

CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT

(No text change from March 9, 2010 Staff Report)

Agenda date: 03/09/2010²³
Prepared by: JB

ITEM/ *05 bc 6a*
SUBJECT: **Planning Application 09-037. Design Review.**
Request for design review approval to allow a 1,427 sq. ft. two-story addition to an existing single-family home and expansion of an existing accessory structure to create a 420 sq. ft two-car garage.

SITE: 713 Ramona

**APPLICANT/
OWNER:** Horon Lee and Winnie Tam for Ming Hua Zhu

ZONING: R-1 (Single-Family Residential)

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the request for Design Review approval, subject to findings and conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 5,000 sq. ft. lot with a 1,190 sq. ft. one-story, single-family home, and a 370 sq. ft. accessory structure that serves as a single-car garage and storage space. The applicant is proposing to add 265 sq. ft. on the first floor of the home to expand the living space, and construct a 1,024 square foot second story, which will include 3 bedrooms and 2 bathrooms. The applicant is also proposing to expand the existing accessory structure to create a 420 sq. ft. two-car garage. Design review approval by the Commission is needed.

The Commission reviewed this application on September 9, 2009 and December 8, 2009. An excerpt from the minutes of the meetings are attached for reference (Attachment 6 & 7). In summary, Commission comments included:

- Seeking well-executed: well-proportioned, with consistent scale, details and carefully planned windows
- Match roof pitches.
- Better integration of the balcony into the design
- Simplification of roof lines and amplification of the porch
- Broadening roof overhang
- Reducing the massing by lowering the plate lines.
- Continue to work with neighbors and staff

The detached two-car garage will be accessed by a driveway on the southern side of the lot. The total area of the home will increase to 2,938 square feet, and will have an FAR of 53.6%. The maximum height of the home will increase from 19' to 27'-6". The project complies with all setback requirements.

The existing 370 sq. ft. accessory structure sits on the southeast corner of the lot, 2'-6" from the eastern property line and approximately 1'-8" from the southern property line. The structure provides one parking space. The applicant is proposing to rebuild and expand the structure by 50 sq. ft. to add an additional parking space. The height of the accessory structure will be 11', and it will sit 6" from both the southern and eastern property lines.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of California Environmental Quality Act 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 stucco home is attractive, with Spanish-style front gabled roof with clay tiles. The front façade has a large single-paneled square window with an arched recess in the stucco above. Also surrounding this front window are two narrow, vertically elongated recesses in the stucco. The entryway has a small covered front porch with arched openings on the front and northern side. The home has a mix of double-hung, horizontal slider, and single-paneled rectangular windows, mostly aluminum.

The revised design represents a change in the style of the home to a more eclectic form. The redesign responds to many of the Commission comments. In particular, with the latest redesign, the applicant removed the front balcony on the second floor. In addition, the first floor, second floor and garage roof forms are now consistent with a low-slope front gable form. In addition, a bay window has been added to the second level of the south elevation with horizontal siding to help break up the wall plane. The Commission may wish to discuss the continuation of the band between the first and second level of the north side of the home. In addition, use of a cured archway on the north side of the front porch is not consistent with the other elements of the design. The remaining issue of concern expressed by neighbors has been the overall scale of the home in relation to other homes in the neighborhood.

Accessory Structure

The proposed accessory structure will be of a matching architectural style, with a low-slope gabled roof in the front. It will have a horizontal sliding window and a door on the northern side. The existing dimensions of the garage are 10'X18', and provide space for one car. The applicant is proposing to expand the garage to 19'X20', creating a two-car garage, which will be accessed by the driveway on the southern side of the lot. The maximum height of the structure will be 11', and it will sit 13' from the rear wall of the main home. The Commission may wish to consider a condition of approval requiring a garage door style that matches the architectural

style of the home. In addition, the use of decorative pavers on the driveway could be considered.

Conclusion

Overall, Staff appreciates the continuing efforts made to revise the design in response to direction provided. If the Commission is comfortable with the overall scale of the proposed addition, staff believes that with minor modifications to the design, the Commission could make the findings to approve the design. If overall scale and massing remain an issue of concern to the Commission, then it is recommended that the Commission give direction to staff and the applicant on particular elements of concern.

Green Building Requirements

The applicant has provided a green points checklist and has received 90 green points, thus meeting the minimum required threshold of 50 points. Items such as recycled-content insulations, sealed combustion water heaters, and installation of energy efficient windows and appliances are just a few of the measures the applicant will implement to meet the City's green building requirements.

