

7. New Business

- a. 1506 Albany Terrace. Planning Application 05-007. Design Review.** A request for Design Review approval to allow a 466 square foot second-story addition to an existing 1,150 square foot one-story residence.

Staff recommendation: approve with changes.

Associate Planner Gross delivered the staff report. He noted receipt by the Commissioners of email messages from J.D. McPike and an anonymous resident. Chair Flavell noted the irregularity of receiving the drawings at the meeting rather than the Friday before the meeting, as is typical. Commissioner Arkin stated he did not visit the site because he had no drawings. Commissioner Moss wanted the plans to contain callouts of the finishes.

J.D. McPike, neighbor to the east, asked whether the loss of light to others is considered when reviewing the plans? Chair Flavell responded there is no light or view ordinance regulation, but the Commissioners would consider these issues. Joel Perrell, Albany Terrace resident, had concerns about the height and mass of the proposed addition.

Commissioner Arkin moved continuation of this item to the May 10, 2005, meeting. Commissioner Moss seconded.

Vote to continue agenda item **7a**:

Ayes: Arkin, Flavell, Moss, and Panian

Nays: None

Motion passed, 4-0.

- b. 1600 Posen (St. Mary's College High School). Planning Application 02-104. Amendments to Conditional Use Permit 93-27 and Design Review 99-24.**

- (1) Evaluate Saint Mary's College High School's progress implementing the mitigation measures imposed as conditions of the 1993 approval to allow building square footage to be increased to 90,675 square feet and student enrollment to 600 students; and
- (2) Consider request to amend Conditional Use and Design Review permits to allow building square footage to be increased from 90,675 square feet to 93,707 square feet.

Staff recommendation: recommend to the City Council that they amend Conditional Use Permit 93-27 Condition G-2b, to allow the gross square footage of the school facilities to be increased from 90,675 square feet to 93,707 square feet, and amend Design Review 99-24 Condition 7, by eliminating the requirement that 3,032 square feet of building be removed.

Planning Manager Dowswell delivered the staff report. He noted receipt by the Commissioners of a letter from Tim Cannon to St. Mary's, and St. Mary's response letter; and a fax to St. Mary's from Jim Karam, and St. Mary's response. He stated that the City Attorney had confirmed that

the Commission could act on this item, but Planning Manager Dowswell recommended sending the item to City Council because they too had acted on this item previously as part of an appeal.

Commissioner Moss asked whether a meeting regarding prohibited streets and non-prohibited streets had been held. Planning Manager Dowswell indicated he was not aware of such a meeting.

Mika Miyasato, from Korve Engineering, presented parking and traffic study results. Commissioner Moss pointed out that some of the totals in the table on page 23 turn out to exceed 100%.

Brother Edmund, President of St. Mary's, reported that they now have an AC Transit bus route from the Oakland area that stops near the school, and hope to have an additional route from the north the next spring. Commissioner Moss suggested using the funds collected for on-and off-campus parking permits be used to hire someone to monitor non-permitted parking.

Herman Shum, Vice-Principal and Dean of Students, described the parking violation disciplinary steps. Commissioner Panian noted that if 50% of street parking is available, according to the traffic study, then parking is not a problem.

Commissioner Arkin asked St. Mary's to provide reasons why the 3,000-plus square feet should be allowed to remain. Brother Edmond stated St. Mary's has an interest in the welfare of children, education, and facilities. Chair Flavell asked whether there is a connection between the 3,000-plus square feet and an increased parking demand. Brother Edmond stated the enrollment would not increase. Peter Smith, an attorney representing St. Mary's, expressed a desire to work together with the neighbors on issues.

The following people expressed concerns regarding St. Mary's: Kristine Fowler; Andrew Watry, 1284 Monterey; Amy Tick, 1025 West Place; Lucas Guttentag, 1044 Ventura; Liz Karam, 1101 Ordway; Donna DeDiemar, Albina Avenue; Valerie Doyle, 1301 Acton; Chris Hamilton, 1316 Albina; Mark Kanter, 1216 Monterey; Pat Roberto, 1216 Monterey; and Michael Tomkins, Monterey Avenue. Issues raised included: desire for a mediator to work with the neighbors and school; lack of utilization of existing public transportation; noise after evening events; desire to see master plan and EIR prior to this decision; lack of real, enforceable mechanisms (driving, parking, noise, litter, vandalism); if this saves the school money, then funds should be set aside to address neighbor concerns; and storm-water run-off impacting Codornices Creek.

Commissioner Panian had concerns about the quality of the traffic study. Chair Flavell suggested the neighbors lobby St. Mary's to pay for residential permit parking for the neighbors. Commissioner Moss recommended St. Mary's encourage students to use mass transit, and to try satellite parking with a shuttle. Commissioner Arkin suggested that the school provide free bus passes to the students. Chair Flavell opposed the idea because of the cost to the school.

Commissioner Moss did not oppose the idea of using a facilitator for meetings between St. Mary's and neighbors. He recommended to the neighbors they try to come up with concrete suggestions for ways the school can address their concerns, rather than simply complaining. He felt students should buy their own bus passes. He reminded the school that the monitoring must be ongoing and consistent in order to be effective. He also noted one occasion when, after a soccer game, a coach turned on a stereo and aimed it toward the neighbors' homes.

Commissioner Moss moved approval of the amendments to the Conditional Use and Design Review permits, without any change in use of the additional square footage, and adding the condition about the allowable number of square feet reverting to the previously approved square footage should the additional space be demolished. Chair Flavell seconded.

