

CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT

Agenda date: 12/08/2009

Prepared by: JB

ITEM/ ~~5a~~ 4b  
SUBJECT: Planning Application 09-058. Conditional Use Permit & Parking Exception.  
Expansion of an existing tutoring/educational instruction use from 2,700 square feet to 3,600 square feet. The applicant also is seeking a parking exception for the additional off-street parking space that would normally be required.

SITE: 1233 Solano

APPLICANT/OWNER: Karen Hobbs & Shary Nunan for Tilden Prep School (formerly School for Independent Learners)

ZONING: Solano Commercial

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission approve the project, subject to the attached conditions of approval.

**BACKGROUND/PROJECT DESCRIPTION**

The applicant originally received a use permit and parking adjustment on July 24, 2007 and a subsequent amendment to the use permit to allow an expansion on January 29, 2008. The applicant is seeking a conditional use permit to allow further expansion of the tutoring/educational instruction use from 2,700 square feet currently located at 1231 Solano to a total of 3,600 square feet at both 1231 and 1233 Solano. The applicant serves students in grades 6 through 12. The applicant also is seeking a parking exception for the additional off-street parking space that would normally be required.

**Environmental Analysis**

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15301 of the CEQA Guidelines, which exempts existing facilities.

**Summary of Key Issues**

**Conditional Use Permit**

Albany is a youth-oriented community that supports education in many forms. Staff acknowledges the valuable service provided by the tutoring center and would like to add that no complaints have been made to the city regarding the school since it began operation in August

2007. Staff, therefore, recommends approval of the amendment to the conditional use permit to allow the applicant to expand, subject to the same conditions of approval as prior approvals.

### Parking

With previous approvals, the use has been evaluated as an “instructional service” rather than a school. The City’s parking regulations require one on-site parking space for every 300sq.ft. of instructional service area. Thus three additional on-site parking spaces are required. As part of the expansion, two additional spaces will be available to the school, thus a parking exception for one space is required.

In most applications requiring a parking exception, staff conducts a parking survey to verify the availability of parking. In this case, given the small scale of the parking exception, staff believes the Commission can make necessary findings based on prior counts made for this applicant and based on other recent counts that were conducted for the application at 850 Talbot.

- In 2007, staff conducted three parking counts of all areas within 500’ of the site. On Friday July 13, 2007 staff found that at 12:00pm the occupancy rate for 256 parking spaces was 66%. At 3:30pm it was 52% and on Monday, July 16, 2007 at 5:00pm it was 47%. There is an average vacancy rate of 55%. The parking counts also show that the highest demand for parking is around noon and decreases throughout the afternoon.
- For the recent applicant at 850 Talbot, staff conducted three parking counts on September 28, 2009, at 4:30 pm and found a 73% occupancy rate. In addition, counts were conducted November 3, 2009 at 9:00 am and 12:00 noon and found 75% and 70% occupancy rates respectively.

A special finding was made with the July 24, 2007 approval and reaffirmed with the 2008 approval, allowed some of the required parking for the school to be located down the street at Albany Twin Theatre. Per previous approvals, the applicant has added bike racks for the school. One “double rack” is located at the front of the building and another “single rack” is located at the rear of the building. The addition of bike racks has assisted in promoting alternative ways to access the site.

### Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

### Attachments:

1. Analysis of Zoning Requirements
2. Findings
3. Conditions of Approval
4. Application and Applicant’s Submittal

**ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS**

20.12 Zoning Districts And Permitted Uses

General Plan: Commercial  
Zoning: SC (Solano Commercial)

20.16 Land Use Classifications

Single family residential

Surrounding	North - MFR	East - MFR
Property Use	South - Commercial	West - Commercial/Offices

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table Of Site Regulations By District.

Not applicable.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

Not applicable.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

See discussion of key issues.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on November 25, 2009 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

Not applicable.

ATTACHMENT 2 – FINDINGS

**Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)**

Required Finding	Explanation
<p>1. <b><i>Necessity, Desirability, Compatibility.</i></b> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i></p>	<p>The General Plan designates this area for commercial development. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing office space and the tutorial classes will be valuable service to the community.</p>
<p>2. <b><i>Adverse Impacts.</i></b> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> <li>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></li> <li>b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i></li> <li>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></li> <li>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></li> </ul>	<ul style="list-style-type: none"> <li>a. The proposal is in scale and harmony with existing development in the vicinity of the site. It is an already developed site.</li> <li>b. Staff conducted a parking count throughout a regular business day and found a vacancy rate of 55%. Many of the staff and students will be using public transportation and walking or biking to the site.</li> <li>c. No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit.</li> <li>d. It is an existing site without need for additional landscaping, services areas and lighting. Design review approval and a building permit for signage has already been obtained by the property owner.</li> </ul>
<p>3. <b><i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i></b> <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area.</p>

**Findings for a Parking Adjustment approval (Per section 20.028.040B5 of the AMC)**

Required Finding	Explanation
<p>1. <i>On the basis of a survey or comparable situations, parking demand for the proposed use or uses will be less than the required parking spaces.</i></p>	<p>Most of the commercial and retail services along Solano Avenue do not provide off-street parking. There are no similar uses in the vicinity. The staff and students, however, will be able to easily access the site by public transportation and walking or biking.</p>
<p>2. <i>The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand</i></p>	<p>The site is already developed with a building that has commercial/ office space. The project will result in an increase in parking demand, however, it is not reasonable to require the property owner to secure permanent increase in off-site parking for a particular lessee.</p>
<p>3. <i>Based on a current survey of parking space availability and usage within a five hundred (500)-foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighborhood uses.</i></p>	<p>A parking count was conducted within a 500' radius of the site on Friday July 13, 2007 staff found that at 12:00pm the occupancy rate for 257 parking spaces was 66%. At 3:30pm it was 52% and on Monday, July 16, 2007 at 5:00pm it was 47%.</p> <p>For the recent applicant at 850 Talbot, staff conducted three parking counts on September 28, 2009, at 4:30 pm and found a 73% occupancy rate. In addition, counts were conducted November 3, 2009 at 9:00 am and 12:00 noon and found 75% and 70% occupancy rates respectively.</p> <p>Thus, the observed available parking should be adequate to accommodate the additional 1 required parking space.</p>