Attachments:

1. Analysis of Zoning Requirements
2. Findings
3. Conditions of Approval
4. Project application, plans
5. Green points checklist
6. Minutes from September 9, 2009 Commission Meeting
7. Minutes from December 8, 2009 Commission Meeting

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 (west)	18'	No change	15'
Side (north)	5'-6"	No change	5'-0"
Side (south)	18'-2"	13'-0"	5'-0"
Rear (east)	34'-10"	35'-6"	20'
Area			
Lot Size	5,000	No change	--
Lot Coverage	31%	37%	50%
Maximum Height	19'	26' 3"	28' max.

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	5,000	No change	--
Floor Area			
First-floor	1,192	1,451	--
Second-floor	0	1,118	
Accessory Structure	370	420	
Total	1,562	2,989	--
Total Counted	1,342*	2,715	--
Floor Area Ratio	26.8%	54.3%	55%

* 220 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for enclosed parking spaces.

** 54 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for enclosed staircases.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

See project description.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

See project description.

20.28 Off-Street Parking Requirement.

See project description.

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.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on February 26, 2010 in the form of mailed notice to property owners and occupants within a 100-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues.

ATTACHMENT 2 – FINDINGS

Findings for Design Review approval (Per section 20.100.050.E of the AMC)

Required Finding	Explanation
<p>1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states “designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient.”</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the City’s Residential Design Guidelines. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will attempt to preserve existing trees, and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The addition is attractive in appearance. The applicant has made a conscious effort to create architectural continuity throughout the home. The proposal for the expanded accessory structure is also consistent with the design of the home, and provides both off-street parking spaces in the backyard of the home.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</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. The project meets all development requirements. The footprint of the home will increase minimally, and the larger windows are placed on the side of the home with a large setback, minimizing impact on adjacent neighbors.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</p>

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Design Review approval is for Ming Hua Zhu, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include preliminary master site plan prepared by Horon Lee date received February 25, 2010, architectural plans, project perspectives, building sections, and floor plans, all as presented to the Planning and Zoning Commission on March 9, 2010. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.
- GEN-2 **Project Approval Expiration.** This Design Review approval will expire on March 23, 2011 (one year from the date on which this approval becomes effective) unless a building permit has been issued and construction diligently pursued; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.
- Gen-3 **FEES.** The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. 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, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.
- GEN-4 **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5 **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

- GEN-6 **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7 **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8 **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9 **Archeological Remains.** In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.
- GEN-10 **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-11 **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (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 applicant of any such claim action or proceeding and cooperate fully in the defense.
- GEN-12 **Public Improvements Standards.** Public improvements shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.
- GEN-13 **Accessibility Improvements.** All construction shall be designed and built in accordance with American Disability Act and California Title 24 handicap

accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.

GEN-14 **Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

GEN-15 **Indemnity.** By accepting the permit or approval, applicant agrees to accept responsibility for defending against any third party challenge to the grant of this permit or approval. Except as provided by federal or state law, the applicant shall defend, indemnify and hold the City harmless from any costs, claims, penalties, fines, judgments or liabilities arising from the approval, including without limitation, any award or attorney's fees that might result from the third party challenge. Upon the occurrence of a challenge, or prior to a challenge, the City may require the applicant to execute an indemnity agreement and provide such security as the City may reasonably require.

For this purposes of this indemnity, the term "City" shall include the City of Albany, its officers, officials, employees, agents and representatives. For purposes of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including any action alleging a failure to comply with the California Environmental Quality Act or other laws.

For this permit or approval to become effective, the applicant must, within thirty business days of the grant of the permit or approval, execute a form accepting the permit or approval with all conditions. Upon executing the form, the applicant may not challenge the imposition of any condition, except as otherwise provided by law.

ARCHITECTURE CONDITION

ARCH-1 **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.

ARCH-2 **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.

ARCH-3 **Window Recess.** All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief. Final window details shall be submitted for review and approval at the time of building permit application.

ARCH-4 **Non-Reflective Glazing.** Any glazing material shall be non-reflective.

LIGHTING CONDITIONS

- LGHT-1 **Exterior Lighting.** All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with “cut off” lenses to minimize light and glare spill over onto adjacent properties.
- LGHT-2 **Shielding of Lighting.** Prior to the certificate of occupancy all accent lighting shall be directed downward and, if necessary, fixed with cut-off lenses to ensure that no glare spills onto neighboring properties.

LANDSCAPING CONDITIONS

- LNDS-1 **Tree Preservation.** All existing trees on the site shall be preserved to the fullest extent practicable. Removal will be allowed only upon prior written approval from the Community Development Department.
- LNDS-2 **Street Tree Requirement.** The applicant shall apply for one street tree prior to the issuance of the building permit. The City’s Environmental Resource Assistance will determine the type and location of the tree and may waive this requirement if site conditions will not reasonably support establishment of a new tree.

PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL ENGINEERING CONDITIONS

- ENGR-1 **Title Report.** A recent preliminary title report for the property, prepared within six months of the date of application, shall be submitted to the City Engineer for review. If any interior lot line(s) exist, the applicant must obtain approval of a minor lot line adjustment from the City to remove the interior lot line(s), and cause that lot line adjustment to be recorded before any building permits will be issued.
- ENGR-2 **Geo-Technical Report.** The applicant shall submit, as part of a building permit application, a geotechnical investigation report prepared by a California certified engineering geologist and geotechnical engineer, if determined necessary by the City Engineer. The investigation shall specifically address any hazards of surface fault rupture in accordance with the Alquist-Priolo Special Study Zones Act. Any mitigation measures or conditions requiring further review noted during the Planning process shall be fully addressed prior to plan check.
- ENGR-3 **Backflow Device.** Any required water service for fire protection purposes shall be equipped with a City approved backflow device. Services for irrigation purposes also require a separate City approved backflow prevention device.

GRADING CONDITIONS

- GRAD-1 **Grading Permit.** Any grading required in association with the project shall require a grading permit from the Community Development Department. To obtain this permit, the applicant shall submit a grading plan, indicating the extent and volumes of earth proposed to be moved. A grading permit is subject to 2001 California Building, Appendix 33.
- GRAD-2 **Demolition Permit.** Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).
- GRAD-3 **Water on Site.** The site shall be graded so as to prevent rainfall runoff originating from improved areas on the project site from crossing onto adjoining private property. Building floor elevations shall be above the FEMA-mapped 100-year flood plain as established by a licensed civil engineer. Provide the elevation and compaction certificates during and upon the completion of grading required by the Uniform Building Code and in conformance with the recommendations of the geotechnical engineer's report. Shore and dewater all excavations in accordance with the requirements of the geotechnical engineer's report.
- GRAD-4 **Flooding Damages.** The project developer shall execute an assumption of risk, indemnification and hold harmless agreement as required by the City. The agreement, in substance, shall state that the project developer, and any successor in interest, shall assume all risk for damages to the project and to project improvements, flooding caused by surface water intrusion, stormwater runoff, or water under the ground surface pressing on or flowing or seeping through foundations, walls, floors, or paved surfaces, basements, whether paved or not, or windows, doors or other openings, and shall indemnify and hold the City harmless from any claims of such damages, including third-party claims, of such damage or of such damages or of damages arising from rainfall runoff which is not prevented from leaving the project site in violation of Condition GRAD-3.
- GRAD-5 **Dust Control Program.** A dust control program shall be prepared by the project developer and approved by the Community Development Department and City Engineer prior to issuance of a grading permit. The dust control plan shall address such items as covering stockpiled material, frequent watering of graded areas, revegetating graded areas, speed limits for grading equipment and similar items.
- GRAD-6 **Stormwater Pollution Prevention Plan.** The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City before the issuance of a building or grading and/or building permit. The SWPPP shall be consistent with standards adopted by the Regional Water Quality Control Board and the City of Albany Clean Water Program and implemented by the project general contractor, all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction shall also be addressed in

the SWPPP. The project developer shall be responsible for SWPPP compliance. A copy of the SWPPP shall be kept at the construction site at all times.

INFRASTRUCTURE CONDITIONS

- INFR-1 **Sewer System Requirements.** The sewer system for the subject building shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer before Final Inspection approval of the construction permit.
- INFR-2 **Two-Way Cleanout.** Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code. This applies to all properties, including properties with a valid upper sewer lateral certificate of compliance. All 2-way curbside clean outs shall be fitted with a loose cap in accordance with the City's standard detail SS6.
- INFR-3 **Property Run-off Requirements.** All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.
- INFR-4 **Roof Drainage.** Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across sidewalks shall be permitted. Alternative natural treatment measures are subject review and approval by the City Engineer.

PUBLIC IMPROVEMENTS CONDITIONS

- PUBIM-1 **Encroachment Permit.** The applicant shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.
- PUBIM-2 **Debris Removal.** All mud, dirt or construction debris carried off the construction site onto adjacent streets shall be removed each day. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.
- PUBIM-3 **Damage to Street Improvements.** Any damage to street improvements now existing or done during construction on or adjacent to the subject property shall be repaired to the satisfaction of the City Engineer at the full expense of the applicant. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.
- PUBIM-4 **Right-of-Way Construction Standards.** All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities,

shall be reconstructed in accordance with approved standards and/or plans and shall comply with the standard plans and specification of the Community Development Department and Chapter 14 of the City Code.

