

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

Agenda date: 1/12/2010

Prepared by: LJ

Reviewed by: JB

ITEM/

**6b**

SUBJECT:

**Planning Application 09-069. Design Review. Conditional Use Permit.** The applicant is requesting Design Review approval to allow a 103 square foot upper story addition above a covered parking space below, and a Conditional Use Permit for a horizontal extension of a nonconforming wall, and a buttress that will encroach fully into the northern side setback.

SITE:

**822 Pomona**

APPLICANT/  
OWNER:

**Jason Kaldis for Erik Davidson and Maggie Lord**

ZONING:

**R-1 Single Family Residential.**

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**STAFF RECOMMENDATION**

Discuss the proposed project. Receive testimony from the applicant and members of the public. Provide direction to staff on issues of interest during the review process. No action is to be taken at this time.

**BACKGROUND/PROJECT DESCRIPTION**

The subject property is a 3,575 sq. ft. lot with a 1,567 sq. ft. split-level, single-family home. The applicant is requesting Design Review approval to allow a 103 sq. ft. addition on the upper floor of the home for an additional bedroom. The new habitable space will solely be on the upper floor; the space below will be a carport in front of the existing single-car garage. The carport will be counted towards the allowable FAR, and the project will create a total FAR of 50.15%.

The proposed addition will horizontally extend the nonconforming northern wall of the home, which has a 2'-11" side-yard setback, where 3'-6" is required. In addition, as part of the nonconforming wall, the applicant is also proposing a 10"-thick buttress on the northern side of the front of the home that will extend fully into the side-yard setback. The proposed buttress will be approximately 2'-3"-wide, extending fully across the side yard. In addition to its architectural function, the buttress will provide structural support to the second story addition above.

The existing home has a 7'-8"-wide driveway on the northern side of the home, leading to a single-car garage, providing space for the required 2 off-street parking spaces. The proposed carport will be 12'-6" long, with an open wall along the northern side.

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The maximum height of the home is 19'-3/4", and will not increase with the addition. The front yard setback is 15'-7", and the rear yard setback is 34'-11". Both will remain unchanged with the addition.

This is a study session for discussion only; no action is taken at this time. Following the study session, detailed plans will be prepared, and ultimately, a request is expected for Design Review approval and a Conditional Use Permit to allow the extension of the nonconforming northern wall, and further encroachment with the buttress at the front façade.

### ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which exempts small additions.

### DISCUSSION OF KEY ISSUES

#### Design Review

The existing home has stucco finish and a gambled roof with Spanish-style clay tile roof at the front and a flat roof at the rear. A large peaked-arch divided-light window is at the front of the home. The existing rear portion of the home has a small balcony and shed roof, which will be removed to construct the addition. The proposed addition will continue the flat roof of the rear, and will have matching stucco-siding. A new divided-light window will be installed along the front of the addition with a small shed-roof and matching clay tiles above. No new windows are proposed along the northern side of the addition.

The proposed carport will have an arched opening at the front, and will be finished in matching stucco. The applicant has proposed two options for the shape of the buttress; one with a rounded stepped shape, and the other with an angular flared shape. The buttress will extend up vertically approximately 12'-6" along the wall of the home. The carport will not be enclosed along the northern wall. Staff suggests the Commission consider whether the applicant add a trellis with a climbing plant along this opening to screen the interior of the car port from neighboring properties.

The proposed addition is modest in size, and consistent with the design of the existing home. It does not increase the overall height of the home, and will minimally increase the footprint of the home. It will not be intrusive to the northern neighbors since no new windows are proposed on the northern side of the home.

#### Conditional Use Permit

The applicant is proposing to extend the nonconforming northern wall of the home, which has a 2'-11" setback where 3'-6" is required. This wall is on the side of the home adjacent to the northern neighbor's driveway, creating ample space between buildings, and minimizing the impact of this nonconforming addition. Due to the small size of the addition, Staff believes it is reasonable to extend the northern nonconforming wall horizontally.

The buttress is a necessary structural element, and some encroachment is necessary to maintain the driveway clearance. It is also an attractive design element frequently found in Albany that will enhance the appearance of the home. There are 4 options to approve the nonconforming buttress with a special finding:

1. The buttress could be considered a permanent decorative ornament, which according to Planning and Zoning Code Section 20.24.060, could be allowed to encroach 2'-6" into the side yard setback. The applicant would have to modify the buttress, decreasing the width by 5". Although the Code states that a permanent decorative ornament must be at least 7'-0" above grade, the buttress is also a structural element, so an exception can be made to allow it to extend to the ground.
2. The buttress could be considered a chimney-like element, which according to Planning and Zoning Code Section 20.24.060 can encroach into the side yard setback by 3'-0".
3. The buttress could be considered a projecting bay, which can encroach into the side yard setback by 3'-0".
4. The applicant could be granted a variance to permit the encroachment of the buttress. However, Staff does not believe findings can be made for a variance to show that the site has unique characteristics.