**ATTACHMENT 3 - CONDITIONS OF APPROVAL**

1. This Conditional Use Permit and Parking Adjustment approval is for instructional/tutorial classes, except as may be modified by conditions herein. Karen Hobbs & Shary Nunan for Tilden Prep School (formerly School for Independent Learners), dated received by the Community Development Department on October 21, 2009, and presented to the Planning and Zoning Commission at its meeting of December 8, 2009.
2. Staff and students shall not exceed 50 at any time.
3. Classes shall only be conducted during the hours of 8:00am-7:00pm Monday through Friday. No exceptions shall be made for weekends.
4. Employees shall utilize the two designated parking spaces at the rear of the building and the additional seven spaces leased at the Albany Twin Theatres.
5. The applicant shall inspect the site and remove any litter or debris once a day on the site and within 20' in either direction (east or west) of the site.
6. This approval will be to subject to Planning and Zoning Commission review and possible revocation if constant problems or complaints occur.
7. Parents/patrons shall actually park and not just pull up to the site to pick up and drop off students.
8. All parents and students shall sign a parking/traffic agreement agreeing to obey all traffic laws and utilize parking on Solano Avenue whenever possible.
9. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.





Date Received: 10/21/09  
 Planning Application No.: 09-058  
 Fee Paid: \$1,784.00  
60179



# City of Albany



## PLANNING APPLICATION FORM (GENERAL PROJECTS)

<p>For <b>PLANNING &amp; ZONING COMMISSION</b> action:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Conditional Use Permit*</li> <li><input type="checkbox"/> Design Review (residential, residential additions, commercial, office and multi-family*,.)</li> <li><input type="checkbox"/> General Plan Amendment from _____ to _____</li> <li><input type="checkbox"/> Parcel Map/ Tentative Map/ Vesting, Tentative Map, Lot Line Relocation</li> <li><input type="checkbox"/> Parking Exceptions/Reductions</li> <li><input type="checkbox"/> Precise Development Plan</li> <li><input type="checkbox"/> Second Unit Use Permit *</li> <li><input type="checkbox"/> Variance *</li> <li><input type="checkbox"/> Zone Change from _____ to _____</li> <li><input type="checkbox"/> Other:</li> </ul>	<p>For <b>ADMINISTRATIVE</b> action:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Admin. Lot Line Relocation</li> <li><input type="checkbox"/> Home Occupations</li> <li><input type="checkbox"/> Sign Review</li> <li><input type="checkbox"/> Other:</li> </ul>
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\* Please complete the appropriate Supplemental Questionnaire.

The City of Albany Municipal Code has certain requirements for Planning Applications. Your answering the following questions will help staff assess how to process your application. Thus, we may have additional questions based on your responses below. Additionally, after your application is accepted for processing, staff and Planning and Zoning Commissioners will likely make at least one field visit to your house and neighborhood.

Job Site Address: <u>1233</u> <del>1233</del> <u>SOLANO AVE</u>		Zone: <u>SC</u>
Property Owner(s) Name: <u>JEANNE YEH</u>	Phone: <u>510-913-6000</u> Fax:	Email: <u>YEH111@aol.com</u>
Mailing Address: <u>2010 YOLO</u>	City: <u>BERKELEY</u>	State/Zip: <u>CA 94707</u>
Applicant(s) Name (contact person): <u>KAREN HOBBS/SHARY</u> <u>NURAN</u>	Phone: <u>510-525-5506</u> Fax: <u>510-525-5508</u>	Email: <u>1karenhobbs@gmail.com</u>
Mailing Address: <u>1231 SOLANO AVE</u>	City: <u>ALBANY CA</u>	State/Zip: <u>94707</u>

**PROJECT DESCRIPTION** (Please use back of sheet or attach extra sheets, if necessary): We already lease 1231 Suites A, B + C  
We would like to add 1233 (~ 900 sf), we  
have a signed lease.

**GENERAL INFORMATION** (Please fill out this section if you are asking for approval of a project that will require construction):

Item	Existing	Proposed
Lot size (square feet)		
Size of structure(s) or commercial space (square feet)	2700 sf	add 900 sf 3600 total
Height and No. of stories		
Lot coverage <sup>1</sup>		
Floor Area Ratio (FAR) <sup>2</sup>		
Impervious Area <sup>3</sup>		
Slope Density <sup>4</sup>		
No. of dwelling units		
Parking <sup>5</sup> Number of off-street spaces	<del>9</del> 9	add 2, or 11 total
Number of spaces in garage		
Size of spaces		

<sup>1</sup> Lot Coverage applies to all zoning districts. It is defined as the land area covered by all the structures on a site, including all projections, except portions of uncovered decks, porches or landings, balconies, or stairways that are less than six feet above grade and are not enclosed by walls on more than two sides; eaves, trellises and similar structures that do not have solid roofs.

<sup>2</sup> Floor Area Ratio (FAR) is defined as the proportion of building floor area per area of the parcel of land upon which the building rests. See the informational handout "How to Calculate Floor Area Ratio" for details on what is included and excluded.