FIRE DEPARTMENT CONDITIONS

- FIRE-1 **Construction of 1,500 Square Feet or Greater.** 1500 sq. ft. or more or any addition, remodel, rehabilitation, etc. is 50% of the existing sq. ft.:
- a) This dwelling will be required install an Automatic Fire Extinguishing System throughout the entire dwelling. Ordinance No. 94-010, Albany Municipal Code, Chapter 11, Section 11-2.3a(3)(a).
 - b) Plans, information sheets on all sprinkler components and hydraulic calculations are required.
 - c) A 110-volt interconnected smoke alarm system with a 10-year lithium batter back-up is acceptable with a fire suppression system.
- FIRE-2 **Fire Rated Construction.** Any portion of a building five (5) feet or less from the property line shall comply with fire-rating requirements of the CBC.
- FIRE-3 **Gallons-per-Minute Requirement.** The water system for fire protection shall comply with the requirements of the Albany Fire Department. Fire flow test data and water system plans must be provided at time of building plan check. The plans must include all equipment, components and layout of the system. Private fire protection water systems shall be supplied through an approved backflow device per City Engineering Division standards.

STRUCTURAL CONTROL MEASURES

- STRUC-1 **Illegal Dumping to Storm Drain Inlets and Waterways.** On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City of Albany.
- STRUC-2 **Pesticide/Fertilizer Application** Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:
- a) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - b) Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight,

- prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- c) Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
 - d) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

OPERATIONAL BEST MANAGEMENT PRACTICES (BMPs)

- BMP-GEN1 Stormwater Pollution Prevention Control Measures.** The project plans shall include stormwater pollution prevention and control measures for the operation and maintenance of the project during and after construction for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.
- BMP-GEN2 Erosion Control Measures.** The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the practices outlined in the *ABAG Erosion and Sediment Control Handbook*, California Storm Water Best Management Practice Handbooks, and Regional Water Quality Control Board's *Erosion and Sediment Control Field Manual*
- BMP-GEN3 Responsibility of Contractors.** The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop order.

GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs)

- BMP-CNST1 Construction Access Routes.** Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
- BMP-CNST2 Collection of Construction Debris.** Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- BMP-CNST3 Removal of Waste.** Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- BMP-CNST4 Sweeping of Public Right-of-Way.** Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.

- BMP-CNST5 **Filter Materials at Storm Drain Inlet.** Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
- a) start of the rainy season (October 1);
 - b) site dewatering activities;
 - c) street washing activities;
 - d) saw cutting asphalt or concrete; and
 - e) order to retain any debris or dirt flowing into the City storm drain system.
- Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- BMP-CNST6 **Containment of Materials.** Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind or in the event of a material spill.
- BMP-CNST7 **Cleaning of Equipment.** Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream. See the *Building Maintenance/ Remodeling* flyer for more information.
- BMP-CNST8 **Minimize Removal of Natural Vegetation.** Minimize removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Replant the area as soon as possible. All cut and fill slopes shall be stabilized as soon as possible after grading is completed. No site grading shall occur between October 1 and April 15 unless approved erosion and sedimentation control measures are in place.

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.

Planning Application #: 09-037

Date Received: 7/13/09
 Fee Paid: \$1,784.00
 Receipt #: 58416



City of Albany



PLANNING APPLICATION FORM FOR DESIGN REVIEW AND CONDITIONAL USE PERMITS FOR RESIDENTIAL PROJECTS

For PLANNING & ZONING COMMISSION action:	\$ <u>1,784</u>
<input checked="" type="checkbox"/> Design Review - residential additions or exterior modifications.	\$500 / Admin. \$480
<input type="checkbox"/> Parking Exceptions/Reductions - see separate handout	\$020
<input type="checkbox"/> Conditional Use Permit - Non-Conforming Wall(s)	\$100

* When obtaining more than one planning approval, the full amount for the highest fee will apply and a fee will be charged for any other ones.

