

**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 9/22/09

Prepared by: AC

Reviewed by: JB

**ITEM/** 6a  
**SUBJECT:** **Planning Application 09-044. Conditional Use Permit. Parking Exception..**  
Request for Conditional Use Permit Approval to allow a large family day care to be conducted at a private residence. A parking exception is requested to allow the additional parking space, for employees, to be exempted.

**SITE:** 742 Masonic

**APPLICANT/  
OWNER:** Dezhen Lai

**ZONING:** R-1 (Single-Family Residential)

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission open the public hearing, take testimony from the public, provide any appropriate direction or conditions, and approve the project.

**BACKGROUND/PROJECT DESCRIPTION**

See attachment 5 for complete description of day care and requests for conditional use permit and parking exception approvals. The Commission first reviewed the proposal for a large family day care, located at 742 Masonic, at the September 9, 2009 public hearing. At the hearing the Commission requested an improved site plan, additional parking counts, an examination of the condition of the fence surrounding the property, and the preparation of a parent agreement, that would state the rules and expectations that parents would abide by in operating the day care.

**ENVIRONMENTAL ANALYSIS**

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303(a) of the CEQA Guidelines, which exempts one single-family residence or a second dwelling unit in a residential zone.

## DISCUSSION OF KEY ISSUES

Planning staff conducted a site visit on Monday, September 14, 2009 and confirmed that the fence is approximately 5' 7" height. The fence is in good structural condition with solid vertical boards from ground to the top, and no significant gaps or weaknesses. The fence could be raised slightly in height or thicker boards could be used to assist in mitigating sound from the children. Staff would anticipate, however, those changes would have a modest impact on adjacent properties. The applicant has offered to put in additional landscaping, which, with time for growth of the plants, could have better screening benefits than a six foot fence.

In response to Commission comments, the applicant has provided a draft contract agreement, signed by all parents with children attending the day care (see attachment 3).

### Parking Exception

Staff initially conducted a parking count, at 8:30 a.m. on Friday, September 4, 2009. There was a 49.2% vacancy rate within an approximately 500' radius of the site, and was included in the discussion of parking at the first hearing. Additional parking counts conducted and are summarized below:

Date and Time	Percentage of Occupied Spaces	Percentage of Vacant Space
Friday, September 4, 8:30am	51.8%	49.2%
September 15, 12:45pm	38.5%	61.5%
September 16, 5pm	52%	48%

The parking counts conducted show that approximately half, and at times more than half, of the parking spaces are vacant during the weekdays. Both Key Route and Masonic Avenues have substantially more available parking than other areas in the city. Based on parking counts and observations staff believes that there will be sufficient parking needed for the day care.

### Conclusion

Staff recommends that the Commission provide direction on any appropriate conditions and or changes to the operation of the proposed day care and approve the request for a parking conditional use permit and parking exception.

### **Attachments:**

1. Findings
2. Conditions
3. Parent agreement for children attending day care
4. Letters and photos received from neighbors since September 9, 2009 hearing
5. Staff report from September 9, 2009
6. Project application, revised site plan since September 9, 2009 hearing

ATTACHMENT -1

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

Required Finding	Explanation
<p>1. <b>Necessity, Desirability, Compatibility.</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 residential uses. Large family day cares are consistent with residential uses. Additionally, the project meets City zoning standards for location, intensity and type of use and development.</p>
<p>2. <b>Adverse Impacts.</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 size shape and arrangement of structures on the site are appropriate for a large family day care.</li> <li>b. The pick up and drop off times vary from day to day and are not structured like a school schedule; therefore ,there is reduced concern about traffic flow and volumes. A parking count was conducted showing approximately a 50% vacancy for parking.</li> <li>c. New solid fences in the rear yard will be required to create a barrier against noise. It is a residential street with lower levels of traffic so noise affecting the children is not a concern.</li> <li>d. A condition of approval has been added requiring landscaping in the front yard and that all signage receive design review approval.</li> </ul>
<p>3. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</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>