<sup>3</sup> Impervious Area includes the total square footage of building footprint(s), driveway(s), patio(s), parking lots, walkway(s), and any other impervious surfaces.

<sup>4</sup> Slope Density requirements apply in the HD Zoning District pursuant to Measure K. See handout on how to measure slope density in this area.

<sup>5</sup> Minimum parking requirements were enacted under Measure D. This Measure requires that all residential development must have a minimum of two off-street parking spaces. Some exceptions may apply to your project, see residential development handout.

**Restrictions:** Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? In some instances, you may be required to provide a title report.

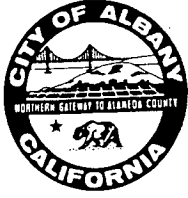
*Jan D. Lee*  
 Signature of Property Owner  
 10/14/09

Date

*Shantwan*  
 Signature of Applicant  
 10-15-09

Date

Community Development Department staff is available between 8:30 a.m. and 7:00 p.m. on Mondays, 8:30 a.m. through 5:00 p.m. on Tuesdays through Thursdays, and 8:30 a.m. to 12:30 p.m. on Fridays at 979 San Pablo Avenue, 2<sup>nd</sup> Floor, Albany, CA 94706; TEL: (510) 528-5760.



# City of Albany



## SUPPLEMENTAL QUESTIONNAIRE

**CONDITIONAL USE PERMIT**  
(e.g., commercial, institutional, assembly uses  
& non-administrative home occupations)

The City of Albany Municipal Code has certain requirements for approving Conditional Use Permits. Your answers to these questions will help staff assess how to process your application. Please understand that this supplemental questionnaire will help staff to further work with you. Thus, we may have additional questions based on your responses below. Additionally, after your application is accepted for processing, staff and Planning and Zoning Commissions (if applicable) will likely make at least one field visit to the Site and neighborhood.

1. What is (was) the use in this building/tenant space prior to your proposal?  
~~LIFE EXTENSION VITAMIN STORE ART GALLERY~~
  
2. What are you proposing? TUTORING/INSTRUCTION  
\_\_\_\_\_
  
3. Proposed hours/days of operation? 8AM - 7PM
  
4. Maximum number of employees expected on site at any one time? 3  
(include owners/partners)
  
5. For instructional uses/assemblies of people/classes, etc. what is the maximum number of participants expected on site at any one time? 12-14
  
6. For restaurants and cafes, will beer/wine/liquor be served? NO

Community Development Department staff is available between 8:30 a.m. and 7:00 p.m., Mondays, 8:30 a.m. through 5:00 p.m. Tuesday through Thursday, and 8:30 a.m. to 12:30 p.m. on Fridays at 979 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.



To: Albany Planning Commission  
From: Shary Nunan, Ph.D. and Karen Hobbs, Ph.D.  
RE: Tilden Preparatory School (formerly School for Independent Learners) Conditional  
Use Permit  
Date: 10-15-09

CITY OF ALBANY

OCT 21 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

## PARKING STUDY FOR 1233 SOLANO AVENUE

Dear Commission,

We are writing to clarify our parking situation for 1231 Solano Avenue. As you know, we have an instructional program for middle and high school students.

We collected information from our teachers regarding how they get to and from work. We are proud to report that the majority of our teachers use public transportation to get to work. With rare exceptions, our students come to school via public transportation or are dropped off by their parents. For the occasional student who does drive, we provide them with a parking pass at the Albany Theater.

We currently have 9 spaces available, 7 at the Albany Theater and 2 in the back of our building. With our new lease, we will be getting two more parking places at the back of our building, for a total of 11 spaces.

In an effort to show you that there is ample parking in the area around the school at the hours of our highest use, we went out and photographed the available parking at 1:00 p.m. on two different instructional days. We chose this time because most of our students and many of our teachers leave school at 1:30 p.m. We found that there was ample parking daily on Key Route along the green way. We also determined that there were always spaces available on Evelyn (closest parking to our school) at any given time of day. Spaces available on Talbot varied throughout the day depending on whether or not there was a class at Vara Yoga. Even when there was a class at Vara, there were usually a few spots available. During the days that we investigated the parking situation from 10/16/09 to 10/21/09, there were always spaces available in the 90- minute parking in front of our school during our busiest hours of 9-1:30. We have noticed about 15 minutes of congestion when Cornell School students are dismissed. These results confirmed our general experience over the time that we've been here, i.e. that parking is ample around our school and that we do not have a problematic impact on the neighborhood parking situation.

As noted, if we are given permission to rent 1233 Solano Avenue, this will come with two additional parking spaces, providing us with a total of 11 spaces. We may add 3 or 4 more teachers once we have the downstairs space, but we are primarily interested in using it to provide more room for storage, an art studio, and space for one or two small group classes (classes with 3-4 students). This shouldn't add a sizable number of people driving cars, and we feel that our 11 parking spaces will more than accommodate the increase.

We are highly motivated to have a good relationship with our neighbors, both the businesses and residences in the surrounding area. If we thought that we were causing any problems regarding parking in the area, we would secure more spaces at the Albany Theater on our own to address this. We would like to keep the number of spaces we have at 11 unless such a need arises.

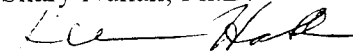
On another note, we want to point out that neighboring businesses on Solano Avenue have benefited from our school. Our students and teachers purchase lunch, coffee, smoothies and snacks from the neighboring eateries on a daily basis, and our parents often go shopping on Solano Avenue after dropping off their student or picking him/her up.