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: <u>713 RAMONA AVE., ALBANY CA</u>		Zone: <u>(R1)</u> R2 R3 R4 Other overlays:
Property Owner(s) Name: <u>MING HUA ZHU</u>	Phone: <u>510 292 6203</u> Fax:	Email: <u>MINGSING2003@YAHOO.COM</u>
Mailing Address: <u>535 PIERCE ST. #5300</u>	City: <u>ALBANY</u>	State/Zip: <u>CA 94706</u>
Applicant(s) Name (contact person): <u>HORON LEE</u>	Phone: <u>415 215 5881</u> Fax:	Email: <u>horon.lee@stglobal.net</u>
Mailing Address: <u>5801 SAN BRUNO AVE</u>	City: <u>SAN FRANCISCO</u>	State/Zip: <u>CA 94134</u>

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

	Existing	Proposed
How big is your lot? Express in square feet.	5000 ft ²	5000 ft ²
What is the floor area of: your existing residence (see additional handout on how to measure this)	1190	2538.5
any detached buildings - garage, sheds, etc.	370	420
How many square feet is your addition?	N/A	1598.5
What is the Floor Area Ratio (FAR) ¹ (see additional handout on how to measure this)	26.8 %	54.77 %
What is your lot coverage? ²	1500	1844.5
What is the amount of impervious surface on the lot?	2130	3055
What is the maximum height of your residence?	19'-0"	27'-6"
How many dwelling units are on your site?	1	1
How many parking spaces do you have in a garage? ³	1	2
What are the interior dimensions of your garage?	10' x 16'	18' x 20'
What is the narrowest width of your driveway?	8'-4"	8'-4"

PROJECT ADDRESS: _____

Setbacks:			
Front yard: What is the minimum distance between the front wall of your house and the front property line?		18'-0"	18'-0"
Side yards: What is the shortest distance between a side wall of your house and a side property line?		5'-0"	5'-0"
Rear yards: What is the minimum distance between the rear wall of your house and the rear property line?		34'-0"	35'-0"
Hillside District only: What is the slope of your lot?		N/A	N/A

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 Handbook).
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: CONCRETE BLOCK, LIGHT FINISH, LIGHT TONE WOOD CLAD WINDOWS, CLAY TILE ROOF
3. Is the proposed addition sensitive to the size or mass of the surrounding properties? NO
 If yes, please describe how: _____
4. If you have no garage, where do you park vehicles? N/A

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.

Ming Chen 7/13/09
 Signature of Property Owner Date

John Lee 7-13-09
 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, 2nd Floor, Albany, CA 94706 (916) 528-5760.

JUL 13 2009

COMMUNITY DEVELOPMENT
DEPARTMENT



City of Albany

**Green Building Program Rating System for Remodeling Projects
Supplemental Application Form**

Project Address: 713 RAMONA AVE. ALBANY CA 94706

Checklist Prepared By: HORND LEE

Date Prepared: 7-13-09

A. Site

1. Recycle Job Site Construction & Demolition Waste 65% = 1 point; 75% = 2 points; 80% = 4 points	up to 4 Resource pts	65%	1		
2. Salvage Reusable Building Materials	4 Resource pts	y=yes			
3. Remodel for Mixed Use, Adaptive Reuse, and Historic Preservation	4 Resource pts	y=yes			
4. Protect Native Soil	2 Resource pts	y=yes	2		
5. Minimize Disruption of Existing Plants & Trees	1 Resource pt	y=yes	1		
6. Implement Construction Site Stormwater Practices	2 Resource pts	y=yes			
7. Protect Water Quality with Landscape Design	2 Resource pts	y=yes			
8. Design Resource-Efficient Landscapes and Gardens	4 Resource pts	y=yes			
9. Reuse Materials/Use Recycled Content Materials for Landscape Areas	2 Resource pts	y=yes			
10. Install High-Efficiency Irrigation Systems	2 Resource pts	y=yes			
11. Provide for On-Site Water Catchment / Retention	2 Resource pts	y=yes			

B. Foundation

1. Incorporate Recycled Flyash in Concrete 25% Recycled Flyash = 2 points; Add 1 point for every 50% increase of flyash, up to 5 points	up to 5 Resource pts	25%	2		
2. Use Recycled Content Aggregate	2 Resource pts	y=yes	2		
3. Insulate Foundation/Slab before backfill	3 Energy pts	y=yes			

C. Structural Frame

1. Substitute Solid Sawn Lumber with Engineered Lumber	3 Resource pts	y=yes	3		
2. Use FSC Certified Wood for framing (For every 10% of FSC lumber used = 2 points, up to 10)	up to 10 Resource pts				
3. Use Wood I-Joists for Floors and Ceilings	2 Resource pts	y=yes	2		
4. Use Web Floor Trusses	2 Resource pts	y=yes			
5. Design Energy Heels on Trusses 6" or more	2 Energy pts	y=yes			
6. Use Finger-Jointed Studs for Vertical Applications	2 Resource pts	y=yes			
7. Use Engineered Studs for Vertical Applications	2 Resource pts	y=yes			
8. Use Recycled Content Steel Studs for Interior Framing	2 Resource pts	y=yes			
9. Use Structural Insulated Panels (SIPs)					
a. Floors	3 Energy pts	y=yes			
b. Wall	3 Energy pts	y=yes			
c. Roof	3 Energy pts	y=yes			
10. Apply Advanced Framing Techniques	4 Resource pts	y=yes			

