

*City of Albany*  
**Planning & Zoning Commission**  
**Minutes November 17, 2015 Meeting**

1 Note: These minutes are subject to Planning and Zoning Commission approval. The minutes  
2 are not verbatim. An audiotape of the meeting is available for public review.

3  
4 **Special Meeting**

5  
6 1. **CALL TO ORDER:** The special meeting of the Planning & Zoning Commission was  
7 called to order by Chair Donaldson in the City Council Chambers at 7:00 P.M. on  
8 Tuesday, November 17, 2015.

9  
10 2. **PLEDGE OF ALLEGIANCE**

11  
12 3. **ROLL CALL**

13  
14 Present: Friedland, Kent\*, Menotti, Donaldson  
15 Absent: Giesen-Fields  
16 Staff Present: City Planner Anne Hersch  
17 Community Development Director Jeff Bond  
18 \*Arrived after Roll Call

19  
20 4. **CONSENT CALENDAR**  
21 (Consent Calendar items are considered routine and will be enacted by one  
22 motion. By approval of the Consent Calendar, the staff recommendations will  
23 be adopted unless otherwise modified by the Commission. There will be no  
24 separate discussion on these items unless a Commission Member or a member of  
25 the audience requests removal of the items from the Consent Calendar.)

26  
27 **A. PA 15-088 Design Review and Parking Exception for 976 Stannage Avenue.**  
28 The applicant is seeking Design Review and Parking Exception approval  
29 for a rear single-story addition at 976 Stannage Avenue. The subject lot is  
30 5,000 square feet with an existing 1,152 square foot two bedroom, one  
31 bathroom home built in 1939. The applicant is seeking Design Review  
32 approval to add a 398 square foot master suite addition at the rear of the  
33 existing home. The maximum height will remain the same at 13 feet 3.5  
34 inches and the home will retain its existing Minimal Traditional  
35 appearance. A Parking Exception is required to recognize the existing  
36 dimensions of the two-car attached garage. This will result in a 1,550  
37 square foot, three bedroom, two-bathroom home.

1 Recommendation: Review and approve subject to the findings and  
2 Conditions of Approval attached to the staff report dated November 17,  
3 2015.

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

- 7  
8 B. Planning & Zoning Commission Meeting Minutes from September 23, 2015  
9  
10 C. Planning & Zoning Commission Meeting Minutes from October 14, 2015  
11

12 **Motion to adopt the Consent Calendar, as submitted, approving PA 15-**  
13 **088 for 976 Stannage Avenue, pursuant to the staff report dated November**  
14 **17, 2015; and the minutes from the Planning & Zoning Commission**  
15 **meetings of September 23, 2015 and October 14, 2015, as submitted:**

16 Friedland

17 Seconded by: Menotti

18 AYES: Friedland, Menotti, Donaldson

19 NAYES: None

20 ABSENT: Giesen-Fields, Kent

21 **Motion passed, 3-0**

22  
23 Chair Donaldson identified the 14-day appeal period.

24  
25 **5. PUBLIC COMMENT**

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

31  
32 **Alexa Hauser**, Albany, announced that the Diverse Housing Working Group was  
33 sponsoring a fundraiser for YEAH, Youth Engagement Advocacy and Housing at  
34 St. Albans. YEAH is a year round support system for transitional aged adults 18 to  
35 25 years old, and a seasonal shelter had just opened for this year through May  
36 2016. She urged Commissioners to attend the fundraiser. She also urged  
37 residents engaged in home improvement projects to consider including a  
38 second unit in the project, if feasible, to increase the amount of affordable  
39 housing available in Albany, and presented information as to how second units  
40 could help Albany address its housing shortage.

41  
42 **6. DISCUSSIONS & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

- 43  
44 **A. PA 15-084 Conditional Use Permit and Parking Exception for Sweat Fitness,**  
45 **1501 B Solano Avenue.** The applicant is seeking Conditional Use Permit  
46 and Parking Exception approval to operate a fitness studio at 1501 B

1 Solano Avenue. The applicant is proposing to lease 2,500 square feet of  
2 vacant space and will hold exercise classes seven (7) days a week. The  
3 peak times for classes are 6:00 A.M. to 10:00 A.M., 4:30 to 8:00 P.M.  
4 Monday through Friday, and weekends 7:00 A.M. to 11:00 A.M. There is a  
5 maximum of four (4) employees on-site and a maximum class size of 35  
6 students per class. There is no off-street parking. A Parking Exception is  
7 required for eight (8) off-street spaces required by the Code.  
8 **Recommendation: Review and approve subject to the findings and**  
9 **Conditions of Approval attached to the staff report dated November 17,**  
10 **2015.**

11  
12 ***CEQA: The project is Categorically exempt pursuant to Section 15332 "In-***  
13 ***Fill Development Projects."***

14  
15 City Planner Anne Hersch presented the staff report dated November 17, 2015.

16  
17 Commissioner Friedland verified that there was no parking in the rear for the space.

18  
19 **Cassle Hecker**, Sweat Fitness, reported that the gym was a group fitness gym and there  
20 was also private training. She noted that parking had not been an issue on College  
21 Avenue at their Rockridge location and she did not anticipate it would be a problem at  
22 the Solano Avenue site. She affirmed that 6:00 A.M. was their most popular class, with  
23 other classes scheduled for 7:00, 8:00, and 9:00 A.M., a lunchtime class, and smaller  
24 classes later in the evening. Based on the square footage, there would be a maximum of  
25 four employees. When asked why the site had been chosen, she explained that she liked  
26 the neighborhood because those who lived there were her target demographic;  
27 healthy-minded young people, families, and those who liked the walkability of Albany,  
28 and who would walk to the business.