We realize that we are very fortunate that our school is doing well during the current economic downturn. We received our full WASC accreditation this year and that has strengthened our reputation in the community. Our school offers a program that is unique and we therefore have students who come from all around the Bay Area. We are lucky to have this wonderful location in Albany, and appreciate your consideration of our application.

Thank you,



Shary Numan, Ph.D.

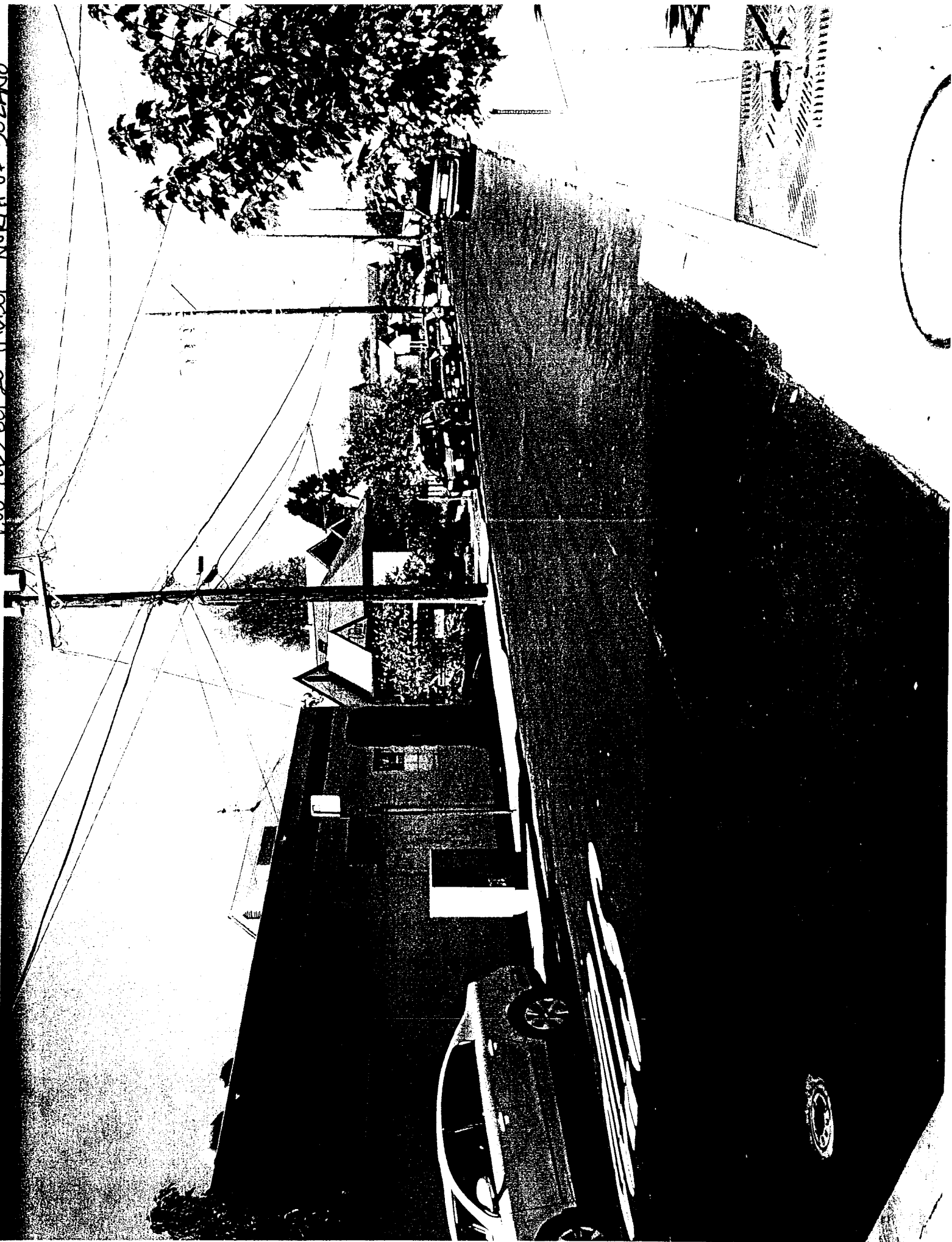


Karen Hobbs, Ph.D.

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1:00 TUES OCT 20 1950T NORTH OY SOLANO