2004 Checklist Modified by City of Albany Incentives - Approved July 2, 2007

ATTACHMENT # 5

12. Use OSB	3 Resource pts	y=yes			
a. Subfloors	1 Resource pt	y=yes	Y	1	
b. Sheathing	1 Resource pt	y=yes	Y		

D. Exterior Finish

1. Use Sustainable Decking Materials	3 Resource pts	y=yes			
a. Recycled content	3 Resource pts	y=yes			
b. FSC Certified Wood	3 Resource pts	y=yes			
2. Use Treated Wood That Does Not Contain Chlordane/Arsenic	1 IAQ/Health pt	y=yes			
3. Install Housewrap Under Siding	1 IAQ/Health pt	y=yes			
4. Use Fiber-Cement Siding Materials	1 Resource pt	y=yes			

E. Plumbing

1. Install Water Heater Jacket	1 Energy pt	y=yes	Y		
2. Insulate Hot and Cold Water Pipes	2 Energy pts	y=yes			
3. Retrofit all Faucets and Showerheads with Flow Reducers					
a. Faucets (1 point each, up to 2 points)	Up to 2 Resource pts.		Y	2	
b. Showerheads (1 point each, up to 2 points)	Up to 2 Resource pts.		Y	2	
4. Replace Toilets with Ultra-Low Flush Toilets (1 point each, up to 3 points)	Up to 3 Resource pts.		Y	3	
5. Install Chlorine Filter on Showerhead	1 IAQ/Health pt	y=yes			
6. Convert Gas to Tankless Water Heater	4 Energy pts	y=yes			
7. Install Water Filtration Units at Faucets (2 points each, up to 4 points)	Up to 4 IAQ/Health pts.				
8. Install On-Demand Hot Water Circulation Pump	4 Resource pts	y=yes	Y	4	

F. Electrical

1. Install Compact Fluorescent Light Bulbs (CFLs) (8 bulbs = 2 points, 10 bulbs = 3 points, 12 bulbs = 4 points)	Up to 4 Energy pts.		12 Bulb	4	
2. Install IC-AT Recessed Fixtures with CFLs (1 point each, up to 5 points)	Up to 5 Energy pts.				
3. Install Lighting Controls (1 point per fixture, up to 4 points)	Up to 4 Energy pts.		4 Fix.	4	
4. Install High Efficiency Ceiling Fans with CFLs (1 point each, up to 4 points)	Up to 4 Energy pts.		1 fan	1	

G. Appliances

1. Install Energy Star Dishwasher	1 Energy pt	y=yes	Y		1
2. Install Washing Machine with Water and Energy Conservation Features	1 Energy pt	y=yes	Y		1
3. Install Energy Star Refrigerator	1 Energy pt	y=yes	Y		1
4. Install Built-In Recycling Center	3 Resource pts	y=yes			

H. Insulation

1. Upgrade Insulation to Exceed Title 24 Requirements					
a. Walls	2 Energy pts	y=yes			
b. Ceilings	2 Energy pts	y=yes			
2. Install Floor Insulation over Crawl Space	4 Energy pts	y=yes	Y		4
3. Install Recycled Content, R-Value Insulation with No Added Formaldehyde	3 IAQ/Health pts	y=yes	Y		3

13
390

4. Use Advanced Insulation Reduction Practices	2 Energy pts	y=yes			
5. Use Cellulose Insulation					
a. Walls	4 Resource pts	y=yes			
b. Ceilings	4 Resource pts	y=yes			
6. Alternative Insulation Products (Cotton, spray-foam)					
a. Walls	4 Resource pts	y=yes			
b. Ceilings	4 Resource pts	y=yes			

I. Windows					
1. Install Energy-Efficient Windows					
a. Double-Paneled	1 Energy pt	y=yes	Y		1
b. Low-Emissivity (Low-E)	2 Energy pts	y=yes	Y		2
c. Low-Conductivity Frames	2 Energy pts	y=yes	Y		2
2. Install Low Heat Transmission Glazing	1 Energy pt	y=yes			

