2  
3 No one wished to address the commission.

4  
5 PUBLIC HEARING CLOSED

6  
7 Commissioner Menotti asked about the potential of gray water systems.  
8 The architect explained the client has great interest in applying a gray  
9 water system and they plan to incorporate it during construction as much  
10 as possible.

11  
12 Commissioner Friedland asked about potential design materials for the  
13 front façade of the home. The architect further explained the materials  
14 and how they pertain to the model provided.

15  
16 Commissioner Friedland spoke in support of the project and the front  
17 façade design.

18  
19 Commissioner Giesen-Fields spoke in support of the project but expressed  
20 concern about the parking variance.

21  
22 Anne Hersch referred to a previous commission meeting showing past  
23 projects where a similar proposal was being discussed.

24  
25 Commissioner Kent expressed concern about parking as well and urged  
26 the architect to reconsider the design to accommodate the parking.

27  
28 Commissioner Menotti expressed support of the design and project and  
29 urged the applicant to consider water conservation plans.

30  
31 Chair Donaldson expressed support of the design with the condition they  
32 will see some landscaping plans.

33  
34 **Motion to approve 15-034 with a special condition of approval requiring  
35 staff approval of landscaping plan:** Friedland

36 Seconded by: Menotti

37 AYES: Menotti, Friedland, Giesen-Fields, Kent, Donaldson

38 NAYES: None.

39 **Motion passed, 5-0**

- 40  
41 **B. PA 15-031 Conditional Use Permit for Full Bar at Little Star Pizza, 1181**  
42 **Solano Ave.-** The applicant is seeking Conditional Use Permit approval to  
43 sell beer, wine and spirits at Little Star Pizza. The business will be moving  
44 from their location at 1175 Solano Ave to 1181 Solano Ave. The business  
45 has had a Type 41 (beer and wine only) for several years and is  
46 upgrading their license to a Type 47 which allows for the sale of beer,  
47 wine and spirits at an eating establishment. The business will be open

1 Sunday-Thursday 11am-11pm and Friday-Saturday 11am-12am. There are  
2 35 employees on-site.

3 **Recommendation: Review and approve subject to the attached findings**  
4 **and Conditions of Approval.**  
5

6 **CEQA: The project is exempt from the requirements of CEQA per Section**  
7 **15061(b) (3).**  
8

9 Anne Hersch presented the staff report.

10  
11 Commissioner Giesen-Fields asked about the ratio of parking spaces per  
12 square footage. Anne Hersch explained the city code more clearly.  
13

14 Commissioner Menotti asked about how the license is transferred from  
15 place to place. Anne Hersch clarified that the license stays at the  
16 property, not with the owner.  
17

18 Commissioner Giesen-Fields asked about how the parking issue would be  
19 addressed given the shared parking lot area. Anne Hersch explained  
20 previous experience and projects on Solano Ave. with similar parking  
21 concerns.  
22

23 Chair Donaldson wanted to state for the record that the commission  
24 received a letter from Ron and Linda George before the meeting.  
25

26 Anne Hersch explained that a document describing the alcohol training  
27 program all employees must take part in, is available in the back along  
28 with the agenda and supplemental letters.  
29

30 John Guhl, owner of Little Star.  
31

32 Commissioner Friedland asked the applicant to explain the change in  
33 concept and to address some of the concerns brought up by neighbors.  
34

35 The applicant explained his decision as well as the precautions he plans  
36 to take given past experience.  
37

38 Chair Donaldson asked about the proportional growth for the new  
39 restaurant building and how the new take-out section will work for the  
40 restaurant in addition to a potential public breeze-way space.  
41

42 The applicant explained the new take-out and delivery plan as well as the  
43 expanded restaurant space. The applicant expressed that he is not  
44 interested in extending service to potential outdoor seating in the  
45 breezeway area noted.  
46

47 Commissioner Giesen-Fields asked the applicant to identify the take-out  
48 entrance.

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The applicant explained it was difficult to fully see on the plans given an overhang show on the plans.

Chair Donaldson asked about pedestrian access from the take-out parking.