Staff recommends that the Commission discuss the proposed project, and provide direction and feedback to Staff and the applicant on how to proceed.

**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.

**Attachments:**

1. Analysis of Zoning Requirements
2. Application, Initial Project Plans
3. Applicant's explanation of key issues and photos

# ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

## 20.12 Zoning Districts and Permitted Uses

General Plan: Low Density Residential  
 Zoning: R-1- Single Family Residential

## 20.16 Land Use Classifications

Single family residential

Surrounding North - SFR East - SFR  
 Property Use South - SFR West - SFR

## 20.20.080 Secondary Residential Units.

Not applicable.

## 20.24.020 Table of Site Regulations by District.

	Existing (approx.)	Proposed (approx.)	Requirement
Setbacks*			
Front (east)	15'-7"	No change	15'
Side (north)	2'-11"	0'-0"	3'
Side (south)	2'-11"	No change	3'
Rear (west)	34'-11"	No change	20'
Area			
Lot Size	3,575	No change	--
Lot Coverage	35.75%	36.19%	50%
Maximum Height	19'-3/4"	No Change	28' max.

\*Pending Survey

## 20.24.030 Overlay District Regulations.

Not applicable.

## 20.24.040 Hillside Residential Regulations.

Not applicable.

## 20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	3,575	No change	--
Floor Area	1,567	1,793	
Total Counted	1,567	1,793	--
Floor Area Ratio	0.44	0.50	.55

Please note: full plans have not yet been submitted; numbers are not final.

20.24.060 Setback Areas, Encroachments.

See Discussion of Key Issues.

20.24.100 Distances between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

See Discussion of Key Issues.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See project description.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

See Discussion of Key Issues.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.58 Art in Public Places Program

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

See Discussion of Key Issues.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on December 31, 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.

See Discussion of Key Issues.

Planning Application #: 09-069

Date Received: 11/25/09

Fee Paid: 1784.00

Receipt #: 60808



**City of Albany**

*only paid DR, will pay CUP & PE before hearing.*



**PLANNING APPLICATION FORM FOR DESIGN REVIEW AND CONDITIONAL USE PERMITS FOR SINGLE-FAMILY RESIDENTIAL PROJECTS**

For <b>PLANNING &amp; ZONING COMMISSION</b> action: <b>STUDY SESSION</b>	
<input checked="" type="checkbox"/> Design Review** - residential additions or exterior modifications.	\$1784* / Admin. \$639*
<input checked="" type="checkbox"/> Parking Exceptions/Reductions** - see separate handout	\$Actual Cost/Min \$1784*
<input checked="" type="checkbox"/> Conditional Use Permit** - Non-Conforming Wall(s)	\$1784*

\* When obtaining more than one planning approval, the full amount for the highest fee will apply and 1/2 fee will be charged for any other ones.  
 \*\* General Plan Update Fee \$45 included in the fees above. This fee only need to be paid once for each separately submitted application.

The City of Albany Municipal Code has certain requirements for approving Design Review of additions to Single Family Residences. Please complete the following application to initiate the process. Please be aware that staff may have additional questions for you based on your responses. You should anticipate that planning staff and/or Planning and Zoning Commissioners will visit your site prior to your Planning and Zoning Commission meeting.

Job Site Address: <b>822 POMONA AVENUE</b>		Zone: <b>R1</b> R2 R3 R4 Other overlays:
Property Owner(s) Name: <b>ERIK DAVIDSON &amp; MAGGIE LORD</b>	Phone: <b>205-2112</b> Fax:	Email: <b>erik.davidson@pacbell.net</b>
Mailing Address: <b>822 POMONA AVENUE</b>	City: <b>ALBANY</b>	State/Zip: <b>CA 94706</b>
Applicant(s) Name (contact person): <b>JASON KALDIS</b> <b>JASON KALDIS ARCHITECT, INC.</b>	Phone: <b>510 549 3584</b> Fax: <b>510 549 3574</b>	Email: <b>jasou@jkaldisarchitect.com</b>
Mailing Address: <b>1250 ADDISON CT, #210</b> <b>BERKELEY CA 94702</b>	City: <b>BERKELEY</b>	State/Zip: <b>CA 94702</b>

