

# City of Albany

## Planning and Zoning Commission Minutes February 25, 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, February 25, 2015.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Donaldson, Friedland, Menotti, Kent  
Absent: Giesen-Fields  
Staff present: City Planner Anne Hersch  
Community Development Director Jeff Bond

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 14-057 Zoning Clearance for Sprint Wireless at 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 antennas will be completely screened from view and will be located behind the existing screen wall. The existing antennas are 6 ft. and will remain the same size. The antennas will mount on new pipe mounts. The facility was originally approved and constructed in 2002.

**Recommendation: Approve 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 Menotti recused himself from this item due to proximity.

Ed Fields pulled this item for discussion. Anne Hersch presented the staff report.

1 **Ed Fields-** stated that the new regulations have not taken away the Commission's right  
2 to ensure compliance with FCC emission standards and raised concerns regarding  
3 approval of this item based on the report.

4  
5 Commissioner Kent- had questions regarding signage details. Anne Hersch noted this  
6 was included in the revised EBI report.

7  
8 Chair Donaldson- was concerned about routine monitoring, being on top of technical  
9 matters, and the testing of emissions to federal standards.

10  
11 **Motion to approve item 4A:** Kent

12 Seconded by: Friedland

13 AYES: Donaldson, Friedland, Kent

14 NAYES: None.

15 **Motion passed, 4-0.**

16  
17 **5. PUBLIC COMMENT**

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

22  
23 Commissioner Menotti returned to the meeting.

24  
25 Anne Hersch- talked briefly about the agenda for the evening, noting that the last item  
26 on the agenda regarding the Waterfront Element had been pulled and rescheduled for  
27 the March 11th meeting.

28  
29 City staff noted that the Commission could not answer questions during the public  
30 comment section but could listen to the public's concerns.

31  
32 **Barbara Chambers-** had questions regarding the fence ordinance and her shared  
33 driveway plan, but decided to save her questions for future application discussion.

34  
35 **Alexa Hauser,** Diverse Housing Working Group- encouraged the Commission to take  
36 action to support homeowners in taking steps towards providing more diverse and  
37 affordable housing and allowing people to respond to parking regulations. She also  
38 encouraged the Commission to speak to County Supervisor Keith Carson regarding  
39 Albany getting its fair share of county resources.

40  
41 **Ed Fields-** was concerned with the amount of commercial signage at establishments  
42 near residential areas as well as the topic of massage parlor regulations in light of new  
43 state law.

44  
45 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS**

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

4 **A. PA 15-006 Design Review & Parking Exception for 507 Key Route Blvd. 2<sup>nd</sup> Story**

5 **Addition-** The applicant is seeking Design Review and Parking Exception  
6 approval for a new second story addition at 507 Key Route Blvd. The subject  
7 lot is 2,745 sq. ft. with an existing 950 sq. ft. one bedroom, one bathroom home  
8 built in 1928. The applicant is proposing to add a new first floor 272 sq. ft. family  
9 room with half bathroom. The second floor will include a new 309 sq. ft. master  
10 suite partially cantilevered at the rear. This will result in a three bedroom, two  
11 bathroom home 1,498 sq. ft. in area, 24'1" in height. The home is Spanish  
12 Revival in appearance and is proposed to remain. A Parking Exception is also  
13 requested to allow the second off-street parking space to be located in  
14 driveway located in the front yard setback.

15 **Recommendation: Approve subject to the attached findings and Conditions of**  
16 **Approval**

17  
18 **CEQA: Categorically exempt pursuant to Section 15303 "New Construction or**  
19 **Conversion of Small Structures," of the CEQA Guidelines**

20  
21 Anne Hersch presented the staff report.

22  
23 **Minxi Liu**, project architect-said the applicants opted for a rear yard addition because  
24 of budget concerns. He noted he did a shadow study and found there would be  
25 minimal impact to the neighbors with regards to shadowing.

26  
27 Chair Donaldson- asked the architect to consider some suggestions from Judy Cayot's  
28 letter such as a turned gable or using a flat roof. Liu said that he had considered these  
29 options, but they did not work well with his plan.

30  
31 PUBLIC HEARING OPENED.

32  
33 **Bryn Ryans**, 502 Pomona- had concerns about sun and privacy.