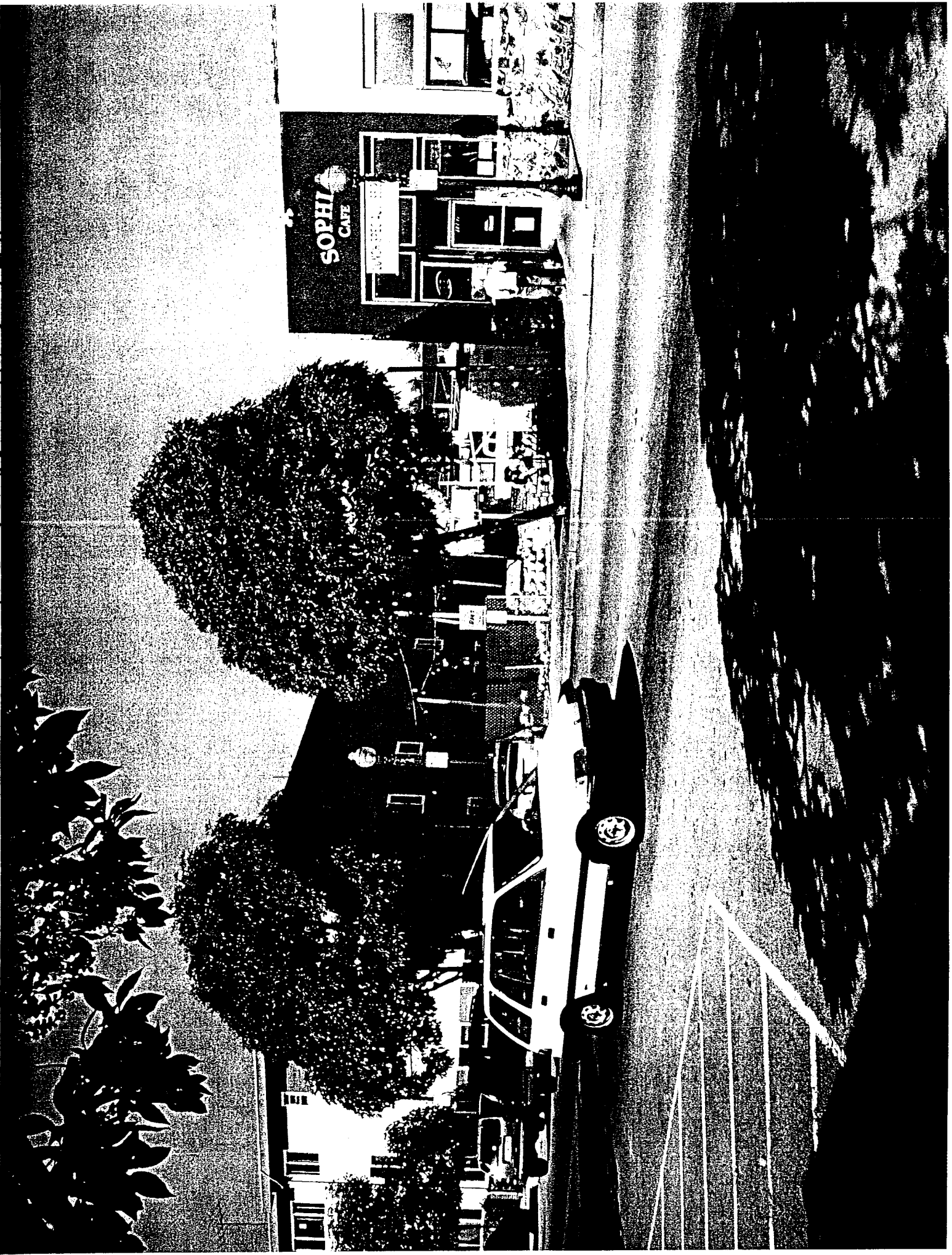
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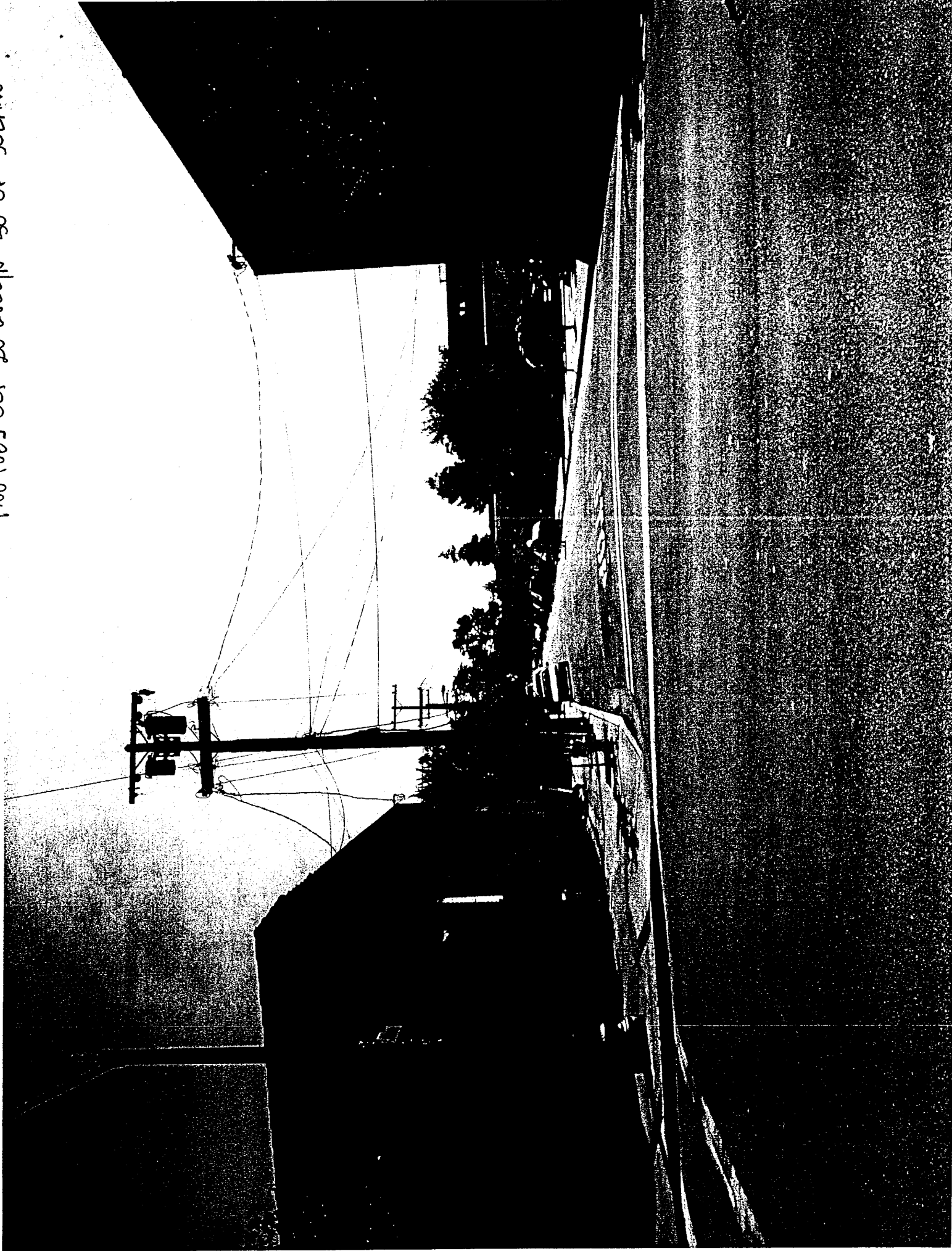