29  
30 PUBLIC HEARING OPENED

31  
32 **Dr. Andrew Condey**, Albany, reported that he was one of the owners of three buildings at  
33 the corner facing the property; 1496 Solano Avenue, 1498 Solano Avenue, and 902 Curtis  
34 Street, which housed professional offices. He supported the proposed business on Solano  
35 Avenue but expressed concern with the traffic impacts during the evening hours at 5:00  
36 and 6:00 P.M. when many clients visited their medical offices. He asked the Commission  
37 to take into account the needs of the existing businesses and asked if there would be a  
38 way to mitigate the traffic concerns by creating other parking or a shuttle along Solano  
39 Avenue. He noted there were seven restaurants within one block of the gym, and while  
40 two of the restaurants had some on-site parking the others did not. He urged some  
41 planning for a parking program to mitigate the effects of additional businesses on Solano  
42 Avenue without any parking in the area.

43  
44 PUBLIC HEARING CLOSED

45

1 Chair Donaldson commented that he had visited the site during the evening, had  
2 conducted a parking survey similar to what had been done by staff, and had found that  
3 between 6:30 and 7:00 P.M. there had been only two vacant spaces. The side streets  
4 had more parking availability, and in the entire 500-foot radius that staff had surveyed he  
5 had found 39 available parking spaces. He noted that years ago the parking structure  
6 below the Sunnyside Café had been proposed, which he understood was to have been  
7 made available for parking for the buildings. He stated that one of the spaces in the  
8 building had been vacant for a year, and his survey had found that only two cars had  
9 been parked in that area where 13 spaces were available. While signs had been posted  
10 for 30-minute parking for tenants only, he suggested the parking regulations for that site  
11 be evaluated to see if they could be modified beyond a 30-minute time limit to  
12 encourage its use.

13  
14 Commissioner Menotti referred to the initial analysis of the parking for Solano and San  
15 Pablo Avenues and asked what the City intended to do with that information related to  
16 access on Solano Avenue.

17  
18 Community Development Director Jeff Bond referred to the analysis of existing conditions  
19 for the Parking Management Plan that had been presented to the Commission in  
20 September, and stated the consultant team was working on projections based on  
21 potential growth and analyzing parking requirements in other cities, which analyses was  
22 expected to be available in January 2016 when one or two public meetings would be  
23 held at times beneficial to the public and to business owners to address the parking  
24 situation. He explained that paid or metered parking was also a tool that might be  
25 available. The consultant's recommendations would feed into the next steps. In the  
26 interim, parking would be evaluated on a project-by-project basis while a citywide  
27 solution was being sought.

28  
29 Commissioner Friedland suggested that the demographic and clientele that would  
30 potentially attend the fitness programs would likely walk to the site, and she suggested  
31 the experience on College Avenue was instructive given that clients were walking or  
32 finding somewhere to park. She suggested the proposed fitness studio on Solano Avenue  
33 would be a vital use to have in that space and she supported the application.

34  
35 Commissioner Kent stated he had read all the material. While a business was needed at  
36 the site, he stated that parking was an issue that would have to be addressed although  
37 he suggested that people would not be driving to Solano Avenue in that most patrons  
38 would likely walk to the site. As such, he suggested a parking exception would be  
39 appropriate for the site.

40  
41 Chair Donaldson recommended that bicycle spaces be required and he referred to  
42 several areas where a bicycle rack could be placed or suggested that an area inside the  
43 business could be set aside for bicycle parking. He supported the project with the  
44 requirement for bicycle parking with at least two racks to accommodate four bicycles.  
45

1 Ms. Hersch advised that Special Condition 3 had required the installation of bicycle racks  
2 with the applicant to work with City staff on location and placement.

3  
4 **Motion to approve PA 15-084 for 1501 B Solano Avenue, pursuant to the**  
5 **staff report dated November 17, 2015:** Friedland

6 Seconded by: Menotti

7 AYES: Friedland, Kent, Menotti, Donaldson

8 NAYES: None

9 ABSENT: Giesen-Fields

10 **Motion passed, 4-0**

11  
12 Chair Donaldson identified the 14-day appeal period.

- 13  
14 **B. PA 15-055 Design Review and Parking Exception for 921 Kains Avenue**  
15 **(YMCA).** He applicant is seeking Design Review and Parking Exception  
16 approval to add a 398 square foot single-story addition at 921 Kains  
17 Avenue (YMCA). The subject site is 7,500 square feet with an existing 7,751  
18 square foot two-story building built in 1940. The applicant is seeking  
19 Design Review approval to add 398 square feet by enclosing the existing  
20 courtyard and will use it as a training room. The interior will be  
21 reconfigured to provide a new Americans with Disabilities Act (ADA)  
22 accessible entry, lobby/reception area, and office. A Parking Exception is  
23 required for one off-street parking space. There is no off-street parking. A  
24 new marquee sign is proposed above the front entry. One street tree is  
25 proposed to be removed. **Recommendation: Review and approve**  
26 **subject to the findings and Conditions of Approval attached to the staff**  
27 **report dated November 17, 2015.**

28  
29 ***CEQA: The project is Categorically exempt pursuant to Section 15303***  
30 ***“New Construction or Conversion of Small Structures.”***

31  
32 Ms. Hersch presented the staff report dated November 17, 2015. In response to the  
33 Commission, she was not aware that the site ever had off-street parking. The Parking  
34 Exception had been triggered by the increased square footage and the only square  
35 footage added would be the enclosed courtyard.

36  
37 PUBLIC HEARING OPENED

38  
39 **Robert Wolf**, the Architect, commented that the building had been in place for 85 years,  
40 had been remodeled in 1988, and it had been some time since work had been done on  
41 the building. The intent was to bring up the standards of the architecture itself and to  
42 reconfigure the building to be more user friendly, upgrade and remodel the bathrooms,  
43 upgrade the lift, and improve the infrastructure.

44 Mr. Wolf suggested that the cosmetic work would improve the appearance from the  
45 street and the visibility from Solano Avenue when driving down Kains Avenue. He

1 described the backlit sign and explained that the lights would be turned off when the  
2 YMCA was not open.

3  
4 Commissioner Friedland asked if the increase in programmable space was intended to  
5 increase membership, to which Mr. Wolf explained that it was really to increase flow and  
6 ADA accessibility in that program space was actually being lost in the creation of the  
7 ADA lift. He added it was also a life safety issue in the event of an emergency.