34  
35 **Judy Cayot**, 504 Pomona- had concerns regarding obstructions to her view. She stated  
36 she did not want to oppose the application but proposed a few suggestions to address  
37 concerns regarding sun, views, and privacy for the neighbors. Some suggestions  
38 included in her letter included: rotating the roof, utilizing a flat roof, flipping the room  
39 location to have the bed in the front and bath to the rear, and adding high windows for  
40 light.

41  
42 PUBLIC HEARING CLOSED.

43  
44 Commissioner Friedland- thought an initial discussion between the applicants and  
45 neighbors would have been helpful to address the neighbors' concerns. She noted the

1 project's façade had minimal impact on Key Route and the main concern would be  
2 addressing the neighbors' concern about the rear addition.  
3

4 Chair Donaldson- thought the design was attractive and had no issues with the parking  
5 exception. He felt the suggestion for high windows was an effective tool to address view  
6 and lighting concerns. He was inclined to continue this item because it resulted in too  
7 many concerns to the adjacent neighbors and suggested that the applicants work with  
8 their neighbors to address these concerns.  
9

10 Commissioner Menotti- thought some of the neighbor's concerns were valid and was  
11 also in favor of continuing the item if the applicants could resolve some of the design  
12 issues with neighbors.  
13

14 Commissioner Kent- was also in favor of looking at this item further prior to approval.  
15

16 Minxi Liu- addressed some of the neighbors' concerns and asked for clear direction in  
17 redesigning the addition. He proposed planting trees to address privacy concerns or  
18 lowering the second story height or changing the slope of the roof. He urged the  
19 Commission to approve this item, explaining his thought process and consideration of  
20 various alternatives.  
21

22 Chair Donaldson and Menotti- noted they were much more comfortable approving this  
23 application with a few conditions.  
24

25 **Motion to Approve Item 6A:** Kent

26  
27 -with additional condition that the applicant work with staff to lower the roof if possible  
28 Commissioner Friedman asked to amend the motion to include altering the pitch of the  
29 roof in addition to the height with the goal of minimizing the impact of the height on the  
30 neighboring properties on Pomona.  
31

32 Commissioner Kent accepted the amendment.  
33

34 The commission and architect discussed modifying the window placement.  
35

36 Commissioner Friedland restated the motion.  
37

38 **Motion to Approve Item 6A:** Friedland

39 -with conditions with lower building height by at least 8 inches and the use of a gentler  
40 roof slope

41 Seconded by: Menotti

42 AYES: Donaldson, Friedland, Kent, Menotti

43 NAYES: None.

44 **Motion passed, 4-0.**

45

1           **B. PA 15-007 Design Review & Conditional Use Permit for 726 Pomona-** The  
2 applicant is seeking Design Review and Conditional Use Permit approval for a  
3 second story addition at 726 Pomona. The subject lot is 4,950 sq. ft. with a two  
4 bedroom, one bathroom home built in 1927. The applicant is proposing to  
5 demolish and remove the existing two car detached garage, add a new  
6 single car garage to the home, reconfigure the existing first floor to include a  
7 new family room, bedroom, and bathroom. The new second floor will include  
8 three bedrooms and one bathroom. This will result in a four bedroom, two and  
9 half bathroom home, 1,982 sq. ft. in area, with a maximum height of 21'9". Two  
10 off-street parking spaces will be provided in the new garage and driveway. A  
11 Conditional Use Permit is required to vertically extend the existing non-  
12 conforming wall located 1'9" off of the north property line.

13           **Recommendation: Approve subject to the attached findings and Conditions of**  
14 **Approval**

15  
16           **CEQA: Categorically exempt pursuant to Section 15303 "New Construction or**  
17 **Conversion of Small Structures," of the CEQA Guidelines**

18  
19 Chair Donaldson that Commissioner Friedland had to leave early tonight but there  
20 would still be a quorum.

21  
22 Anne Hersch presented the staff report.

23  
24 **David Wemmer**, property owner- explained the application. He noted the modest  
25 change in building height and small rooms to allow for a more spacious backyard.

26  
27 PUBLIC HEARING OPENED.

28  
29 **Craig Lee**, 730 Pomona- had not major issues with the designed as presented. His  
30 requests included that the applicant: have clear story windows to allow for privacy, work  
31 with extra care in protecting existing surfaces in construction, present an elevation  
32 design with regards to the trellis changes, and show a plan for any proposed plants they  
33 may put in.