## ATTACHMENT 2 - CONDITIONS OF APPROVAL

1. This Conditional Use Permit and Parking Exception approval is for approval to allow a large family day care to operate at 742 Masonic, except as may be modified by conditions herein. Plans include a site plan/floor plans/elevations submitted by Dezhen Lai, dated received by the Community Development Department on August 8, 2009 and September 16, 2009, and presented to the Planning and Zoning Commission at its meeting of September 22, 2007.
2. The applicants shall pay any and all City and other related fees applicable to the property. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid prior to issuance of said permit or prior to any City Council final action approval. Notice shall be taken specifically of Plan Check and Inspection Fees.
3. All fences in the rear yard shall be replaced with a new, solid, 6' tall fence to help barrier noise.
4. The applicant shall distribute a day care contact phone number to all neighbors within 100' radius and respond, within reason, to any concerns or complaints from neighbors.
5. If at anytime more than one full time employee is needed the owner must apply for a parking exception.
6. All signage shall be reviewed and approved for design review by staff.
7. The carport shall remain clear of obstructions and utilized by staff of the day care.
8. Parents shall abide by all traffic laws and use only legal, designated areas for parking during drop-off, pick-up and all other day care related trips and sign a contract agree to do so.
9. All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way.
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.

**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 the 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.



CITY OF ALBANY

SEP 16 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

Memorandum

**To:** City Of Albany  
405 Kains Avenue  
Albany, CA 94706

**From:** The parents of the children attending the Albany Family Child Care facility.  
(Please see the following pages for names and signatures.)

**Date:** 9/15/2009

**Re:** Drop-off and Pick-up at Mrs. Lai's daycare (742 Masonic Avenue)

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Dear Sir/Madam:

As parents and guardians of the children attending Albany Family Child Care, this memo is to express our commitment to minimizing the impact that traffic in the vicinity of the daycare may have on neighbors. We understand Mrs. Lai's neighbors' concerns about drop off and pick up hours (actual hours of daycare operation have already been submitted in a separate document), and we wish to make the following goodwill efforts:

1. Drop off and pick up will be as short as possible.
2. Weather permitting, parents living close to the daycare will make every effort to drop off and pick up our children without driving (by walking or by bicycle).
3. Parents commuting by car will abide by all traffic rules. We will not block driveways. Every effort will be made to park first along the property of the daycare, and secondarily along the East side of Masonic.

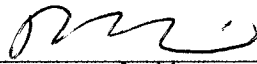


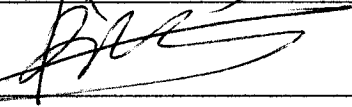


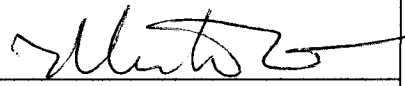

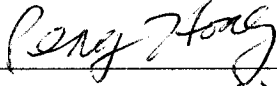
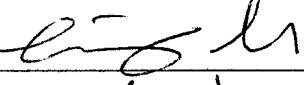


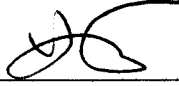
We, the parents and guardians of the children under the care of Albany Family Child Care, appreciate your attention to this voluntary agreement. We respectfully request that you allow AFCC to continue its operation at the new location on 742 Masonic Avenue.

Sincerely,

ATTACHMENT 3





Name	Street address	City	Phone number	Signature
Dong Liu	129 Bay side Ct	Richmond	925-408 4391	
Elisabeth Namounex	953 Evelyn Ave	Albany	510-525- 4483	
Jean Cheng	968 Ventura	Albany	510 5278376	
Bing Leng	501 Commodore	Richmond	510-233 -3672	
Ge Xia	417 Evelyn #302	Albany	510-526 -5175	
Sam Wong	535 Pierce Albany	Albany	510-526- 43603	
MINH TSAI	545 Pierce Albany	Albany	510-526 1967	
MICHAEL YONG	914 San Pablo Albany	Albany	510-388 3592	
Hong Peng	1110 Jackson St. Apt 909 A	Albany	510-316 0757	
Ling Li	1393 Francisco St.	Berkeley	510-540- 7051	
YI ZHANG	1108 Kains Ave	Albany	510-435- 2999	
Fu-Ming Wang	725 Vuka Gulf Way Apt. 301	Albany	4692776885	
Yaci Huang	1953 ASHBY AVE #F <del>xxxxxx</del>	Berkeley	510-981-0879	