8  
9 Mr. Wolf described the current ADA access and stated that the building was not fully  
10 compliant at this point and the building had to be brought up to current ADA codes.

11  
12 PUBLIC HEARING CLOSED

13  
14 **Gail Drulis**, the applicant, reported that the Albany YMCA was committed to serving  
15 people of all ages in the Albany community with a focus on youth development and  
16 healthy living and social responsibility, striving to keep the community healthy through  
17 health and wellness programs, and provide much needed after school child care,  
18 summer camps for working parents, academic support and leadership programs for  
19 teens. The YMCA had partnered with many city organizations and all programs were  
20 administered from the Kains Avenue location, although many programs operated at  
21 locations throughout the City. She explained that the YMCA had served the community  
22 for 85 years, the building had been built in 1940, and it had been 30 years since the site  
23 had been updated. The proposal would improve ADA access to the building, provide  
24 circulation that did not interrupt classes when in process, and update the 1988 entry  
25 façade and provide signage.

26  
27 With respect to parking, Ms. Drulis noted that many members walked or biked to the site  
28 and there were ongoing efforts to ease the parking impact in the neighborhood. All full  
29 time staff parked in the theater parking lot, five bike racks had been installed in the front  
30 of the building along with a stroller rack, campaigns had been conducted to encourage  
31 members to use public transportation, and for some classes carpools had been  
32 organized. She explained that the YMCA had been a green business for nearly 10 years  
33 and some of the improvements were part of the ongoing green business goals. The  
34 proposed renovation would improve ADA access to and in the building, provide a safe  
35 and enhanced experience for the current membership, and help continue to serve the  
36 needs of the Albany community.

37  
38 In response to Commissioner Friedland, Ms. Drulis did not expect that the impact to  
39 parking would change. There were currently 1,600 members, down from the high in 2008;  
40 six staff members; and an average daily usage of 200. The proposal was not intended to  
41 enhance the current membership.

42  
43 Chair Donaldson commented that when he had done his field work, he had noticed that  
44 all the bike racks were full and bikes had been chained to sign posts across the street. He  
45 supported a requirement for the installation of additional bike parking.

1 Ms. Drulis explained that two new bike racks had recently been installed, although with  
2 the removal of the tree there should be space for one or more bike racks, and potentially  
3 additional racks on the other side of the street farther down, and potentially on Solano  
4 Avenue.

5  
6 **Alexa Hauser**, Albany, a member of the YMCA, supported the project and the  
7 importance that the facility, a community treasure, be enhanced to allow people of all  
8 levels easy access into and out of the YMCA on a daily basis and in the event of an  
9 emergency. She urged approval of the project.

10  
11 **Jeff Kintner**, 934 Kains Avenue, Albany, stated that the YMCA was great but it was in the  
12 wrong place, the bike racks were full, and the parking was full. He reported that he had  
13 submitted letters to the City, and he noted that while he had received a notice of the  
14 meeting, those living across the street had not. Acknowledging that parking and  
15 circulation had been a problem, he explained that noise was also a problem. With  
16 respect to the sign, he stated the signs were not visible. He suggested the YMCA would  
17 be better suited for the Sizzler site because parking was available and it was situated  
18 within a commercial zone. With respect to ADA access, he suggested that with the two  
19 ramps on the side of the building, the trees and the parking did not have to be removed.  
20 He also commented that those who patronized the YMCA all wanted to park right in front  
21 of the building.

22  
23 PUBLIC HEARING CLOSED

24  
25 Commissioner Menotti was troubled that the YMCA had been located in an R-2 zone with  
26 very constrained access and along a long one-way street, which exacerbated the  
27 situation. While he had no problem with the design and supported the investments to  
28 provide ADA access, he was troubled with the Parking Exception in this case and on this  
29 site.

30  
31 Commissioner Kent agreed that the interior improvements were good, made it a better  
32 facility with better function, and ADA compliance was important, he was nonetheless  
33 troubled with the Parking Exception. With respect to the removal of the tree, he  
34 suggested it was misleading because the trees were much larger than shown and were  
35 crowding each other. He suggested that the removal of the tree could allow the  
36 placement of several bike racks. As to the parking requirements, he commented that  
37 every project in Albany had that issue, and he was surprised to learn that if approved  
38 today the site would need 28 parking spaces and it currently had none. He did not think  
39 the refinements would add the potential for more members, and he could accept the  
40 parking exception because it wouldn't change the number of people accessing the site,  
41 it would just function better.

42  
43 Commissioner Friedland concurred that the proposal would not expand the total square  
44 footage of usable space and allow an enhanced membership but improve the life safety  
45 and handicap accessibility of the YMCA. As a regular YMCA user, she had been

1 offended at how the current long uncovered corridor and side entrance treated the  
2 disabled.

3  
4 Commissioner Friedland welcomed the proactive change with respect to ADA and  
5 stated the usability and safety would be improved in the interior. While more parking  
6 would be nice, she referred to the existing building with an existing floor plan and  
7 emphasized that all that was being done would be to cover an area inside the building.  
8 She was convinced that parking would not be generated, there were no parking  
9 alternatives, and she supported the proposal as submitted for the YMCA she described as  
10 a great community asset.

11  
12 Living near a school, Chair Donaldson commented that access to schools was similarly  
13 difficult. He agreed with the comments, was interested in biking and bike parking, and  
14 suggested that more bike parking facilities would be used by the public. He supported a  
15 condition for expanded bike parking, encouraged more bike spaces in front of the  
16 building, if possible, and towards Solano Avenue as well as the bulb out by the street tree  
17 on Solano Avenue. He did not necessarily recommend a bike rack across the street.

18  
19 Commissioner Menotti asked the architect if there was room inside the building for bike  
20 parking, although Mr. Wolf stated that the space was constrained because of the  
21 handicap lift and he did not believe there would be space within the building for bike  
22 parking. He added that the YMCA had been very proactive in searching out places  
23 where additional bike racks could be placed. He added that they would be active in  
24 terms of finding additional bike racks on and around the streets but with narrow sidewalks  
25 he did not want to reduce the width of the sidewalks which were also in the public right  
26 of way.