The applicant explained access to restaurant in relation to the breezeway.

Commissioner Giesen-Fields asked about potential outdoor seating.

The applicant explained it is an ADA accessible ramp so there would be no outdoor seating there.

Commissioner Friedland asked about the economic value of this license.

The applicant explained that is economically beneficial for the business and for the future of the business as well.

Chair Donaldson asked about employee parking.

Susanna, operations manager explained the employee numbers and the limited amount of employees that drive.

Commissioner Friedland asked the applicant about previous experience with this kind of license.

The applicant explained his previous experience and the importance of this license.

PUBLIC HEARING OPENED

**Malcom Russell**, 800 Block of Stannage- concerned about noise from the restaurant expansion. Expressed concern with the yellow-zone idea and suggested it be placed on the east side as appose to the west side of the street.

**Bonnie Jones**, 838 Stannage- concerned about noise. Read an excerpt from an additional neighbor that expressed concerns regarding extending restaurant hours as well as current delivery hours.

**Mike Krsthner**, 800 block of Stannage- concerned with parking, however, appreciated the applicants attempt to address neighbor's concerns. Also questioned the process of when a license stays with a building, what could stop a new owner from changing the integrity of the license.

1 Chair Donaldson explained that the license is conditional and therefore  
2 revocable.

3  
4 **Linda George**, 800 Block of Talbot. Concerned about hard alcohol  
5 potentially causing noise and behavioral problems. Additionally  
6 concerned about parking issues in the parking lot near the rear of the  
7 property. Worried about serving alcohol close to a school.

8  
9 **Sherry Reineman**- Concerned about noise and parking as well as the  
10 extended hours of the restaurant.

11  
12 **Dan Lucas**- concerned about parking and current delivery times  
13 negatively affecting quiet home time and sleeping hours.

14  
15 **Jason Cox**, 836 Cornell- Concerned with noise given the close proximity of  
16 his home and Little Star Pizza. Concerned about losing sleep and his sleep  
17 being disrupted.

18  
19 PUBLIC HEARING CLOSED

20  
21 Commissioner Giesen-Fields expressed support of the project and granting  
22 the license. Explained a few conditions upon approval for this project  
23 including limiting outdoor seating as well as designating certain parking  
24 spots in the shared lot.

25  
26 Commissioner Kent agreed with Commissioner Giesen-Fields. Additionally  
27 expressed a condition of approval that addresses the noise with dumping  
28 trash and bottles during certain hours. Overall in favor of this license.

29  
30 Commissioner Giesen-Fields expressed respect of the neighbor's concerns,  
31 however, explained that it is simply the nature of having commercial  
32 district directly adjacent to residential zones.

33  
34 Commissioner Friedland commented that the economic viability of this  
35 project is greatly important.

36  
37 Commissioner Menotti commented that having a more lively commercial  
38 district is very important and this would contribute. Asked the applicant to  
39 further explain outdoor seating.

40  
41 The applicant explained it is still unclear if the outdoor seating there would  
42 happen and also expressed that service would not be offered to outdoor  
43 seating. Further explained the outdoor seating concept as a shared-use,  
44 public space.

45  
46 Commissioner Menotti commented on the applicant's previous  
47 experience in the neighborhood and commended the applicant for a  
48 clean record in terms of noise complaint.

1  
2 Commissioner Giesen-Fields asked about how they had addressed noise  
3 from trash and bottle dumping.

4  
5 The applicant explained they have restricted the hours when employees  
6 can dump the empty bottles to accommodate concerns of the  
7 neighbors.

8  
9 Chair Donaldson addressed the general concern and issue with parking  
10 and reminded the public that commission is only looking at the alcohol  
11 license. Expressed support of the project.

12  
13 Commissioner Giesen-Fields expressed concerns about parking.

14  
15 Commissioner Friedland commented that despite issues, it is not the  
16 problem being brought to the commission and they need to address the  
17 alcohol license.

18  
19 The commission discussed the parking issue and Anne Hersch explained  
20 there is currently a parking study being done to address parking issues in  
21 Albany.