CITY OF ALBANY

SEP 16 2009

Albany, September 14, 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

Dear Sir / Madam,

Please accept our thanks for allowing us and the public to express our concerns and interests at the hearing held on September 9, 2009.

I fully respect the city's authority to add reasonable conditions to my future daycare operation. While doing so, please note that, as stated in our application, our license with the State of California is that of a "home-based family daycare" license, not that of a "daycare center" license.

As defined on the State of California Department of Social Services' web-site (<http://ccl.d.ca.gov/PG411.htm>):

A Family Child Care Home must be in the licensee's own home. A Family Child Care Home reflects a home-like environment where non-medical care and supervision is provided for periods of less than 24 hours.

Whereas

A Child Care Center (or Day Care Center) is usually located in a commercial building. Non-medical care and supervision is provided for infant to school age children in a group setting for periods of less than 24 hours.

The Child Care Licensing Program of the California Department of Social Services opposes commercial business ideas for home-based daycares; and by all means, it wants family daycares to be like normal residences with a family atmosphere. The intention is to allow the children feel at home. For this reason, I wonder whether it is a good idea to build a fence like that at the Bright Star Montessori School. As you know, Bright Star is licensed as a center, not as a home-based daycare facility. I fear that their fence's style is not appropriate for a residence, and therefore not applicable to a home-based family daycare. Further, Bright Star has many more children than our daycare will have. I wonder whether it is necessary or reasonable for our daycare to match the requirements for a center. However, residential style fences should be acceptable to the state licensing department.

We all know that the proposed site is near the BART tracks, and that the existing noise level is higher than that in most other single family areas. I recently talked to Mr. Ed Bolen, Senior Staff Attorney/Policy Analyst at the Child Care Law Center in San Francisco (<http://www.childcarelaw.org/staff.shtml>). Mr. Bolen told me that most sound studies done for large family daycares indicate that the sound level is about 60 to 65 dB. On the other hand, according to the noise report done by Charles Salter and Associates for the Bright Star case, areas near BART have a noise level much higher than 65 dB (Bright Star Montessori School, Page No.9, Attachment F, Typical Sound Levels Measured in the Environment and Industry, August 14, 2006, City of Albany)

As much as we want to mitigate the noise of our childcare, I am afraid that expensive noise reduction methods may only yield minimal results in such an environment. Thus,

ATTACHMENT

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please consider the practicality of the noise mitigation methods you might want to suggest when the surrounding area already has a proven high sound level.

I fully understand that neighbors of childcare facilities have concerns. This is why I have worked particularly hard at avoiding excessive and disrupting noise at my current site. As you have seen, the feedback from our current neighbors is only positive. We have never received any complaint in the past three years. I hope that the good and documented record of our childcare can relieve the city and our future neighbors of their concerns.

I look forward to operating a high quality daycare in my future neighborhood. The Albany families who trust me with their children, who are on our waiting list and hopeful of joining us soon, and who have already been accepted but whom we might not be able to keep, will all appreciate the opportunity you can give me to serve them.

Please allow me to continue to offer high quality daycare, to serve the community, and to be a good neighbor in Albany.

Thank you for your attention.

Dezhen Lai  
Director of Albany Family Child Care  
Tel: (510)559-3178

# BANANAS

Child Care Information & Referral and Parent Support

September 9, 2009

To the Honorable members of the Albany City Council,

I am writing to you in support of De Zhen Lai's request for a conditional use permit to operate a family child care business in her new home at 742 Masonic Ave.