J. Heating, Ventilation and Air Conditioning					
1. Use Duct Mastic on All Duct Joints	2 Energy pts	y=yes	Y		2
2. Install Ductwork within Conditioned Space	3 Energy pts	y=yes			
3. Vent Range Hood to the Outside	1 IAQ/Health pt	y=yes	Y		1/2
4. Clean all Ducts Before Occupancy	2 IAQ/Health pts	y=yes	Y		2
5. Install Solar Attic Fan	2 Energy pts	y=yes			
6. Install Attic Ventilation Systems	1 Energy pt	y=yes	Y		1
7. Install Whole House Fan	4 Energy pts	y=yes			
8. Install Sealed Combustion Units					
a. Furnaces	3 IAQ/Health pts	y=yes			
b. Water Heaters	3 IAQ/Health pts	y=yes	Y		3
9. Replace Wall-Mounted Electric and Gas Heaters with Through-the-Wall Heat Pumps	3 Energy pts	y=yes			
10. Install 13 SEER/11 EER or higher AC with a TMY	3 Energy pts	y=yes			
11. Install AC with Non-HCFC Refrigerants	2 Resource pts	y=yes			
12. Install 90% Annual Fuel Utilization Efficiency (AFUE) Furnace	2 Energy pts	y=yes			
13. Retrofit Wood Burning Fireplaces					
a. Install EPA certified wood stove inserts	1 IAQ/Health pt	y=yes			
b. Install/Replace Dampers	1 Energy pt	y=yes			
c. Install Airtight Doors	1 Energy pt	y=yes			
14. Install Zoned, Hydronic Radiant Heating	3 Energy pts	y=yes			
15. Install High Efficiency Filter	4 IAQ/Health pts	y=yes			
16. Install Heat Recovery Ventilation Unit (HRV)	5 IAQ/Health pts	y=yes			
17. Install Separate Garage Exhaust Fan	3 IAQ/Health pts	y=yes			

K. Renewable Energy and Roofing					
1. Pre-Plumb for Solar Water Heating	4 Energy pts	y=yes			
2. Install Solar Water Heating System	10 Energy pts	y=yes			
3. Pre-Wire for Future Photovoltaic (PV) Installation	4 Energy pts	y=yes			
4. Install Photovoltaic (PV) System (1.2 kw = 6 points, 2.4 kw = 12 points, 3.6 kw = 18 points)	Up to 18 Energy pts				
6. Select Safe and Durable Roofing Materials	1 Resource pt	y=yes	Y		1
7. Install Radiant Barrier	3 Energy pts	y=yes			

46
+ 15
61

L. Natural Heating and Cooling

- 1. Incorporate Passive Solar Heating 5 Energy pts y=yes
- 2. Install Overhangs or Awnings over South Facing Windows 3 Energy pts y=yes
- 3. Plant Deciduous Trees on the West and South Sides 3 Energy pts y=yes

M. Indoor Air Quality and Finishes

- 1. Use Low/No-VOC Paint 1 IAQ/Health pts y=yes
- 2. Use Low VOC, Water-Based Wood Finishes 2 IAQ/Health pts y=yes
- 3. Use Low/No VOC Adhesives 3 IAQ/Health pts y=yes
- 4. Use Salvaged Materials for Interior Finishes 3 Resource pts y=yes
- 5. Use Engineered Sheet Goods with no added Urea Formaldehyde 6 IAQ/Health pts y=yes
- 6. Use Exterior Grade Plywood for Interior Uses 1 IAQ/Health pts y=yes
- 7. Seal or Enclose Particleboard or MDF 4 IAQ/Health pts y=yes
- 8. Use FSC Certified Materials for Interior Finish 4 Resource pts y=yes
- 9. Use Finger-Jointed or Recycled-Content Trim 1 Resource pts y=yes
- 10. Install Whole House Vacuum System 3 IAQ/Health pts y=yes

N. Flooring

- 1. Select FSC Certified Wood Flooring 8 Resource pts y=yes
- 2. Use Rapidly Renewable Flooring Materials 4 Resource pts y=yes
- 3. Use Recycled Content Ceramic Tiles 4 Resource pts y=yes
- 4. Install Natural Linoleum in Place of Vinyl 5 IAQ/Health pts y=yes
- 5. Use Exposed Concrete as Finished Floor 4 Resource pts y=yes
- 6. Install Recycled Content Carpet with Low VOCs 4 Resource pts y=yes

O. City of Albany Incentives

- 1. Additions less than 50% increase in floor area 20 Resource pts y=yes
- 2. Additions less than 200sq ft. or resulting in less than 1,500sq.ft. 10 Resource pts y=yes
- 3. Seismic upgrade of existing building 15 Resource pts y=yes
- 4. For having a hybrid or zero emissions vehicle 2 IAQ/Health pts y=yes
- 5. For having no automobile 5 Resource pts y=yes
- 6. Plant more than one street tree when feasible 2 IAQ/Health pts y=yes
- 7. Earthquake kit 2 IAQ/Health pts y=yes
- 8. *20% over Title 24 is Mandatory*