27  
28 Chair Donaldson concurred with the narrowness of the sidewalks but suggested that bike  
29 racks could still be added.

30  
31 Commissioner Kent asked if the bike racks could be hung and Mr. Wolf clarified the  
32 narrow space available and the need to ensure fire access.

33  
34 Commissioner Menotti wanted to make sure that the longer bikes that accommodated  
35 children also be considered when placing the bike racks.

36  
37 Mr. Wolf emphasized that they would do what they could to provide as much bike  
38 parking as possible.

39  
40 Chair Donaldson was pleased to learn that YMCA staff was using the theater parking.

41  
42 **Motion to approve PA 15-055 for 921 Kains Avenue (YMCA), pursuant to**  
43 **the staff report dated November 17, 2015, and encouraged the YMCA to**  
44 **provide additional bike parking, if feasible:** Friedland

45 Seconded by: Kent

46 AYES: Friedland, Kent, Donaldson



1 NAYES: Menotti  
2 ABSENT: Giesen-Fields  
3 **Motion passed, 3-1**  
4

5 Chair Donaldson advised that Attachment 3 to the staff report dated November 17, 2015  
6 would have to be revised to insert the name of the applicant and the date of the  
7 Commission meeting.

8  
9 Chair Donaldson identified the 14-day appeal period.

10  
11 **C. PA 15-057 Design Review, Conditional Use Permit and Parking Exception**  
12 **for 939 Evelyn Avenue.** The applicant is seeking Design Review,  
13 Conditional Use Permit, and Parking Exception approval for first and  
14 second story additions at 939 Evelyn Avenue. The subject site is 2,500  
15 square feet with an existing 658 square foot one bedroom, one bathroom  
16 home built in 1935. The applicant would like to add a 604 square foot  
17 second story addition that will include three bedrooms and two  
18 bathrooms. The first floor addition includes 155 square feet at the rear to  
19 provide an expanded kitchen space, dining room, and new deck. This  
20 will result in a four bedroom, three bathroom home 1,435 square feet in  
21 area, 26 feet 3 inches in height. The existing garage space is proposed to  
22 be removed and a 7 foot 6 inch by 16 foot parking space is proposed in  
23 the rear yard. A second off-street parking space 7 feet by 18 feet is  
24 proposed in the front yard setback. A Parking Exception is required to  
25 allow the second space in the front yard setback area. A Conditional Use  
26 Permit is required to extend the existing nonconforming north wall  
27 vertically. **Recommendation: Review and approve subject to the findings**  
28 **and Conditions of Approval attached to the staff report dated November**  
29 **17, 2015.**

30  
31 ***CEQA: The project is Categorically exempt pursuant to Section 15303***  
32 ***"New Construction or Conversion of Small Structures."***  
33

34 City Planner Hersch presented the staff report dated November 17, 2015.

35  
36 Chair Donaldson confirmed with staff verification that the project did not exceed 1,500  
37 square feet in size.

38  
39 Commissioner Kent verified with staff that the landscape plan provided by the project  
40 architect was the most accurate to reflect the proposed parking, had been modified  
41 from the original submittal, and two parking spaces would be provided and the front  
42 space required an exception.

43  
44 Mr. Bond advised with respect to the square footage of the home that measurements  
45 could also be verified during the building permit phase and could be checked while the  
46 foundation was being poured, as well as through the various milestones in the

1 construction process to make certain that the structure complied with any action the  
2 Commission might take.

3  
4  
5 **Jerri Holan**, the Architect, Albany, stated that the parking issues had been evaluated and  
6 it had been determined that the garage could be removed to achieve a legal parking  
7 space at the rear of the property. She noted that the 7-foot driveway might not be  
8 legally conforming but it was usable and had been for 85 years. Some research had also  
9 been conducted to verify that 70 percent of the cars being manufactured today were  
10 less than 6.5 feet wide so that 70 percent of cars could access the rear property parking  
11 space. She stated her clients had the right to upgrade their property similar to the way  
12 other residents had improved their small lots and by enlarging the home the City's  
13 housing stock was being increased.

14  
15 With respect to the windows at the property line, Ms. Holan stated the Fire Marshal had  
16 allowed inoperable, fixed, one hour fire windows at the property line. For 937 Evelyn  
17 Avenue, translucent glazing would be installed on the lower panels of the windows on  
18 the property line to ensure privacy. For 941 Evelyn Avenue, she would work with the  
19 property owners on location, size, and glazing as well.

20  
21 Ms. Holan stated that most of the elements of the design had been thoughtfully  
22 considered, and she requested approval of the application.

23  
24 Chair Donaldson referred to windows versus a blank wall on the north side and verified  
25 with Ms. Holan that with no windows there would be no light in the bathroom and  
26 bedroom on the lower floor although the upper floors could get light from the front wall  
27 and from the dormer to be added.

28  
29 Ms. Holan verified her preference to permit windows on the north wall to allow light into  
30 the lower floor.

31  
32 PUBLIC HEARING OPENED

33  
34 **Alex Rembert**, Trustee and property owner, responded to questions from Commissioner  
35 Friedland with respect to the Trust's efforts to expand the homes from the MacGregor  
36 Trust.

37  
38 Confirming with Mr. Rembert that this was the fifth home in the Trust to be expanded to  
39 four bedrooms, Commissioner Friedland asked why four-bedroom homes had been  
40 proposed on each lot instead of offering housing for diverse household sizes and income  
41 levels.

42  
43 Mr. Rembert explained that the expansion was intended to maximize the amount of  
44 home on the lot to provide family housing and to cover the cost of renovating the  
45 existing homes which had termite, dry rot, and foundation problems.

1 **Cheryl Nichols**, 959 Evelyn Avenue, Albany, noted that the expansion of her home had  
2 been rigorously examined and seemed to be excessive and bothersome. At the time of  
3 her remodel, the request for a second story nonconforming wall had been denied and  
4 she had later appreciated that denial given that she and her neighbor had more air and  
5 light.