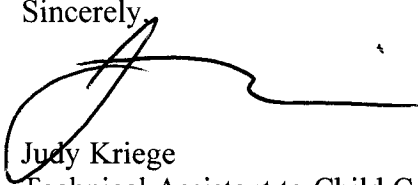
BANANAS is the Child Care Resource & Referral agency for Northern Alameda County. We have the most comprehensive information on the availability of child care in this region, which includes the city of Albany. Thousands of families contact us for child care information annually. Albany is an area that is in high demand by parents for child care slots.

In the 2007 California Child Care Portfolio produced by the California Child Care Resource & Referral Network, it was determined that licensed child care is available for only 34% of children with parents in the labor force for the county of Alameda. The city of Albany is particularly lacking in licensed child care options. There are only a few centers that provide full-day child care for preschool-age children. No centers serve children under the age of two and a half years. There are approximately 100 full time slots for child care in licensed Family Child Care homes in Albany. Most of these slots are currently full. We received over 200 calls for child care referrals in Albany last year. Additional options are sorely needed.

De Zhen Lai has established a program that meets the unique needs of families looking for a Chinese education component in their child's care. It would be unfair for any of these families to lose this hard-found care and very difficult for them to replace it. I urge you to grant the necessary permit for Ms. Lai to operate as a large family child care and secure this child care option for the families of Albany.

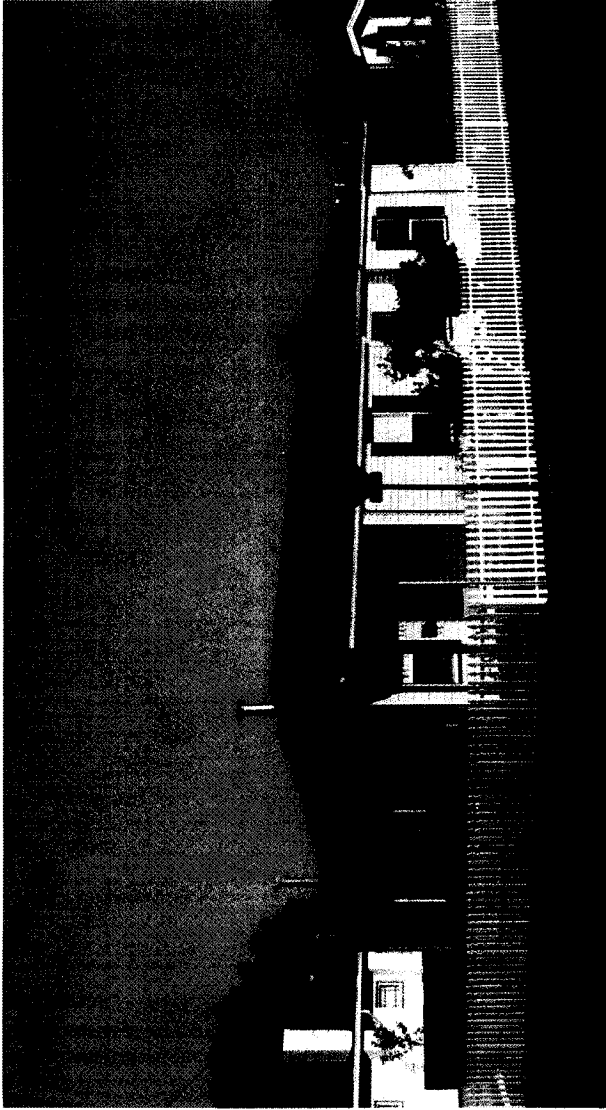
Please don't hesitate to call us if you have any questions.