**GENERAL INFORMATION** (Please fill out this Chart - existing & proposed; )

Item	Required	Existing	Proposed
How big is your lot? Express in square feet. <b>32.50 x 110.0</b>	N/A	<b>3575 sq ft</b>	<b>NO CHANGE</b>
What is the floor area of: your existing residence (see additional handout on how to measure this) <b>1707-220 CREDIT</b>		<b>1567 sq ft</b>	<b>1793 sq ft</b>
any detached buildings—garage, sheds, etc.		<b>N/A</b>	<b>N/A</b>
How many square feet is your addition? <b>UPPER FLOOR **</b>	N/A	N/A	<b>103.69 sq ft **</b>
What is the Floor Area Ratio (FAR) <sup>1</sup> (see additional handout on how to measure this)	55% maximum allowed	<b>43.83%</b>	<b>50.16%</b>
What is your lot coverage? <sup>2</sup> <b>1278 (E) 1294 (N)</b>	N/A	<b>35.75%</b>	<b>36.19%</b>
What is the amount of impervious surface on the lot?	N/A	<b>50.62%</b>	<b>50.67%</b>
What is the maximum height of your residence?	28 ft. maximum	<b>19'-3/4"</b>	<b>NO CHANGE</b>
How many dwelling units are on your site?	1 (2 with special permit)	<b>1</b>	<b>NO CHANGE</b>
How many parking spaces do you have in a garage? <sup>3</sup>	see note 3 below	<b>1</b>	<b>NO CHANGE</b>
What are the interior dimensions of your garage?	7'6" by 16'	<b>10'-0" x 20'-0"</b>	<b>NO CHANGE</b>
What is the narrowest width of your driveway?	6.5' is the narrowest allowed	<b>7'-4"</b>	<b>NO CHANGE</b>

**\*\* LOWER FLOOR EXTERIOR COVERED - COUNTS TO FAR. = 113.53 sq ft (NOT HABITABLE) ADDITIONALLY**

**1567 + 226 = 1793 sq ft**

PROJECT ADDRESS: 822 POMONA AVENUE (STUDY SESSION)

Item	Required	Existing	Proposed
Setbacks:			
Front yard: What is the minimum distance between the front wall of your house and the front property line?	15 feet minimum	15'-7"	NO CHANGE *
Side yards: What is the shortest distance between a side wall of your house and a side property line?	10% of lot width; min. 3 ft; max. 5 ft. Corner lot 7 ft. 6 in	2'-11"±	2'-11"±/0 *
Rear Yards: What is the minimum distance between the rear wall of your house and the rear property line?	20 feet minimum	34'-11"	NO CHANGE *
Hillside District only: What is the slope of your lot?		N/A	N/A

\* PENDING SURVEY

Notes:

- 1 Floor Area Ratio (FAR) applies to single family residential development in all zones. It is defined as the ratio between the gross floor area of a building(s) on a lot compared to gross square feet of lot (see FAR Handout).
- 2 Lot Coverage is defined as the land area covered by all structures except uncovered decks, porches, landings, balconies or stairways that are less than 6 feet above grade as well as eaves, trellises and similar structures that do not have solid roofs.
- 3 The Albany Municipal Code requires that every residential unit must have 2 off-street parking spaces. Some exceptions may apply in your situation. See the parking section of the Zoning Ordinance for a complete list of possible exceptions.

(Please use additional sheets to explain any of your responses to the following).

1. Will the construction of the addition require the removal of any mature trees? NO  
If yes, please describe: \_\_\_\_\_
2. Are the architecture, materials and colors of the proposed addition consistent with the existing dwelling?  
YES  
If yes, please describe how: STUCCO WALLS PAINTED, CLAY TILE TRIMS, WD. PTD. TRIMS, WOOD DIVIDED LITE WINDOWS TO MATCH EXISTING MAT'LS, FINISHES, TEXTURES
3. Is the proposed addition sensitive to the size or mass of the surrounding properties? YES  
If yes, please describe how: ADDITION EMULATES FEATURES FOUND ON SIMILAR HOMES, SETS BACK FROM FRONT FACADE GENEROUSLY, ALIGNS W/ SIDE WALL, MATCHES (E) HT.
4. If you have no garage, where do you park vehicles? 1 CAR GARAGE UNDER HOUSE  
2 TANDEM SPACES IN DRIVEWAY LEADING TO (E) GARAGE

**Story Poles** - For new residential construction and exterior alterations that increase the height, an applicant is required to erect at least two "story poles", a temporary construction for the purpose of visually displaying the outer limits, including the height, of the proposed structural alterations. These poles shall be erected at least ten (10) days prior to the design review meeting, and shall be maintained in place through the date of the meeting.

The signature of the property owner is required for all projects. By executing this form you are affirming that you are the property owner.

[Signature] 11-25-09  
Signature of Property Owner Date

[Signature] 11/25/09  
Signature of Applicant (if different) Date

Community Development Department staff is available Monday, 8:30 AM to 7:00 PM, Tuesday through Thursday 8:30 AM to 5:00 PM, and Friday 8:30 AM to 12:30 PM at 979 San Pablo Avenue, 2<sup>nd</sup> Floor, Albany, CA 94706 (510) 528-5760.