22  
23 **Move to approve item PA 15-031 Conditional Use Permit for full bar at Little  
24 Star Pizza with the condition that outdoor seating is restrained to front of  
25 building along Solano Ave:** Giesen-Fields.

26 Seconded by: Friedland

27 AYES: Friedland, Giesen-Fields, Menotti, Kent, Donaldson

28 NAYES: None.

29 **Motion passed, 5-0**

30  
31 **7. NEW BUSINESS**

32  
33 **A. Wireless Ordinance Study Session-** Per the direction of the City Council,  
34 the Commission will review and consider further policy refinement to the  
35 City's Wireless Ordinance.

36  
37 ***Recommendation: Receive the report and provide feedback and  
38 direction to staff.***

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

41 Commissioner Friedland recused herself.

42 Anne Hersch presented the staff report.

43 City Attorney Craig Labadie further explained legal and logistical  
44 implications of a potential ordinance.



1 Chair Donaldson asked about the potential for the city to require  
2 equipment to be put below ground for aesthetic reasons.

3 Craig Labadie explained that there are certain parameters for certain cell  
4 infrastructures.

5 Commissioner Menotti asked about the potential of looking into what  
6 other cities have done to address this issue. Anne Hersch explained they  
7 have and will continue to look for examples from other cities in order to  
8 best inform a decision for Albany.

9 Chair Donaldson also expressed support of looking into the league of  
10 cities.

11 Commissioner Giesen-Fields commented that they should be exclusive in  
12 terms of language in order to best exert design review and power of the  
13 commission. He referenced a councilmember and their requests of the  
14 commission. Anne Hersch further explained the councilmember's  
15 comments in regards to a cellular ordinance.

16 Commissioner Giesen-Fields asked City Attorney Craig Labadie about the  
17 specifics of certain definitions for the ordinance.

18 Craig Labadie explained the language in more detail and context.

19 PUBLIC HEARING OPENED

20 **Ed Fields**, concerned about antennas in residential zones. Continued to  
21 reference different laws and the specific dimensions of infrastructure  
22 proposed.

23  
24 **Darren Chan**, external affairs area manager of AT&T. Thanked the  
25 commission for looking over the ordinance. Discussed the expansion of  
26 technological use and the growth of data use specifically. Expressed to  
27 the commission to opportunity to discuss specific technology infrastructure  
28 directly with wireless carriers in order to best understand the proposed  
29 projects and future of wireless facilities.

30  
31 Chair Donaldson expressed interest in meeting directly with wireless  
32 carriers to understand future projects.

33  
34 PUBLIC HEARING CLOSED

35  
36 Commissioner Menotti expressed the need to address future growth and  
37 cellular/ wireless usage. Expressed concerns with making wireless permits a  
38 main priority for the city.

39  
40 Commissioner Giesen-Fields requested of wireless companies to provide a  
41 map of coverage in Albany and potential future locations.

42  
43 Commissioner Kent clarified details of the coverage of microcells as  
44 pertains to the city of Albany.

1 Chair Donaldson expressed a desire for smaller facilities to adjust to  
2 growth overtime as compared to larger more intrusive infrastructure  
3 technologies.  
4

5 Commissioner Giesen-Fields clarified and requested a limit in language to  
6 the ordinance. Wanted to include limitations on the distance of wireless  
7 facilities from schools.  
8

9 Commissioner Menotti asked about the reasoning for this limitation as  
10 regards to an urban design issue.  
11

12 Commissioner Giesen-Fields said it would have to fall under the design  
13 review concern and asked staff to clarify.  
14

15 Craig Labadie explained there are already restrictions against wireless  
16 facilities on school property and within a certain distance of residential  
17 areas; however, the restrictions can be tightened.  
18

19 Chair Donaldson commented that the community center and certain  
20 churches around the area would probably benefit from the revenue from  
21 a wireless facility.  
22

23 The city attorney clarified the leasing process for the wireless infrastructure.  
24

25 Commissioner Giesen-Fields expressed concern over private control of the  
26 facilities and expressed the need to have a policy to only allow wireless in  
27 the public right of way for this reason.  
28