Sincerely,

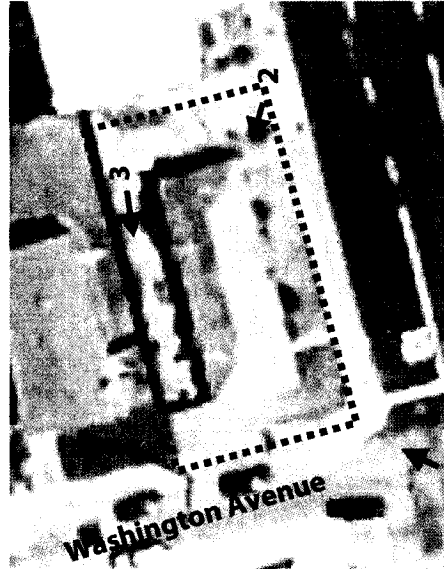


Judy Kriege  
Technical Assistant to Child Care Facilities  
BANANAS, Inc.

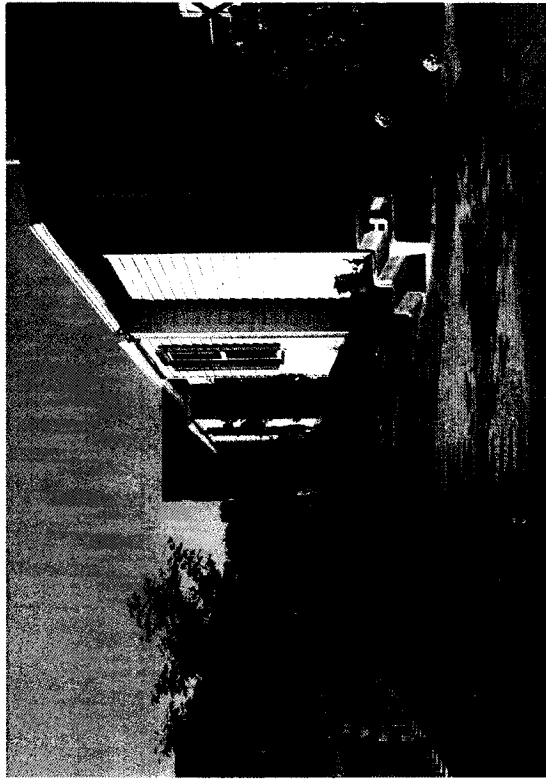
(510) 658-7353



1



3 Existing Planting bed



Sand box Childcare Entry 2

**Site Photographs**

September 22, 2009  
Planning Commission Hearing

**CITY OF ALBANY**

SEP 16 2009

COMMUNITY DEVELOPMENT  
DEPARTMENT

**Albany Family Daycare**



**CITY OF ALBANY  
PLANNING AND ZONING AGENDA  
STAFF REPORT**

Agenda date: 9/9/09

Prepared by: AC

Reviewed by: JB

**ITEM/** 6a  
**SUBJECT:** **Planning Application 09-044. Conditional Use Permit. Parking Exception..**  
Request for Conditional Use Permit Approval to allow a large family day care to be conducted at a private residence. A Parking Exception is requested to allow the additional parking space, for employees, to be exempted.

**SITE:** 742 Masonic

**APPLICANT/  
OWNER:** Dezhen Lai

**ZONING:** R-1 (Single-Family Residential)

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission open the public hearing, take testimony from the public, provide any appropriate direction or conditions, and approve the project.

**BACKGROUND/PROJECT DESCRIPTION**

The subject property is a 5,300 sq. ft. lot with a 1,427 sq. ft., single-story duplex. The applicant is requesting conditional use permit and parking exception to allow a large family day care to operate at the site. The applicant and immediate family members occupy both of the units as their primary place of residence. The applicant is requesting a conditional use permit to allow a large family day care, which allows a maximum of 14 children at any one time, to be operated at 742 Masonic. The day care is proposed to operate Monday through Friday from 8:00am-6:00pm. Drop-off and pick-up hours vary, as does the number of children in attendance. Midday is typically the time with the highest number of children. The granting of a conditional use permit would allow fourteen children, less than eighteen years in age, to be taken under care at the home.

There will be up to two full-time employees, depending upon the number of children attending for the day. As previously stated, there is a duplex, with one unit that is approximately 770sq.ft. in size (subject property) and the other that is 657sq.ft. in size (744 Masonic). The applicant would like to use the rear yard and western side yard for play area. The State of California Department of Child Care Licensing Department does not have a square footage requirement for family day cares, like it does "child care centers." The only occupancy requirements are set forth by the Fire Department. This property would be required to install an alarm system, but would not have issues with occupancy.