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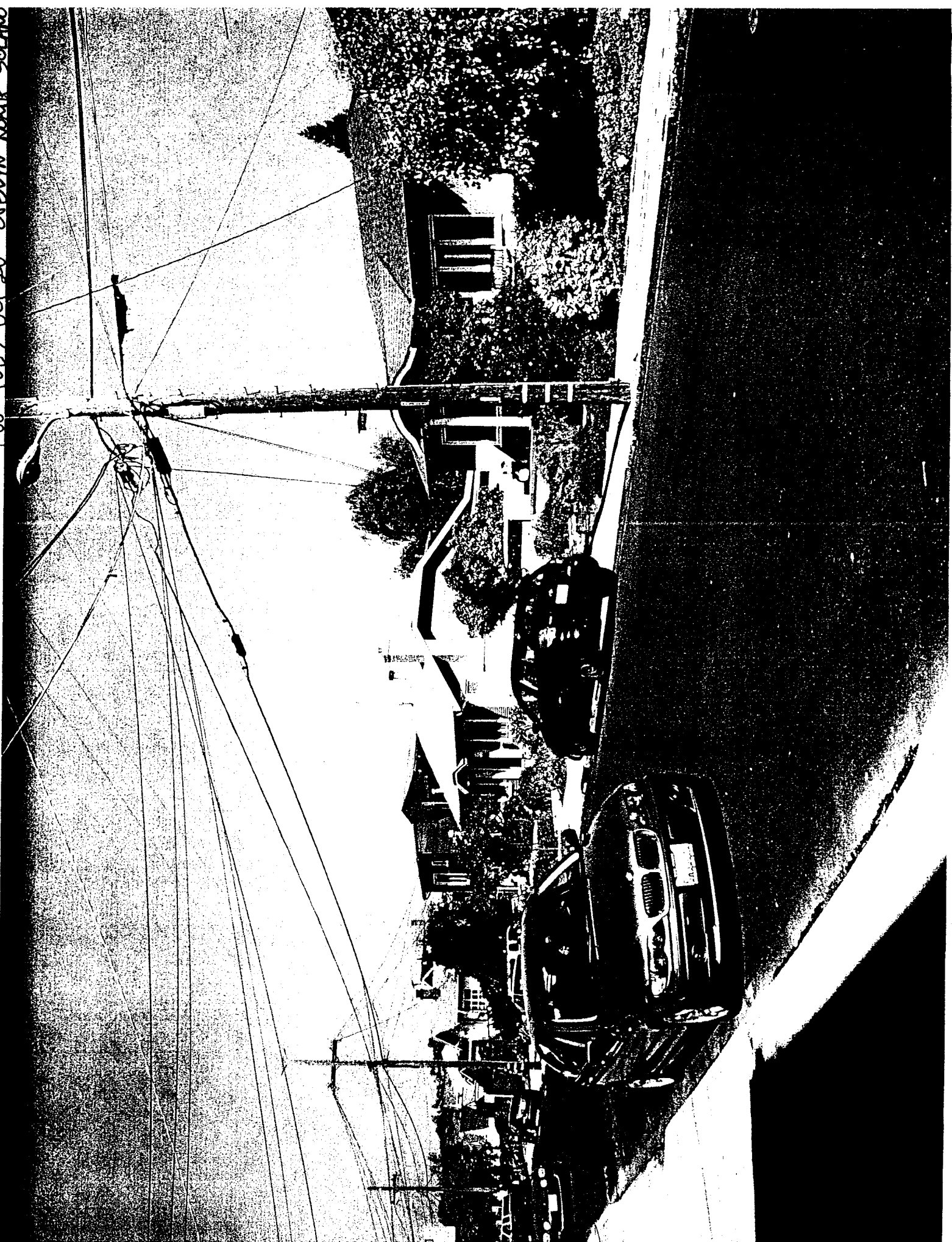
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1:00 PMS OF 20 EVIDENCE OF SOLANO