6  
7 Ms. Nichols explained that later she had been granted a permit to demolish the  
8 dilapidated garage with the proviso that the pad be maintained for a parking space.  
9 With respect to the exception requested for 939 Evelyn Avenue, she noted that the  
10 garage would be removed and the pad would be maintained, although she suggested  
11 the back steps of the house protruded into the driveway creating a non-legal driveway.  
12 She suggested that approval of the plan and exceptions would impact the quality of life  
13 in Albany. She presented a letter from her and her husband, Victor Fisher, which  
14 described their concerns.

15  
16 **Mike Chinn**, 953 Evelyn Avenue, Albany, whose home was situated midway between the  
17 project and the Library, identified the information he had submitted to the Commission,  
18 noted that the original homes were generally one bedroom, one bath homes and  
19 several had been remodeled to three bedroom, two bath homes, although none  
20 approached four bedrooms as the application had proposed. He suggested the  
21 application would set a precedent of scale on the block. He compared the density of  
22 small lots on his block compared with adjacent streets and noted there were 19 parcels  
23 2,500 to 3,000 square feet in size. He suggested the increased vehicles associated with  
24 the proposed four-bedroom home would congest an already impacted block with  
25 narrow streets. He urged the Commission not to approve the precedent setting proposal.

26  
27 **Wayne Anderson**, 929 Evelyn Avenue, Albany, did not oppose the development of the  
28 property and maximizing the construction on the lot although he did have a problem  
29 with the exceptions requested to allow that to be done. He urged the Commission to  
30 take into account the neighbors and the community that would be impacted by the  
31 exceptions in an area already impacted by traffic, the Community Center, the Library,  
32 and the business district. He urged creative ways to mitigate the impacts to the  
33 neighbors and urged a requirement to be respectful of the neighbors and the  
34 community. He also noted the block was occupied more by owners than renters and the  
35 residents wanted to maintain the character of the neighborhood. He did not oppose the  
36 development of the property but did not believe exceptions had to be automatically  
37 granted. He had never seen a car park in the subject driveway and did not expect a car  
38 to drive to the back of the lot. He commented that the MacGregors had been  
39 affordable small houses built in the 1940's and maximizing the house to the lot solely  
40 retaining the chimney did not maintain the character of a MacGregor.

41  
42 **Chuck Keene**, 937 Evelyn Avenue, Albany, stated that the nonconforming walls were  
43 possibly on his property and not just on the property line. He explained that the second  
44 story addition would shade the solar panels on his home eliminating half of the energy  
45 output. He urged a compromise, stated the applicant and architect had been unwilling

1 to discuss the situation, urged a denial of the application, and suggested a denial would  
2 force some kind of compromise.

3  
4 **Sarah Woodward**, 937 Evelyn Avenue, Albany, distributed a packet of information to the  
5 Commission and referred to a letter from a neighbor not able to attend the meeting. She  
6 stated the Albany Municipal Code stated that Planning & Zoning may approve  
7 exceptions to the floor area ratio (FAR) but did not require approval.

8 Ms. Woodward stated the owners had already received approval for four other  
9 expansions, although there had been a number of objections from neighbors in this case  
10 for a four-bedroom home. She stated the project would cause economic damage by  
11 removing all of the light from her home which would decrease market value along with a  
12 direct loss of energy savings, and would not contribute to green sustainability. The  
13 Albany Housing Element identified a need for smaller homes to accommodate single  
14 parents, couples with no children, and individuals, and to that end she presented a  
15 design for an additional bedroom and bath to the current one bedroom, one bath  
16 home. She stated the step on the front porch obstructed the 7-foot driveway and  
17 suggested the addition of a small front porch would make the driveway more functional  
18 and allow the back parking space to be truly usable. The bedrooms in her proposal  
19 would be a generous size, the home would be one story, create a better living space,  
20 retain the MacGregor image, preserve front parking, and preserve the sustainable  
21 energy in her home by not shadowing the rooms, the rooftop and the solar panels. The  
22 design would also preserve the market value of her home and still produce a marketable  
23 project. She urged modifications to address all of those concerns.

24  
25 **Linda Berland**, 943 Evelyn Avenue, Albany, referred to comments from Commissioners at  
26 a prior meeting which supported the design elements and which had indicated that a  
27 precedent had already been set with the approval of four previous applications from the  
28 MacGregor Trust. She stated the same or similar design elements could be built into a  
29 smaller house and she did not see that to be a compelling issue. She commented that  
30 when she had remodeled her home she had included elements that were not intrusive to  
31 the neighbors. She emphasized the need for diversity in Albany and the need for homes  
32 for diverse buyers and prices. She also suggested the economy could fall again and the  
33 larger more expensive homes would be most affected with another crash.

34  
35 **Fay Brehm**, 932 Evelyn Avenue, Albany, referred to the architect's statements that 70  
36 percent of the cars made today were smaller suggesting that a small car would fit in well  
37 with a 7-foot driveway, and she remembered that a previous neighbor had a Hummer.  
38 She also noted the comment that 70 percent of the houses in Albany had been  
39 remodeled or expanded and she did not believe that was true.

40  
41 **Barbara Kaye**, 943 Evelyn Avenue, Albany, emphasized the quality of life issues related to  
42 the application and the importance of having a livable community that was pleasant for  
43 everyone. She stated that noise pollution, overcrowded schools, and traffic congestion  
44 would result from large houses. She added that Albany was overbuilt which affected the  
45 quality of life and which made a community unlivable.

1 PUBLIC HEARING CLOSED

2  
3 Commissioner Menotti thanked the public for the comments, disagreed that Albany was  
4 overbuilt, and noted that the region was to grow by another 2 million people in 2040 and  
5 each community would have to figure out how to accommodate more people, which  
6 he believed could be done while maintaining the quality of life.

7  
8 Commissioner Menotti generally liked the building design, was less troubled by the  
9 parking exception, and suggested the solution could work, and he liked that it had been  
10 designed with permeable surfaces in one case. He was concerned with the conditional  
11 use at the edge of the property and knew it had been done in the past but on most of  
12 the other cases there was not the level of sustained concern expressed by the neighbors,  
13 which was a concern to him.