Commissioner Arkin proposed an amendment requiring St. Mary's to meet with the neighbors using an independent facilitator within 180 days and if they did not that the request to keep the extra square footage be denied. The maker of the motion did not accept the amendment. Commissioner Panian proposed an amendment adding a condition requiring St. Mary's to incorporate community input in their master plan. Chair Flavell asked St. Mary's whether there would be facilitated meetings to gather input as part of the master plan process. Brother Edmond indicated there would be such meetings. The maker of the motion did not accept the amendment.

Vote to approve amendments to the Conditional Use and Design Review permits, as amended above, on agenda item **7b**:

Ayes: Flavell, Moss, and Panian

Nays: Arkin

Motion passed, 3-1.

Findings. 1600 Posen (St. Mary's College High School)

A. Findings for Conditional Use Permit Approval (Per section 20-4.3 AMC)

1. *The size, location and intensity of the project are desirable and compatible with the neighborhood and community. The 3,032 square foot expansion of the school to a maximum square footage of 93,707 is otherwise consistent with City development standards relating to bulk, size, parking and location and will not have any adverse impacts on the neighborhood.*
2. *The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*
 - a. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures because the site is of sufficient size and shape to successfully accommodate the addition, consistent with City zoning standards relating to size, height, and parking. The conditional use permit authorizing*

3,032 square foot increase in total allowable building square footage will not degrade the amount of existing or proposed private open space available to the project site. There should be no significant effect on people in the neighborhood caused by the increase in the allowable building square footage because the school enrollment will remain unchanged, the buildings are existing, and they are located in areas which are not visible to almost all of the surrounding neighborhoods.

- b. *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* because the project will not have any increased traffic impacts beyond those that currently exist because the school's enrollment will not increase and the student's who use these facilities are already on the campus. Pedestrian access to the site is adequate and will not be impacted by the project proposal.
 - c. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor* because the project will not develop new noxious noise, glare, dust or odor emissions. The project will remain a school activity with all such characteristics.
 - d. *Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs* because the project is consistent with City public facility design review objectives and guidelines and provides appropriate landscape, screening, open yard areas and related design features characteristic of residential uses in the neighborhood.
3. *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* because the proposed project is otherwise consistent with the City zoning standards and requirements relating to the height, size, location, bulk and parking for such residential expansions. The maintenance and preservation of the City housing inventory, including reasonable expansions of such residential dwellings, are policy objectives of the City General Plan. The site is both zoned and designated in the General Plan for residential use.

Findings for amendment of Design Review 99-24

a. Section 20-10.6.a, General Findings, applicable to all projects:

1. *The structure, site plan, and landscaping are in scale with and harmonious with existing development which conforms to the current provisions of this Chapter, and future developments adjacent to the site, and with land forms and vegetation in the vicinity of the site. Features such as scale, massing, and consistency of architectural details and exterior colors and materials have been considered to ensure a high level of design quality.* The proposal is in scale and harmony with existing development near the site. The architecture is compatible with the existing buildings and with the City's Design Review Purpose and Intent.

2. *The project provides safe and convenient access to the property for pedestrians and vehicles. Handicap access has been considered and Code requirements are reflected in project plans. The project will provide safe and convenient access to the property for both vehicles and pedestrians, improving on the existing vehicular access.*
3. *The project will not unnecessarily remove trees and natural vegetation, will preserve natural land forms and ridge lines, will not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the affect the visual character, quality or appearance of the neighborhood or City. The project will not create a visual detriment at the site or the neighborhood.*
4. *The project will provide adequate buffering between the on-site residential developments and adjacent uses which may have a potential to generate nuisances. The project is surrounded by like buildings that do not require buffering for nuisances. The project maintains the setback areas and otherwise is consistent with City zoning standards.*
5. *The project conforms to the General Plan and to all other applicable provisions of Chapter 20 of the Albany Municipal Code. The General Plan designates this area for public facilities. Additionally, the project meets City's General Plan and zoning standards for location, intensity and type of development.*

There was a five-minute recess.

c. General Plan and Zoning Ordinance Revisions.

(1) General Plan Amendment, Land Use Element: Floor Area Ratio Bonus

(2) Zoning Ordinance Section 20.40: Housing Provisions (including related Definitions in Section 20.08)

(3) Zoning Ordinance Subsection 20.24.050.C: Increase in Floor Area Ratios

Staff recommendation: adopt resolutions recommending that the City Council:

- 1) *Amend the Land Use Element of the General Plan to authorize increases in floor area ratios in the San Pablo Avenue and Solano Avenue Commercial areas as an incentive bonus (Resolution PZ 05-02); and*
- 2) *Amend the Zoning Ordinance to include Section 20.40, Housing Provisions, and 20.24.050.C., Increases in Floor Area Ratios (Resolution PZ 05-03).*

Planning Consultant Phillips delivered the staff report. Commissioner Panian wanted to be sure that the problems of Berkeley (dense, massive, tall buildings with no parking, renting at low-end market rates) are addressed.

Clay Larson, Adams Street, opined the city is not doing a good job of noticing. He suggested labeling agenda items as public hearing items, and placing public notices on the city website.

Noting the lateness of the hour, Commissioner Moss moved continuation of this item to the May 10, 2005, meeting. Commissioner Panian seconded. Chair Flavell suggested an amendment to the motion, requiring staff to indicate "Noticed Public Hearing" on the agenda. Associate Planner Gross indicated he would show how each item was noticed on the agenda. The maker of the motion did not accept the amendment.