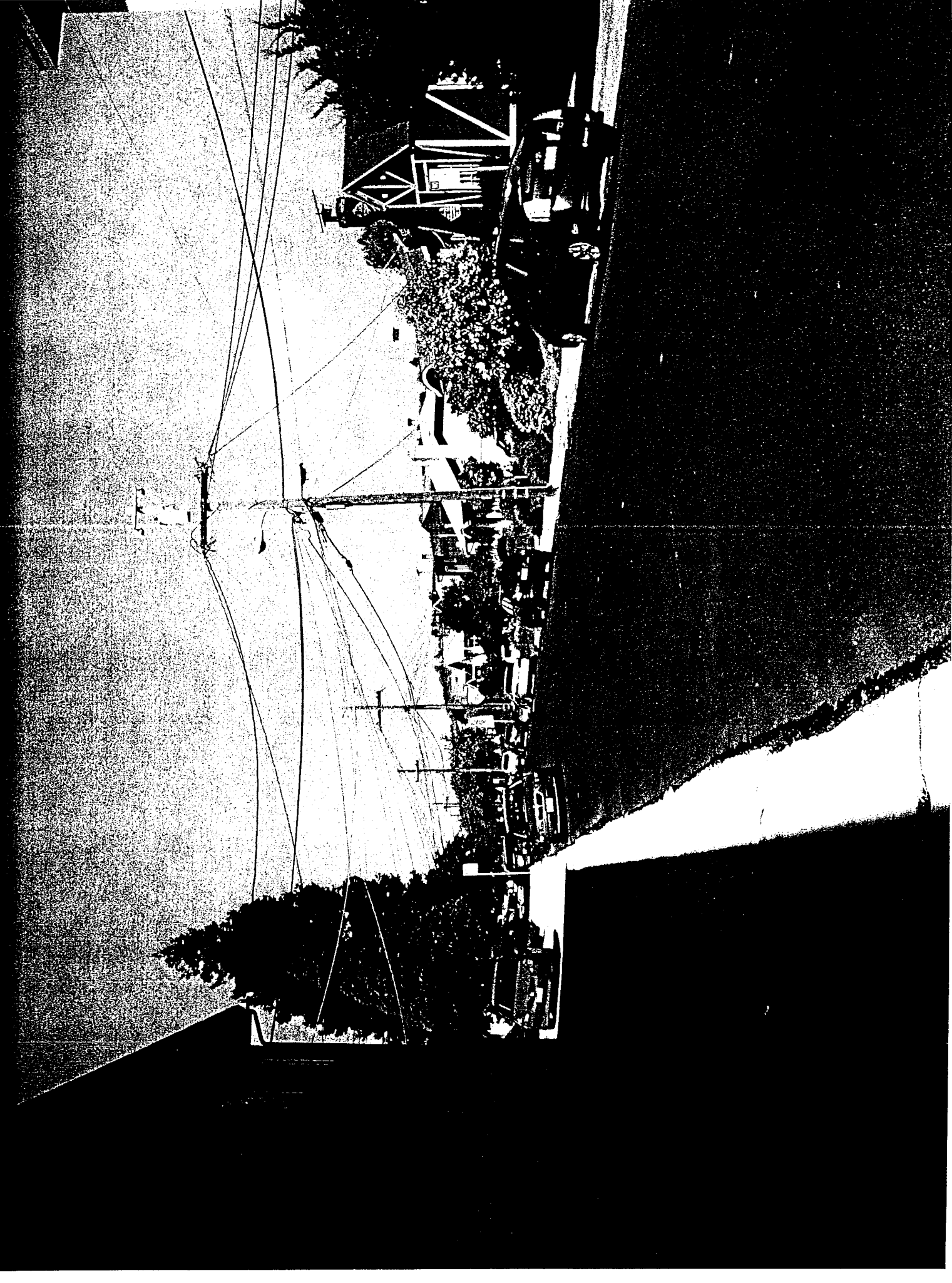


1:00 TUES OCT 20 CHERYN ABBOTT SOLANO





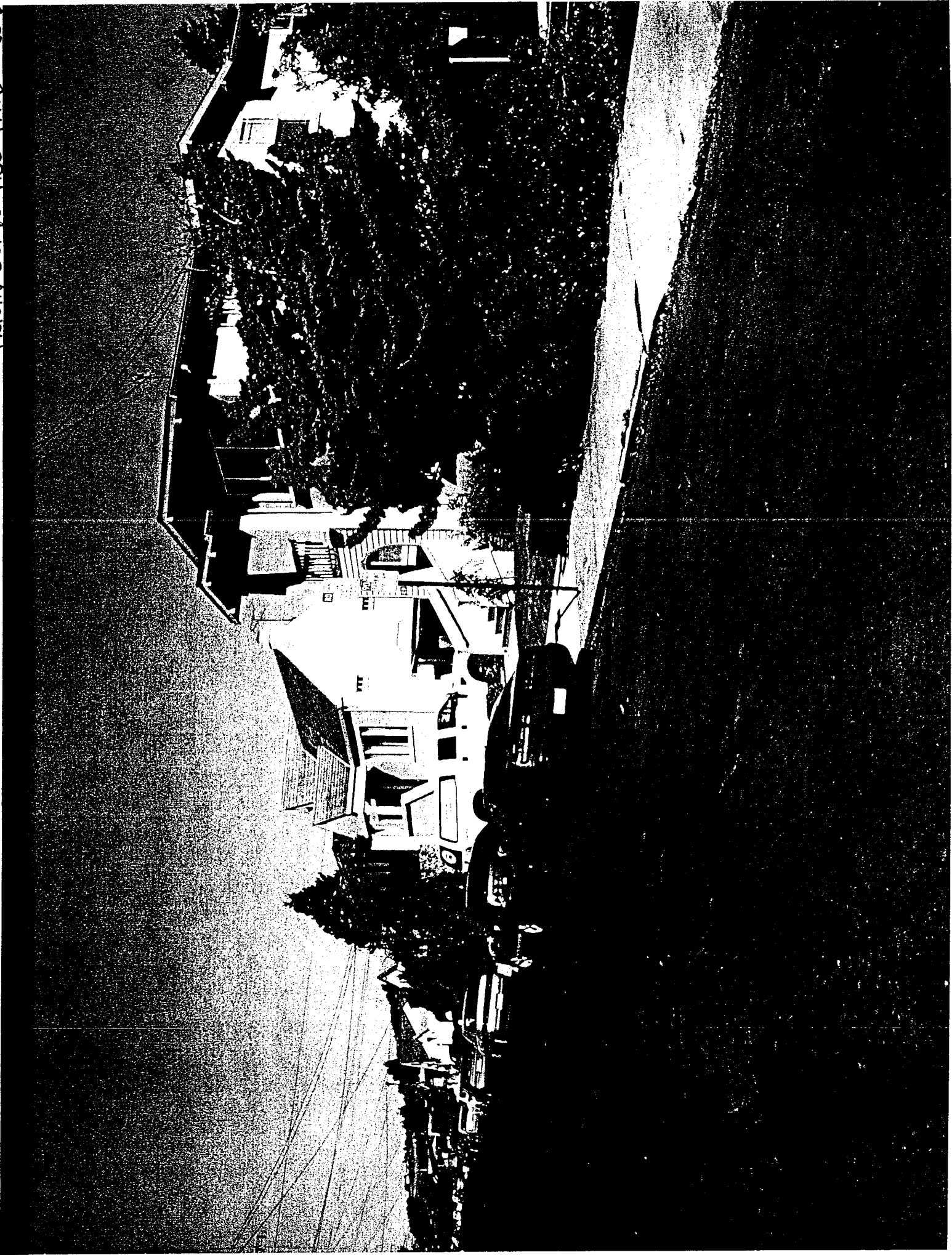
1:00 THURSDAY OCT 20 9 WELYN NORTH SOLON