14  
15 Commissioner Friedland seconded the concern with the north wall, commented that she  
16 could envision the larger units on the other four MacGregor lots, although this lot was a  
17 concern to her and she could not envision four bedrooms in this case. She did not see  
18 how a four-bedroom house would work in this case given the context of the block and  
19 the size and scale of the adjacent homes. Given the maximization of the square footage  
20 in relation to the two and three bedroom homes on the block, and the fact that three  
21 bedroom homes were selling for over \$1 million in Albany, she did not see that pushing a  
22 four bedroom would add to the diversity of housing stock. She therefore did not support  
23 the proposal for four bedrooms.

24  
25 Commissioner Kent noted that few residents appeared to be using their driveways or  
26 garages, and echoing other comments he stated that Albany was not overbuilt or  
27 maxed out. He commented that with density came a lot of good things such as more  
28 retail, the schools were doing well, and the community was thriving more than it had  
29 been 20 years ago. With this project, he suggested it was going too far with too much on  
30 a small lot and he did not believe the proposal needed to provide four bedrooms. He  
31 suggested the proposal appeared to be a Real Estate move to maximize resale value  
32 and not creating a nice house. He noted that the neighbor to the north had put on a  
33 second story addition which should not restrict the neighbor to the south although he  
34 understood the house was closer which could impact the shadowing effect. He  
35 suggested that more volume could be added to the house but suggested it did not need  
36 to be so big.

37  
38 Chair Donaldson did not think the house was too big and suggested a 1,500 square foot  
39 home was small by Albany standards, and going up to .6 FAR did not bother him. He was  
40 pleased with the design, was glad to see that the front window would be replaced, liked  
41 the work on the second floor, supported the two parking spaces provided with the  
42 current design, and generally supported the project. He stated that 2,500 square foot lots  
43 would always be difficult, and with 398 of them in Albany the subject block had more  
44 than its fair share of small lots. Having conducted some field work, he stated that many  
45 other homes on the block on 25- or 30-foot wide lots were two stories, and some were  
46 very close to each other. Some walls were blank with no windows, others had glass/brick

1 windows to let in some light, and he saw several examples of homes that were consistent  
2 with the proposed design and he would not have a problem supporting the extension of  
3 the nonconforming wall to the second level. In addition, the 25-foot lots had been  
4 grouped together and on the Woodward property there was a big lot and a very large  
5 sideyard with 10 foot separation from her house to the property line.

6  
7 Chair Donaldson stated that while a smaller home would be nice, if possible, he thought it  
8 was okay to have a two-story home when ending up with only 1,500 square feet. He  
9 noted that people were anxious about home prices, and while a concern, he suggested  
10 being close to transit, the freeway, and being walkable people were being drawn to the  
11 community and home prices were increasing. He understood the anxiety about the rate  
12 of changes; commented that many projects and one percent of homes were being  
13 submitted for expansion; suggested that for the homes on 25-foot wide lots the best  
14 solution would be to let the wall on the property line go up; and if not doing that there  
15 could be a loss of a parking space given that there could be no way to then have  
16 access to the back yard for parking. He emphasized the trade-offs involved. He  
17 suggested the design fit on the lot and in context and he supported it. He was glad that  
18 two parking spaces were being provided and he had no problem extending the wall  
19 and pointed out other homes on the block that had used the same approach.

20  
21 Commissioner Kent stated it was not the massing that bothered him but the number of  
22 bedrooms in a small space with very small bedrooms. He agreed that a 1,500 square foot  
23 house was not a big house.

24  
25 Commissioner Menotti did not think that 1,500 square feet was a large home, but he  
26 noted that one of the entitlements was a Conditional Use Permit for the extension of the  
27 wall. He recommended that the architect explore a second floor addition which did not  
28 include an extension of the wall requiring a Conditional Use Permit.

29  
30 In response, Ms. Holan explained that as had been seen in the other projects they could  
31 move the wall back although they would lose some structural integrity, the symmetry and  
32 balance, and an interior atrium space which made the nice small house breathe. She  
33 emphasized that the proposed size of the home was 1,453 square feet and it could be  
34 expanded another 47 square feet. She clarified it was not so much the bedroom number  
35 involved as the maximization of the square footage. She stated the house was small, not  
36 made for a huge suburban lot, and the neighbor next door at 937 Evelyn Avenue had  
37 seven feet between the subject property and their home and another 10 feet on the  
38 other side of their home because it was a generous lot at 45 feet wide. She suggested  
39 that the solar panels would hardly be affected by a second story, although solar studies  
40 could be conducted. For structural integrity, the balance of the house, and to provide  
41 space and size, she suggested it made sense to keep the second story nonconforming.  
42 She clarified that the motive was not to make more money, the MacGregor Family Trust  
43 was going after quality and had proposed real improvements to the foundation,  
44 electrical and plumbing, new energy tankless water heaters, and the house would be  
45 done as well as it was possible to do today so that the family who bought the home  
46 would have a structurally strong, energy efficient home.

1  
2 Mr. Bond suggested that whatever action taken would likely be appealed to the City  
3 Council and some important policy issues had been raised that the Council might need  
4 to address.

5  
6 Mr. Bond suggested a continuation was also a possibility. If making a motion to deny, he  
7 stated that could be framed without prejudice which would allow the applicant to  
8 reapply at any time. A motion to deny would not allow the applicant to resubmit an  
9 application for a year.

10  
11 Ms. Woodward stated the distance on either side of her house had been misstated; she  
12 had a 37-foot wide lot and the driveway was also not as large. She noted that the  
13 applicant would not speak to them to address their concerns. She expressed a  
14 willingness to work with the applicant and was hopeful they would come fresh to the  
15 drawing board. She had no doubt that the design would be beautiful and a contribution  
16 to the neighborhood.

17  
18 Commissioner Menotti liked the fact that there was an investment in Albany and liked the  
19 projects that had previously been approved, but made a motion to deny without  
20 prejudice to work on a different solution. He had no problem with the size of the property  
21 but wanted to proceed without the need for a Conditional Use Permit.

