

ALBANY PLANNING & ZONING COMMISSION Christopher Tan, Associate Planner

PA20-017 Design Review & Conditional Use Permit for a Single-Story Rear Addition at 844 Jackson Street

May 27, 2020

INTRODUCTORY STATEMENT OF OBJECTION TO APPROVAL OF CONDITIONAL USE PERMIT

I have resided in Albany continuously since 1995 and have been a homeowner at 842 Jackson Street since 2006. The attractive backyard, with several mature trees and a view that opens to the south, as Albany Hill slopes down past Solano Avenue, was the reason that I bought this property.

I have reviewed materials made available by the City regarding the conditional use permit application submitted by my next-door neighbor at 844 Jackson Street. I have four objections to, and concerns about, the proposed expansion of that property, as follows: (1) compliance with zoning requirements, for the purposes of avoiding crowding of buildings and avoiding the creation of a visual detriment from my property (to the north); (2) protecting and preserving my ability to work solely from home, as I must do for the foreseeable future, and my ability to remain in compliance with HIPAA regulations for the telehealth services I provide; (3) preserving and protecting my trees; and, (4) preserving some attractive architectural features at 844 Jackson Street, visible from my property, that provide cohesion between the north and west aspect of the two properties (this cohesion of architectural features will be removed permanently by the planned demolition).

I am speaking as a layperson, as I am not an architect, contractor, city planner, or attorney.

COMPLIANCE WITH ZONING REGULATIONS AND REQUIREMENTS

There are four detached, separate building structures on the property at 844 Jackson Street: the main house (which the applicant plans to enlarge); a garage; an ADU; and, a structure for housing several chickens. Of these structures, only the main house approaches the property line on the north side, where City regulations require a minimum 5-foot setback.

Please note that the section of the house that was remodeled a few years ago is the only portion of the house that remains out of compliance, at only 3.1 feet from the property line.

The project, as currently proposed, envisions demolishing the back area of the house that is currently in compliance, and rebuilding it larger and taller, and closer to the property line than current building regulations permit. If the current design and building plans are permitted, there will be a new encroachment at the rear section of the house. If permitted, this large portion of the home will come out of compliance, in order to encroach into the required setback area that is currently protected by regulation. This will create highly observable crowding between our homes in an area where crowding does not currently exist.

It is one thing to honor the setback bounds of an older, existing structure, and allow it to remain out of compliance, but it is another thing, entirely, to permit a home that is within regulations into the setback area, with no consideration for crowding. I request that a reasonable adjustment be made to the building

design and plans, so that the applicant does not expand this portion of his home into the northside setback area, in effect, bringing the only portion of his home that is currently in compliance with setback requirements out of compliance.

I am not proposing that the applicant change any portion of his house, or its setback, that he is not already planning to change (i.e., expand). This setback area on the north side provides important visual respite and degree of privacy that would be eliminated by reducing the current setback to a non-compliant 3.1 feet.

VISUAL DETRIMENT

According to City guidelines, new building must take into consideration compatibility with existing homes and privacy considerations. In order for this building project to conform to the City's residential design guidelines, I am proposing that the plans be slightly adjusted, with the reasonable goal of preserving not only setback regulations, but also an important architectural /aesthetic element and design feature that creates compatibility with the existing structure to the north (my home), and respects my rights to privacy.

Both of the properties at 842 and 844 Jackson Street (and, in fact, all of the properties on Jackson Street that extend south from my home to the home on Solano Ave. at Jackson Street) had once been owned by a single family. Members of this family, who resided at 844 Jackson Street for many years until 2008, sold to me the property at 842 Jackson Street in 2006. Despite the many stylistic differences between the houses at 844 and 842 Jackson Street (one built in 1914, the other in the late 1940's), there are important symmetries in the way the backyard outdoor areas relate to the buildings' architecture. These symmetries are observable from the back (north and west). These symmetries create a cohesion and compatibility that are attractive, enhancing of private space, and add significantly to the visual and architectural interest of these adjacent homes.

You can see from the photos submitted by the applicant that both houses proceed in parallel, from east to west, along the property/fence line, with very little space between the buildings, until they reach the backyards. At the entry of the backyards, the narrow open land between the properties opens up, as the structures move away from the property line before resuming their reach toward the west end of the respective properties.

Allowing the property at 844 Jackson Street to move out of compliance for setback will also eliminate this opening up of the undeveloped land in the back-yard areas and will eliminate compatibility and aesthetics, privacy, and existing scale and harmony with adjacent development.