There is a two-car carport on the northeast area of the property. The carport nonconforming in that it is located in the front yard where parking is not permitted without a front yard parking exception. The Planning and Zoning Code requires that two off-street parking spaces be provided for single-family homes and the applicant is required to provide an additional parking space for any other employees.

### ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303(a) of the CEQA Guidelines, which exempts one single-family residence or a second dwelling unit in a residential zone.

### DISCUSSION OF KEY ISSUES

State law (Section 1597.465 of the California Health and Safety Code) has imposed specific limitations on the City's ability to zoning authority for several type of land uses, including child care facilities. Small family day cares with eight or fewer children are permitted without city review, as stated by state regulations. Large family day care facilities, for up to fourteen (14) children, are considered an allowed use in a single-family residential neighborhood where an occupant of the residence provides care and supervision, and thus the City's authority to review these activities is limited to the following:

- Municipal Code Section 20.20.020 states that "large family day cares shall not be abutted on more than one side by any combination of a large family day care, a day care center or a residential care home." These limitations are not factors with this application.
- The Municipal Code also states "no large family day care home or day care center shall be permitted if any other licensed large family day care home or day care center is located within three hundred (300) feet of the lot subject to the application. The State of California Department of Child Care Licensing Department maintains a list of all large family day cares (Attachment 2). There are no similar facilities located within 300' to the subject property.

As previously stated, the property is a duplex, occupied by the applicant and immediate family. Theoretically, the applicant could apply for two small family day cares, one at each unit, which would not require any discretionary review. The applicant has chosen to request a conditional use permit to allow one, large family day care in the interest of full disclosure, comprehensive review and with the hope of no questions of legitimacy in the future.

#### Parking Exception

Municipal Code Section 20.20.020 requires that one off-street parking space be provided for each full time employee. As previously stated the home is legal nonconforming in that there is only two off-street parking spaces for the two units, in the form of a carport in the front yard. The applicant is requesting a front yard parking exception to allow the two parking spaces to be allocated towards the subject property and a parking exception to meet the employee parking requirements.

Staff conducted a parking count, within an approximately 500' radius of the site, at 8:30a.m. on Friday, September 4, 2009. There was a 49.2% vacancy rate, which means that only about half of the on-street parking spaces were occupied. Staff also drove by the site and neighborhood on Tuesday, September 1 at 6:00p.m. and Wednesday, September 2 at 5:00p.m. and found that there were many available parking spaces around the site, within an approximately 500' radius.

The site is located next to the BART tracks and there is generally a higher number of spaces along the entire track. The young age of the children requires that parents park and walk into and sign up at the day care center. Thus, issues of pedestrian safety are less significant than they would be around a school serving older children.

### Conclusion

Staff believes the day care could be an asset if managed properly, and recommends approval of the conditional use permit and parking exception with the following condition of approvals: 1) The carport shall remain clear of obstructions and utilized by staff of the day care; 2) Parents shall abide by all traffic laws and use only legal, designated areas for parking during drop-off, pick-up and all other day care related trips; 3) All parents shall sign a contract agreeing to the stipulations of the previous conditions; 4) All fences in the rear yard shall be replaced with a new, solid, 6' tall fence to help serve as a noise barrier; 5) The applicant shall distribute a day care contact phone number to all neighbors within 100' radius and respond to any concerns or complaints from neighbors; and (6) schedule activities so that there are "quiet-time" breaks where all children are indoors.