1:00 TUESDAY OCT 20 2009



FRIDAY OCT 16 1:00 TALBOT RD S



FRIDAY 09 10 1.00 ZARKUS



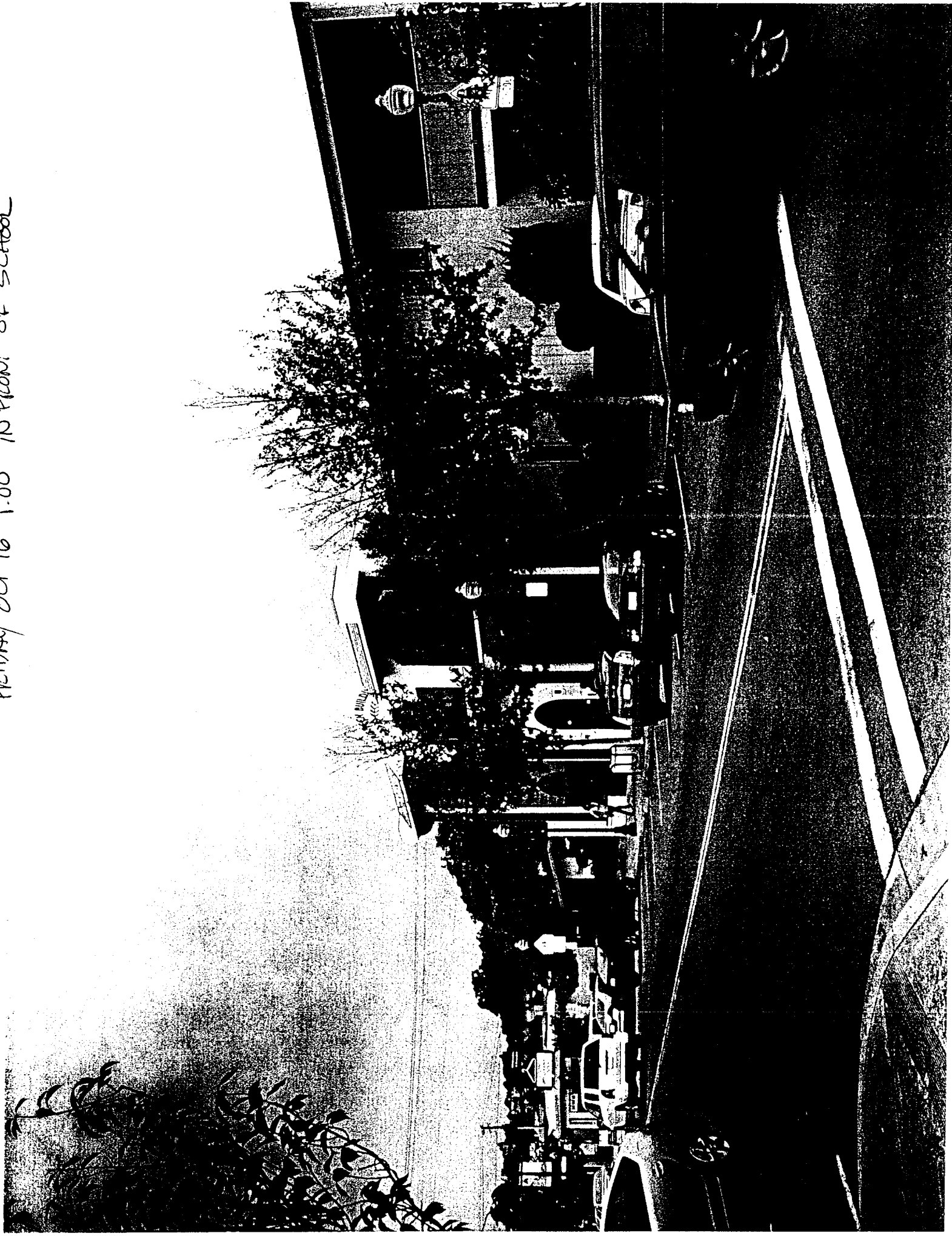
1244 SOLAND AVE  
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FRI, OCT 16 1:00 EUREKA NORTH SIDE





PHOTO OCT 16 1:00 IN FRONT OF SCHOOL



FRIDAY OCT 16 1:00 SOUTH SIDE SOLANO ON  
KEY ROUTE



OFFICE OF ALBANY FRIDAY OCT 16 1:00 PM NORTH SIDE KEY ROUTE SOLANO

OCT 21 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