In sum, the building expansion project at 844 Jackson Street, as currently proposed, will, in my opinion, create a visual detriment in the immediate backyard neighborhood, is unattractive, eliminates architectural relief and privacy, and is out of scale with the complementarity and harmony that currently exists between our two properties.

OBSTRUCTION OF VIEW

The building expansion at 844 Jackson Street, as currently proposed, will permanently eliminate the only open view available from my property, a view that we currently enjoy and need for peace of mind, and which extends from my backyard to the trees and open spaces near and around the Gill Tract. This lovely

neighborhood look and feel will be altered and diminished when our view disappears behind the addition of an 18-foot-high structure where there currently is none.

The demolition/construction project, as currently proposed, will essentially remove a pleasantly setback rear portion of the home next door and replace it with a much larger, more towering and chunkier structure that encroaches on the setback area and hence my privacy and peace of mind. I believe my reasonable proposals to maintain the currently compliant 5' setback on the portion of the house slated for removal and expansion, will result in a more attractive, architecturally interesting, and respectful neighborhood addition.

THE HEALTH AND WELL-BEING OF NEIGHBORHOOD TREES

I am proposing that the City hold the property owner at 844 Jackson Street accountable for the protection of the roots of mature trees that are fully growing on my property, but whose root systems extend to the backyard at 844 Jackson Street. There is at least one tree, and possibly two, that will be adversely impacted by excavation, to a depth of at least 3 feet, and placement of a new foundation where none currently exists. The planned perimeter foundation expansion as it currently stands will harm these living natural features. I have spent thousands of dollars over the past 14 years to protect the health and well-being of the several trees on my property, which are precious to me, and which are an important source of food and habitat to the local wildlife and maintain a beautiful, calming and interesting landscape. These trees were a primary reason I bought this property and my trusted tree expert, a consulting arborist, is willing to work with the building owner at 844 Jackson Street so that his planned expansion, excavation and new foundation will not harm the health or longevity of my trees' root systems.

I propose that the City of Albany make the permitting of construction contingent on design alterations and inspections aimed at protecting my trees.

IMPACT ON MY LIVELIHOOD

Because of the COVID-19 pandemic I have been working from home for several months now. Like many people who are lucky enough to be able to work from home, I continue to pay overhead costs in a professional building despite my inability to work there safely for the foreseeable future. I am a licensed clinical psychologist, and provide HIPAA compliant telehealth treatment to a diverse patient population. I specialize in rehabilitation neuropsychology, and psychoanalytic psychotherapy. I work intensively with individuals who are recovering from traumatic brain injuries, strokes and tumors; individuals who are coping with chronic pain and other chronic medical conditions; individuals who suffer from a wide range of mental health disorders, including PTSD, anxiety and depression; individuals with relationship issues; and, individuals who have been the victim of brutal physical assault and/or workplace injuries. Several of my current patients are essential workers in the fields of education, food service, directing and supporting our community's utilities and infrastructure, and in hospitals and labs directly impacted by the pandemic.

My ability to practice is dependent on having quiet, secure, private sessions and consultations. Some of my patients require an especially quiet and distraction-free communication environment.

I am making a reasonable and urgent request to the Planning Commission that the construction project at 844 Jackson Street be permitted to begin only after I am able to return to my office. I cannot offer appropriate services to my patients (and their attorneys, consultants, and other health professionals) in the context of excavation, demolition, and building that is less than 10 feet from my home. When I treat patients with medical-legal cases (I currently have 3 such cases), I am often required to have my

deposition taken. I am anticipating sometime later in 2020 that I will be deposed, from home, by approximately six attorneys related to one of these cases, who will need to be able to take my testimony free from disruption.

Guidelines from my professional organizations and risk management experts emphasize the shifting logistics involved in resuming clinical psychology services face-to-face in a professional building environment. Therapy involves prolonged personal contact in a closed space with a high degree of respiratory exchange from talking, crying, exclaiming, laughing, and sometimes coughing and sneezing. A minimum 14-day self-quarantine is required for any therapist who suspects or confirms contact with any individual who has COVID-19 or has been exposed to it, or who has been exposed to anyone else who has COVID-19 or has been exposed to it. And this is just the tip of the iceberg. Returning to work outside the home will not be like flipping a light switch, it will involve interim periods of working from home for a variety of complex reasons. Therefore, it is not possible at this time, or in the foreseeable future, to predict a reliable return to working outside my home.