34  
35 **Nancy Bouldan**- had concerns regarding the CUP for the vertical extension bump out.  
36 She said the height would impede her light and suggested that the bump out be given  
37 the same setback as the front of her house.

38  
39 **Chip Delsford**- supported Nancy and said they did not know this application was going  
40 through prior to the story poles going in two weeks ago. He was not against the addition,  
41 but asked if there were alternatives to make the addition more light friendly to the  
42 neighbors.

43  
44 PUBLIC HEARING CLOSED.

45  
46 **Craig Griffin**, architect- responded to questions from the Commission.

1  
2 Commissioner Kent- thought the addition was modest and did not think the design was  
3 sensitively done with respect to light. He thought small windows on the north side would  
4 be helpful with regards to privacy issues.

5  
6 Chair Donaldson- liked what was being done with the garage. He thought that the  
7 design was attractive and supported the application. He addressed the sunlight  
8 concern, but felt moving the bump out back was not needed as it would shrink the  
9 already modest rooms. He supported smaller windows on the second floor for privacy  
10 concerns.

11  
12 Commissioner Menotti- generally liked the design and thought it created more space in  
13 the backyard.

14  
15 **Motion to approve Item 6B:** Kent

16 -with additional condition that the architect work with staff to reduce the size of the  
17 second story windows on the north and south side

18 Seconded by: Menotti

19 AYES: Donaldson, Kent, Menotti

20 NAYES: None.

21 **Motion passed, 3-0.**

22  
23 **C. PA 14-074 Design Review, Conditional Use Permit, & Parking Exception for 1112**

24 **Evelyn-** The applicant is seeking Design Review, Conditional Use Permit, and  
25 Parking Exception approval for an 807 sq. ft. second story addition at 1112  
26 Evelyn. The subject lot is 2,500 sq. ft. with an existing 807 sq. ft. 2 bedroom, 1  
27 bathroom home built in 1922. The applicant received Design Review approval  
28 in July 2011 to add 168 sq. ft. at the rear of the existing home. As part of this  
29 scope, the applicant is proposing to build directly above the existing home  
30 and will add 807 sq. ft. to the existing second story. This will include 3  
31 bedrooms, 2 bathrooms, and new storage. The first floor will be reconfigured  
32 to include an expanded kitchen, living and dining room. The new maximum  
33 height of the home will be 25'4" and the appearance will change to Spanish  
34 Revival. A Conditional Use Permit is required to extend the non-conforming  
35 north and south walls vertically. A Parking Exception is required to allow the  
36 second parking space to be located in the front yard setback.

37 **Recommendation: Study session only, no action is required.**

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

41  
42 Anne Hersch presented the staff report.

43  
44 **Annie Sum** of J. Allen Sayles Architects, project architect- noted that there was a  
45 similar project that was approved previously at 969 Ventura. She explained how the  
46 project was consistent with residential design guidelines and detailed the benefits of

1 lifting the house and building beneath the existing. She noted the project had  
2 support from the neighbors.  
3

4 **Andre Brunetti**, property owner- noted this was an affordable way to stay in Albany  
5 and still provide space for his growing family. He said he had a lot of support from his  
6 neighbors and urged the Commission to approve this item tonight.  
7

8 PUBLIC HEARING OPENED. No one wished to speak.  
9

10 PUBLIC HEARING CLOSED.  
11

12 Anne Hersch- noted that findings and conditions of approval had not been drafted  
13 for this application yet, but if tonight's study session went smoothly, this item could be  
14 easily added to either of the March hearing dates.  
15

16 Commissioner Kent- asked the property owner to make sure that the neighbors'  
17 understood the process. He asked a few clarification questions.  
18

19 Commissioner Menotti- had no issues with the parking solution and appreciated the  
20 applicants for reaching out to their neighbors regarding this project.  
21

22 Chair Donaldson- noted his only issue was the 0.62 FAR. He agreed with the Spanish  
23 Revival style and had no issues with the application. He said the Commission was not  
24 ready to approve this application tonight but could be put on as a Consent  
25 Calendar item next time.  
26

27 Anne Hersch noted there was an error in the staff report and the FAR was actually  
28 0.60 not 0.62.  
29

30 The Commission took a short break.  
31

## 32 7. NEW BUSINESS

33 **A. Resolution 2015-03 recommending that the City Council amending the City's**  
34 **Wireless Communications Facility Ordinance** - The Planning & Zoning  
35 Commission review the proposed redline changes to Section 20.20.100 "Wireless  
36 Communications Facilities" and forward a recommendation to City Council to  
37 amend Section 20.20.100 of the Albany Municipal Code.  
38