### **Attachments:**

1. Project application, site plan, photos, applicant's supplemental submittals
2. List of licensed large family day cares
3. Letters from public

ATTACHMENT -2

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

Required Finding	Explanation
<p>1. <b>Necessity, Desirability, Compatibility.</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 residential uses. Per state law, large family day cares are consistent with residential uses. Additionally, the project meets City zoning standards for location, intensity and type of use and development.</p>
<p>2. <b>Adverse Impacts.</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 size shape and arrangement of structures on the site are appropriate for a large family day care.</li> <li>b. The pick up and drop off times vary from day to day and are not structured like a school schedule; therefore, there is reduced concern about traffic flow and volumes. A parking count was conducted showing approximately a 50% vacancy for parking.</li> <li>c. New solid fences in the rear yard will be required to create a barrier against noise. It is a residential street with lower levels of traffic so noise affecting the children is not a concern.</li> <li>d. A condition of approval has been added requiring landscaping in the front yard and that all signage receive design review approval.</li> </ul>
<p>3. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</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>

### ATTACHMENT 3 - CONDITIONS OF APPROVAL

1. This Conditional Use Permit and Parking Exception approval is for approval to allow a large family day care to operate at 742 Masonic, except as may be modified by conditions herein. Plans include a site plan/floor plans/elevations submitted by Dezhen Lai, dated received by the Community Development Department on August 8, 2009, and presented to the Planning and Zoning Commission at its meeting of September 9, 2007.
2. The applicants shall pay any and all City and other related fees applicable to the property. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid prior to issuance of said permit or prior to any City Council final action approval. Notice shall be taken specifically of Plan Check and Inspection Fees.
3. All fences in the rear yard shall be replaced with a new, solid, 6' tall fence to help barrier noise.
4. The applicant shall distribute a day care contact phone number to all neighbors within 100' radius and make a good faith effort to respond to any concerns or complaints from neighbors.
5. All signage shall be reviewed and approved for design review by staff.
6. The carport shall remain clear of obstructions and utilized by staff of the day care.
7. Parents shall abide by all traffic laws and use only legal, designated areas for parking during drop-off, pick-up and all other day care related trips and sign a contract agreement agreeing to the stipulations.
9. All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way.
10. Schedule activities so that there are "quiet-time" breaks where all children are indoors.
11. 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.

**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 the 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.

Date Received: 8/11/09  
 Planning Application No.: 09-044  
 Fee Paid: 620.00  
 Receipt # 424594



# 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 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>742 Masonic Ave Albany CA 94706</u>		Zone: _____
Property Owner(s) Name: <u>Dezhen Lai</u>	Phone: <u>(510) 559-3178</u> Fax: (preferred)	Email: <u>laidezhen@yahoo.com</u>
Mailing Address: <u>742 Masonic Ave</u>	City: <u>Albany</u>	State/Zip: <u>CA 94706</u>
Applicant(s) Name (contact person): <u>Dezhen Lai</u>	Phone: <u>(510) 559-3178</u> Fax:	Email:
Mailing Address: <u>742 Masonic Ave</u>	City: <u>Albany</u>	State/Zip: <u>CA 94706</u>

Temp address: 1068 Stannage  
till 9/30/09

**ATTACHMENT 6**

**PROJECT DESCRIPTION** (Please use back of sheet or attach extra sheets, if necessary): Large Family Child Care Home

**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)	5,000 SF	<del>X</del>
Size of structure(s) or commercial space (square feet)	1427 sq.ft	
Height and No. of stories	1	
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	2	
Parking <sup>5</sup> Number of off-street spaces	6	
	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.

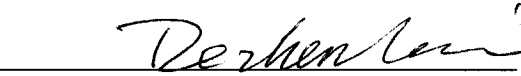
<sup>4</sup> Slope Density requirements apply in the HD Zoning District pursuant to Measure K. See handout on how to measure slope density in this area.

<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.

  
 \_\_\_\_\_  
 Signature of Property Owner

8/10/09  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature of Applicant

8/10/09  
 \_\_\_\_\_  
 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?  
~~Proposed~~ Rental home (residential)
2. What are you proposing? Large Family child care home
3. Proposed hours/days of operation? 10 8am-6pm
4. Maximum number of employees expected on site at any one time? 2  
(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? 14
6. For restaurants and cafes, will beer/wine/liquor be served? N/A

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