Any construction that occurs before I can work outside my home again will interfere with my ability to adequately perform my work functions on any given day and earn a living. If demolition and construction are permitted while I am forced to work from home, I will face the potential of losing some or all of the patients I have, and my reputation and income will suffer as a result. I am requesting that the Commission take to heart the necessity of my ability to earn a living from home, and not permit construction to start until sometime in 2021.

Respectfully,

Carrie Thaler
842 Jackson Street
Albany, CA 94706

May 26, 2020

Anne Hersch

To: buddycalifornia
Subject: RE: FW: Agenda Item PA20-017 Design Review & Conditional Use Permit for a Single-Story Rear Addition at 844 Jackson Street

From: buddycalifornia <buddycalifornia@gmail.com>
Sent: Wednesday, May 27, 2020 1:31 PM
To: Anne Hersch <ahersch@albanyca.org>
Cc: Christopher Tan <ctan@albanyca.org>
Subject: Re: FW: Agenda Item PA20-017 Design Review & Conditional Use Permit for a Single-Story Rear Addition at 844 Jackson Street

Warning: This email originated from outside the City of Albany. Think before you click!

Anne,

Thanks for that opportunity. Below is our rebuttal response to the letter from our adjacent neighbor. Also to note that our other 2 adjacent neighbors to the south have no issues with the addition.

844 Jackson ST. Applicant REBUTTAL to neighbor's concerns:

As i mentioned before our neighbors, including our adjacent neighbors to the north, are good people and we're happy to have them as our neighbors. I called our neighbor Carrie last week and we discussed what was at that time her three issues of concern, (now 4).

- 1.
2. (*"..Compliance*
3. *with zoning requirements"*) There is specific language in the planning code that allows
4. for the horizontal extension of a non-conforming wall, subject to design review and the findings prepared by planning staff raise no objections to this request. Privacy is increased between the 2 properties with this proposed addition; there are no windows
5. proposed on the new northern elevation which faces the neighbors, even though windows are allowed. "Visual detriment" and "Obstruction of Views" are her subjective opinions and there is no view ordinance in the planning code and there is very little view to
6. the Gill Tract from our yard, much less from their yard which is divided by a 6' tall fence between our two properties.
- 7.

- 2.
3. (
4. *"..Preserve my ability to work from home"*
5.) I am not aware of any ordinance or law that would prohibit one private property owner's
6. ability to develop their property because a neighbor doesn't want to hear the noise, for whatever reason. We discussed by phone her need for quiet during a particularly sensitive time of upcoming work in the next few months for Carrie (a deposition) and I

7. noted that we most likely won't be in construction at that time but if so to please let me know ahead of time and we will arrange it such that construction noise during her sensitive time frame (<1 day) would be limited and within City guidelines. Because
8. of covid, both my wife and I work from home and home school 2 young children at the same time and take many zoom calls for work, so we are well aware of the impacts this construction project will have on our ability to practice our professions.
- 9.

3.

4. (*"..Preserving*
5. *and protecting my trees"*) We want to act reasonably for the continued health of her tree.
6. Previously we have been asked not to trim the tree in question during a sensitive time of the year for the tree and we complied to this request, even though the tree grows over our fence. I did state in our phone call that I was happy to talk to her arborist
7. and during construction, depending on what we find during excavation, we'd be ok to consider alternate cost effective ways, that are approved by our structural engineer and contractor, to save any roots from a tree that is not on our property. We do not want
8. our neighbors' tree roots damaging the future foundation of our residence and if the neighbors arborist can determine that removing or trimming back the roots won't harm the neighbor's tree, then they can pay to have that work done.
- 9.

4.

5. (*"..Preserving*
6. *some attractive architectural features, visible from my property, that provide cohesion between the two properties"*
7.) The findings written for this proposal by planning staff state that "*the proposed addition is attractive in appearance, and is in scale with the surrounding neighbors. The design is complementary with the existing home.*"
9. I want to reiterate that we're talking about a net addition of only 150 SF with a design that steps the roof down in height for the last portion of the addition - this is not a 2 story, 28' tall addition that extends to within 20' of the rear property line,
10. which is allowed by code.
- 11.

I have no further rebuttal comments and I request that you take the staff's recommendation and approve the proposed project. Thank you.