39 ***Recommendation: Approve Resolution 2015-03.***  
40

41 ***CEQA: Categorically exempt pursuant to Section 15303, "New Construction or***  
42 ***Conversion of Small Structures" of the CEQA Guidelines***  
43

44 Anne Hersch presented the staff report and gave a presentation on this item, discussing  
45 the history, typical application review process, past applications, background on the  
46 update, Commission directed changes, and application submittal requirements. She

1 responded to questions from Commission regarding new regulations regarding the shot  
2 clock.

3  
4 Commissioner Kent- wanted to see the permission of towers on Albany Hill stricken out.

5  
6 **Ed Fields**-asked that the public has the opportunity to discuss with the Commission any  
7 changes before it goes to City Council. He said the submittal checklist should be part of  
8 the recommendation if the Commission wanted to. He had questions regarding sunset  
9 provisions and the definition of maintenance with regards to increasing power output.  
10 He had concerns regarding the visual impact of screening and towers on Albany Hill.

11  
12 **Carol O Keefe**- asked that the Commission consider reconsider the flat prohibition of cell  
13 towers in residential areas. She explained that most of Albany is residential and there are  
14 very few places in Albany where these utilities and facilities could be placed. She asks  
15 them again to reconsider the flat prohibition.

16  
17 **Tod Abbot**- He was very happy to see the preferred districts moved. He also wanted the  
18 Commission to reconsider the starkness of a flat prohibition. He says that technology may  
19 change and there is no way of knowing what will be best in a few years that might not  
20 be considered or thinkable right now. Wants them to keep doors open.

21  
22 Chair Donaldson- Clarified with Anne Hersch that the letters for the records in October  
23 are included in continuing records.

24  
25 PUBLIC HEARING CLOSED

26  
27 Commissioner Kent- He believes one of the reasons they are trying to exclude areas is  
28 because there is such a short review period of only sixty (60) days.

29  
30 Chair Donaldson- Reminded the commission that their job is really just a design review.

31  
32 Commissioner Kent- Agreed that everyone uses cellphones and wants those amenities  
33 but he does not trust the companies that might come in to provide those. He liked  
34 keeping the parks out of it.

35  
36 Commissioner Menotti- posed a few questions: wondered how the Ohlone area was  
37 zoned.

38  
39 Jeff Bond- explained that it is currently unclassified but that it can be changed with new  
40 General Plan.

41  
42 Commissioner Menotti- wondered if it was unclassified areas and wonders how it would  
43 be applied to an area like that, and if they ban was put in place if there would be  
44 enough coverage for the needs of the city.

45



1 Anne Hersch- Explains that one tower was approved for being built in 2013 but it still  
2 hasn't been built and there seem to be no additional towers on the horizon.

3 Commissioner Menotti- wondered if the residential area in question already had cell  
4 towers there.

5  
6 Anne Hersch- explained that there are currently no towers there but on the other side,  
7 Cleveland Ave, there are some towers and provide a lot of coverage.

8  
9 Chair Donaldson-Explained that the freeway corridor is well covered. There were  
10 problems with AT&T having bad coverage but how they approved antennas for them to  
11 improve.

12  
13 Commissioner Kent- posed the question of if they had more of the small bits of  
14 infrastructure whether that would be better.

15  
16 Chair Donaldson- Explained what he read from the report and the growth of data  
17 transmission and the varying antenna systems available. Explained that the current  
18 wireless ordinance would not allow two of the kinds of systems. Wanted to ask the staff  
19 report if they could add to the ordinance to allow the other antenna systems to be  
20 allowed in all zoned areas. Said that especially by schools, more data transmission  
21 happens so the current ordinance doesn't make sense.

22  
23 Commissioner Menotti- noted the staff report wants to address the health effects. So he  
24 wonders what basis they don't have in regards to distance from schools.

25  
26 Chair Donaldson- Explained that at the time that is what the city and people wanted.  
27 And reminded that the city has had many issues with carriers and been sued by the  
28 carriers. When it was written, the idea was to make the antenna hard to install in Albany  
29 but they would still get coverage. Explained that the ordinance was all about health  
30 and not focused on design review. Explained the lengthy process of getting the  
31 ordinance organized in 2005.