29 The attorney clarified the definition of public-right-of-way as it pertains to  
30 the specific ordinance.  
31

32 Commissioner Kent asked for a clarification of microcell language.  
33 The commission clarified the varying technologies.  
34

35 Ed Fields expressed more concerns for the commission.  
36

37 The city attorney explained he had given legal advice to the commission  
38 to review.  
39

40 Commissioner Kent asked the AT&T representative to define a microcell.  
41

42 Darren Chan explained there are many definitions and varying  
43 technology that fall under the definition. Offered, again, to have a  
44 meeting with wireless carriers who are more familiar with specific  
45 technologies that apply to this ordinance.  
46

47 Chair Donaldson expressed the need to have further education in regards  
48 to the varying technologies available.

1 Commissioner Menotti expressed that he would not be able to support  
2 having wireless technology in residential zones unless an important case  
3 was made in favor.  
4

5 Commissioner Menotti asked if the commission needs to make a  
6 recommendation to the council in regards to wireless facilities in  
7 residential zones.  
8

9 The city attorney clarified their responsibility on this item.  
10

11 Commissioner Giesen-Fields expressed the need for the commission to  
12 inform the council on how to best proceed with specific details pertaining  
13 to this ordinance revision.  
14

15 Chair Donaldson commented on past experience with design possibilities  
16 regarding this kind of technology.  
17

18 Anne Hersch clarified past projects with similar design obstacles.  
19

20 The city attorney Craig Labadie reminded the commission that the  
21 timelines on approving this type of wireless technology is shortening so  
22 they need to keep in mind an efficient and streamlined design review  
23 process when reviewing the ordinance.  
24

25 Commissioner Kent commented that they need to address both stealth  
26 and aesthetics when looking at design review.  
27

28 Commissioner Giesen-Fields expressed the need for tight design review  
29 requirements.  
30

31 Commissioner Kent wanted to ensure that the applicants would know the  
32 requirements ahead of time.  
33

34 Anne Hersch clarified the different technologies in respect to past projects  
35 and how they apply to different design review elements.  
36

37 Commissioner Giesen-Fields expressed the need to understand the  
38 technology in order to best restrict design guidelines however also  
39 keeping in mind that they can't define a technology exclusively within the  
40 ordinance.  
41

42 Chair Donaldson asked if a third-party consultant could be a resource in  
43 regards to better understanding the varying technologies.  
44

45 Commissioner Menotti asked about a potential timeline for a decision.  
46

47 Anne Hersch explained that the hope would be to bring it back to council  
48 come Fall.

1 Chair Donaldson expressed the need to have design guidelines as the  
2 highest priority for this ordinance.

3  
4 Commissioner Giesen-Fields expressed the need to make the design  
5 guidelines as strict as possible.

6  
7 Chair Donaldson told staff they want to encourage stealth, hiding rooftop  
8 antennas and integrating the design into buildings and existing urban  
9 fabric.

10  
11 Chair Donaldson asked about the status of current cellular infrastructure  
12 on Cleveland Ave. Anne Hersch clarified the status of those facilities.

13  
14 Commissioner Kent clarified a comment of Commissioner Giesen-Fields.

15  
16 Commissioner Giesen-Fields further explained his idea of strict design  
17 requirements to ensure good aesthetics.

18  
19 Commissioner Menotti left the meeting early.

20  
21 Chair Donaldson clarified previous legal issues.

22  
23 Craig Labadie answered specific questions regarding wireless facility  
24 placement.

25 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

29 Anne Hersch announced summer intern Sophie Gabel-Scheinbaum.

30  
31 **9. NEXT MEETING:** June 24, 2015

32  
33 **10. ADJOURNMENT**

34  
35 The meeting was adjourned at 9:45 p.m.

36 Next regular meeting: Wednesday, June 24, 2015, 7:00 p.m. at Albany City Hall

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39 \_\_\_\_\_  
Submitted by: Anne Hersch, City Planner

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42 \_\_\_\_\_  
Jeff Bond, Community Development Director

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