22  
23 **Motion to deny PA 15-057 for 939 Evelyn Avenue, WITHOUT PREJUDICE, and**  
24 **request that the applicant craft a solution that did not require a**

25 **Conditional Use Permit: Menotti**

26 Seconded by: Friedland

27 AYES: Friedland, Menotti

28 NAYES: Kent, Donaldson

29 ABSENT: Giesen-Fields

30 **Motion passed, 2-2**

31  
32 Given that a tie vote was no decision and, in effect, a denial of the application, Mr. Bond  
33 recommended that the application be continued to a date when the fifth Commissioner  
34 might be available to break the tie, which could open the door to a dialogue regarding  
35 the project and the people in the neighborhood.

36  
37 Commissioner Kent asked if changes to the north wall would change anything for the  
38 neighbor to the north.

39  
40 Commissioner Menotti had no problem with the parking exception, suggested the design  
41 was fine, and had no problem with the size. His concern was the extension of the wall  
42 from a nonconforming use.

43  
44 On the discussion, Ms. Hersch verified that the wall would have to be set back three feet  
45 to avoid the need for a Conditional Use Permit.

1 Given that a tie vote (no decision) was still appealable to the City Council, Commissioner  
2 Menotti suggested that the motion be left as is, although Mr. Bond clarified that the  
3 “without prejudice” was a denial and with no decision the application would be  
4 forwarded to the City Council.

5 Mr. Bond recommended that the discussion be continued to ensure that Commissioner  
6 Giesen-Fields had an opportunity to review the tape, and given that the public hearing  
7 had been closed suggested that members of the public who wanted to submit testimony  
8 could do so in writing and staff would make that testimony available to the Commission.  
9 The public testimony would not be reopened. He asked for a motion to continue  
10 Commission discussion and not reopen the public hearing so that all five members of the  
11 Commission could discuss the application.

12  
13 Ms. Hersch stated that the item could be placed on the next meeting agenda as the first  
14 item for the meeting scheduled for Wednesday, December 9, 2015.

15  
16 **Motion to continue PA 15-057 for 939 Evelyn Avenue to the meeting**  
17 **scheduled for December 9, 2015, when the public hearing would NOT be**  
18 **reopened, to allow all five members of the Commission to discuss the**  
19 **application:** Menotti

20 Seconded by: Kent

21 AYES: Friedland, Kent, Menotti, Donaldson

22 NAYES: None

23 ABSENT: Giesen-Fields

24 **Motion passed, 4-0**

25  
26 **7. NEW BUSINESS**

27  
28 **A. Wireless Study Session. Presentation from technical staff from AT&T on**  
29 **emerging technology for wireless facilities**

30  
31 Ms. Hersch advised that the Planning & Zoning Commission last spring had looked at  
32 changes to the City’s Wireless Ordinance, and as part of that update AT&T had offered  
33 to come back and provide an informational presentation to the Commission. When the  
34 Wireless Ordinances had been adopted by the City Council there had been additional  
35 policies that the Council wanted the Commission to look at for future considerations. She  
36 stated that AT&T would offer an informational overview of technology needs and  
37 demands and how that worked from the point of view of the infrastructure and site  
38 facilities.

39  
40 Commissioner Menotti asked if the invitation had been extended to other providers and  
41 looked forward to thoughts from other providers as well.

42  
43 **Darren Chan**, AT&T External Affairs Area Manager for Alameda County, presented an  
44 understanding of broad bands employment and what it meant in the 21<sup>st</sup> Century. He  
45 reported that since early 2000, Internet use had increased exponentially with the  
46 invention of tablets, smart phones, PCs, laptops and other wireless devices, and while it



1 had taken smart phones nearly 10 years to reach 40 million owners, it had taken tablets  
2 two years to reach that threshold and technology had taken off. Since AT&T was a  
3 carrier and provider it was trying to keep pace with the demand.

4 Mr. Chan explained that nearly half the households in the United States used wireless only  
5 cellphones and two thirds of the population had cell phones. Land lines represented only  
6 9 percent in U.S. households. He added that wireless technology was being used by all  
7 population segments and nearly 60 percent of adults who lived in poverty lived in wireless  
8 only homes; 71 percent of seniors (defined as 65 or older) were going on line every day;  
9 and greater and greater percentages of Americans were using mobile devices for  
10 Internet use; with the implication that the wireless network was extremely significant.

11  
12 As a result of the demand, Mr. Chan stated it was essential that carriers like AT&T provide  
13 a network to meet that demand. He explained that wireless technology was now being  
14 used by emergency response and those needing assistance. With consumer  
15 consumption at an all-time high, mobile data traffic on the AT&T network had increased  
16 100,000 percent since 2007, and had been projected to increase another 886 percent by  
17 2019. Given the data revolution driven by consumer demand, AT&T was trying to meet  
18 that demand to make sure its infrastructure was up-to-speed and wanted to work with  
19 Albany to make sure that the city had the right services needed and demanded.

20  
21 **Tasha Stack**, a Project Manager with AT&T Real Estate and Construction Division based  
22 out of San Ramon, explained that the wireless network was comprised of multiple  
23 elements and the actual wireless device itself required a network of infrastructure just like  
24 land lines to operate; part radio based and part wired based. The wireless required  
25 spectrum to operate, the available airwaves to allow wireless data in general to travel  
26 from the wireless device to cell sites. The physical site cell was the third piece of the  
27 infrastructure and AT&T had two cell site locations in Albany on San Pablo Avenue and  
28 on Solano Avenue, each of which had the actual antennas which transmitted wireless  
29 signals to the devices, the accompanying radio units, the battery backup units, and  
30 either a generator or a generator hook up. As part of the cell site, there was a need for a  
31 connection to a power source and a connection to AT&T's fiber network. She noted that  
32 fiber optic lines were the modern equivalent of copper lines and used pulses of light to  
33 transport Internet based data, which could support much faster data and transport  
34 information faster than ever before. The fiber at the cell site connected back to AT&T's  
35 Central Office where IP network servers routed the information to the destination by way  
36 of the Internet. Cell sites created a pattern of overlapping cells over specific areas to  
37 allow users to remain connected while on the move.