32  
33 Commissioner Kent- Paralleled the similar experience many cities have had with cable.  
34 In terms of design how they would deal with people wanting to take trees down that  
35 would potentially be blocking their coverage.

36  
37 Chair Donaldson- Explained that the noise was an issue by St. Mary's.

38  
39 Jeff Bond- Offered a couple observations in terms of adding these facilities in residential  
40 areas. First: they are not allowed to regulate the type of technology so they can't give a  
41 certain carrier preference. Second: suggests that today hopefully the city does not want  
42 the first priority of planning and zoning to be with these cell phone utilities.

43  
44 Chair Donaldson- Didn't think there have been many complaints about cell phone  
45 coverage.

46

1 Jeff Bond- Noted on a personal experience once the new antenna were put in for AT&T,  
2 service was much better. Explained that the council wants to see this done.  
3 Commissioner Menotti- wanted a little more time to get a better hold on the issue  
4 instead of pushing the decision along too quickly.  
5

6 Chair Donaldson- his comments are on page 4: first comment was to include them in  
7 Public Facilities everywhere and delete the phrase that exempts schools and residential  
8 area. Confused on the difference between (C) and (4) which are supposed to cover  
9 the same area. Thought there might be some contradictory information.  
10

11 Anne Hersch explained that it became an issue because of the specifics of the  
12 infrastructure on San Pablo.  
13

14 Chair Donaldson- He didn't think that they should make the ordinance for specific  
15 equipment.  
16

17 Anne Hersch- Clarified that in the revision of the ordinance, it needs to be changed to  
18 more specifically address the various forms of technology.  
19

20 Chair Donaldson- Clarified the changes that need to be made in the ordinance revision  
21 and rewrite. Agreed with Anne's comment that it gives preference to city owned  
22 buildings. Happy to see the ordinance shorter and more manageable. He would like to  
23 see it updated to make sure it complies with multiple technological systems.  
24

25 Commissioner Kent- Thought that it's good to consider the future and an expanding use  
26 of data transmission.  
27

28 Anne Hersch- explained that they cannot create a new timeline that is not consistent  
29 with the federal government.  
30

31 Commissioner Monetti- Brought back the issue of increased chances of power outages.  
32

33 Jeff Bond- Explained it can't be necessarily controlled but there is noise criteria.  
34

35 Chair Donaldson- Likes the small systems because they are lower power.  
36

37 Anne Hersch- wanted to put a date on the deciding, March 25<sup>th</sup>.  
38

39 Chair Donaldson- wants to explain to the council that it is a coming trend and it needs  
40 to be added to the ordinance in the coming year. Was surprised and impressed by the  
41 intense growth in data transmission and the use of cell phones.  
42

43 **Motion to move decision to meeting on March 25<sup>th</sup>: Monetti**

44 Seconded by: Kent

45 AYES: Donaldson, Kent, Monetti

46 NAYES: None

1  
2 Anne Hersch made an announcement about an advisory training video.  
3

4 Chair Donaldson adjourns the meeting.  
5

- 6 **B. Study Session on General Plan Draft Waterfront Element Goals & Policies** - This is  
7 the 19<sup>th</sup> Planning and Zoning Commission Study Session on the Albany 2035  
8 General Plan Update. This Study Session will focus on an initial draft of the  
9 proposed goals and policies associated with the Waterfront Element of the  
10 General Plan. An opportunity for public comment will be provided.  
11

12 *Recommendation: The Planning & Zoning Commission review and provide*  
13 *feedback on the proposed goals and policies. This item is a study session and*  
14 *no formal Commission action is required.*  
15

16 *CEQA: An Environmental Impact Report is being prepared and will be released*  
17 *for public review in summer 2015.*  
18

19 **\*\*Continued to March 11, 2015.\*\***

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

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

25 **A. Advisory Training Video**

26 **B. Chair/Vice-Chair for 2015**  
27

28 **9. ADJOURNMENT**

29 The meeting was adjourned at 11:15 p.m.

30 Next regular meeting: Wednesday, March 11, 2015, 7:00 p.m. at Albany City Hall  
31  
32  
33

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34 Submitted by: Anne Hersch, City Planner  
35  
36

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37 **Jeff Bond, Community Development Director**