38  
39 As a result, AT&T engineers had to place cell site installations in strategic areas. Cell sites  
40 were needed for coverage reasons to fill a coverage service gap, or where consumer  
41 demand required a capacity increase for better service and more consistent data  
42 speed.

43  
44 Ms. Stack explained that radio frequency engineers were evaluating data on an ongoing  
45 basis to identify where gaps might exist, and were evaluating customer input and  
46 customer use to be able to forecast future use. She described other factors involved with

1 the placement of cell installations such as topography, zoning, availability, existing  
2 structures, co-location opportunities, the availability of power and fiber networks, and a  
3 willing landlord.

4  
5 Ms. Stack advised that the Federal Communications Commission (FCC) in the 1996  
6 Telecommunications Act had placed the burden on the wireless carrier to demonstrate  
7 to the jurisdiction that they were pursuing the least intrusive means to cover the service  
8 gap. Once the permits had been attained the site build would be commissioned for  
9 commercial service.

10  
11 In response to Commissioner Menotti, **Brian Williams**, a Radio Frequency Engineer for  
12 AT&T, explained that they were currently moving from a coverage oriented network to a  
13 capacity oriented network because people were using their phones more and more and  
14 the need for coverage would rise exponentially. With respect to capacity, abundant  
15 phone use would slow down the network and AT&T was expanding the band width at the  
16 current sites, which could mean a software change instead of a physical change to  
17 allow more capacity of the existing sites. He noted that where people congregated  
18 could require an additional installation to address capacity issues. He also noted that  
19 creating a stealthy site would compromise the coverage and more sites would be  
20 required to cover the same area. While there were some small cell site options, which he  
21 described as a catchall from almost a full-blown site to something as small as lights  
22 covering an office, he stated the needs had to be matched to the design. As to  
23 Albany's current coverage and capacity, he stated that both looked okay for now  
24 although he was unsure of what capacity would be needed in the future. He referred to  
25 prediction charts and large events when people tended to use their phones more.

26  
27 Mr. Chan stated it was not just a matter of serving a number of people but what those  
28 people were doing on their phones. Part of the process was to look at the data internally  
29 to see what was trending and the tools that were now available and being used to then  
30 decide whether more infrastructure was needed.

31  
32 Commissioner Menotti referred to the replacement of a device on San Pablo Avenue  
33 that was very close to an adjacent apartment and stated the Commission wanted to  
34 consider replacements given incompatibility with adjacent uses. He asked if other cities  
35 had more proactive strategies around siting cell installations and he asked if AT&T worked  
36 with other providers.

37  
38 In response, Mr. Chan explained the preference for co-location and while not necessarily  
39 working with providers they tried to co-locate with other providers.

40  
41 Mr. Williams explained that when coverage holes were identified he would seek the least  
42 intrusive possibilities for a cell installation. When asked about coverage on BART or  
43 through tunnels, he explained that involved a different process.

44  
45 On the discussion, Commissioners asked how capacity issues could be addressed without  
46 a full blown installation and methods that could be taken to provide small cell sites or co-

1 locate sites were described. It was also noted that pole top technology was another  
2 reference to small cell sites; and if a site was within the public right of way, approval  
3 would be through the Public Works Department.

4 When asked, Mr. Williams referred to a plug-in device where a home Wi-Fi service could  
5 get a stronger signal. If someone used that device, he clarified that no one else would  
6 be able to connect to it.

7  
8 Mr. Bond asked if AT&T was still conducting drive tests, to which Mr. Williams stated that  
9 they would get drive data and he would wait to see where the signal was changing and  
10 would try to match that projection with his cell site. He explained that AT&T used the  
11 drive test to work on the projection model.

12  
13 Chair Donaldson verified that AT&T kept track of customer complaints to identify weak  
14 spots with respect to coverage.

15  
16 Mr. Williams noted that they received real time statistics from the drive tests and the  
17 whole matrix of statistics was matched to the performance of the network, which could  
18 be pinpointed to geographic areas and specific networks.

19  
20 **Ed Fields** verified with staff that AT&T had filed an application for a third cell site on  
21 Cleveland Avenue, had been approved, but had yet to seek a building permit. He  
22 presented information for a pole top antenna, identified the output, and suggested  
23 being very careful because they were powerful. He commented that it was his  
24 understanding that wireless companies were not considered to be a regulated  
25 telephone and telegraph utility under the Public Utilities Commission (PUC), and as such  
26 did not have a right to the public right of way unless given that right by the City. Since he  
27 had a PG&E pole situated in front of his bedroom window, he emphasized the safety  
28 issues involved with cell phones and cell installations.

29  
30 **8. ANNOUNCEMENTS/COMMUNICATIONS/DISCUSSION**

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

34  
35 Mr. Bond reported that the Draft General Plan in its entirety and the Draft Environmental  
36 Impact Report (EIR) associated with the General Plan would be released in the next week  
37 or two and a study session would be held in January. He also reported that the City  
38 Council had discussed the Measure D parking requirements and the Council had asked  
39 that groundwork be laid for something to be placed on the November Ballot in 2016.  
40 Consultants were working on that issue and more information would be provided; the  
41 Council would reconstitute the working group that had existed a couple of years ago to  
42 provide direction; there would be some public meetings in January on the consultants  
43 work; the working group would work on an ordinance if the ballot measure was  
44 approved to work on parking requirements for residential development; and more details  
45 would be provided when available.

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Chair Donaldson reported that the Governor had signed AB 744, which focused on parking for affordable housing projects and which dictated that a city may not impose parking minimums, which could affect the City’s parking standards. At the last meeting, he commented on a discussion related to the parking survey and he had done parking surveys on Evelyn Avenue. He described when he had taken the surveys and suggested his numbers validated the numbers of the license plate survey and the site was not parked up.

**9. NEXT MEETING:** December 9, 2015

**10. ADJOURNMENT**

The meeting was adjourned at 10:30 P.M.  
Next regular meeting: Wednesday, December 9, 2015 7:00 P.M. at Albany City Hall.

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Submitted by: Anne Hersch, City Planner

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**Jeff Bond, Community Development Director**