Total 90 points

Greenpoints for Remodelers/Remodelers/greenpointsfinal2.12.04.pdf

61
+ 29
90

The following people spoke in support of the application:

- Hyunka Lee, Albany resident
- Judy Kriege, from Bananas
- Jie Moore, Albany resident
- Jun Shen
- Elizabeth Lamoureux, Albany resident
- Sam Wong, Albany resident
- Ed Fields, Albany resident
- Minh Tsai, Albany resident
- Eric Chou, Albany resident

No one else wished to speak. Chair Maass closed the public hearing. Commissioner Panian wanted details on how the noise issue would be addressed, enforceable conditions (including an annual review), a comprehensive site policy (including circulation, drop-off, parking, schedule, etc.), the parent agreement, a detailed site plan (including entries, playground area(s), trash area, site security (use of fences), etc.), and more parking studies.

Commissioner Gardner appreciated the neighbors' concerns about noise, but the letters from the existing site's neighbors gave her confidence, especially because the drop-off and pick-up would naturally be staggered. She noted each unit of the duplex would be allowed a day care of up to eight children without this process. She did want to be sure that the fence would attenuate the noise.

Chair Maass wanted to support the use. He thought traffic and parking would not be problematic. He did not know whether making the fence taller, adding planters, or installing an acoustical fence would be a satisfactory noise reduction solution.

Commissioner Panian moved continuation to the September 22, 2009, meeting. Commissioner Gardner seconded.

Vote to continue:

Ayes: Gardner, Maass, Panian

Nays: None

Motion passed, 3-0.

- b. **713 Ramona. Planning Application 09-037. Design Review.** Request for Design Review approval to add 272 sq. ft. on the first floor of the home to expand the living space, and construct a second story.

Staff recommendation: approve.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Horon Lee, the project designer and applicant, was available to answer questions.

The following people had concerns about the application:

- John de Kalmrosian????, 710 Carmel
- Barry Ogilvie, 710 Ramona
- Afran Rinaldi, 704 Ramona
- Susan Shaw, 715 Ramona
- Mischa Wendell, Evelyn Avenue
- Mary Spence, 719 Ramona
- Diana Mendler, 1320 Portland
- Wendy Beers, former Albany resident
- Michael Wallace, Hillside Avenue

Concerns included:

- Height and width of second story
- Out of scale with surrounding properties
- Appearance of rear wall
- Loss of original style
- Out of character with neighborhood
- Roof deck at front odd, loss of privacy, possible noise problems
- Cantilever odd, too close to neighbor property
- Round and oval windows odd
- Massive size, bulk, roofline
- Windows looking right into house
- Architecturally uninteresting design
- Lack of aesthetics – generally, and relating to Albany character

No one else wished to speak. Chair Maass closed the public hearing. Commissioner Arkin stated it was nice to see a two-car garage in the rear. He noted any style of architecture could fit in, as long as it was well-executed: well-proportioned, with consistent details, and, if over .45 FAR, an extra effort. He recommended reducing the bulk, adding more detail on the plans, looking at Irving Gill and/or Julia Morgan designs, also the houses at 635 Carmel and 811 Pomona, making the roof pitches match (removing the mansard appearance of the roof deck segment), and possibly bringing the gable from the upper level down to the lower level. Regarding windows, the arched, round, and oval shapes could work if carefully planned. The octagon might be better if paired with another around the corner. The divided lights should match whether simple or not. The existing recess detail could be moved to the upper façade where it was currently blank. The keystones should be consistent. Window cut sheets and trim details, including deck and porch railings, should be provided.

Commissioner Gardner agreed. She wanted a shadow study, a window line-up analysis, and garage door details. The scale was not consistent. There was a large blank space on the first floor rear façade.

Commissioner Panian noted the architectural style was not consistent with the existing home, the deck was not well-integrated into the design (and would be a waterproofing problem), and the design was not an attractive, consistent, in-scale improvement. He wanted to see more landscaping and amplification of the front porch. He wanted the pop-out more clearly defined as either a bay or an overhang and found the rooflines were too complicated. The second story

could be at the front rather than pushed back and the windows could be less mixed. He recommended walking through the neighborhood for inspiration, and simplifying the design and rethinking the massing.

Chair Maass recommended reducing the massing by lowering the plate lines.

Commissioner Arkin moved continuation of this item. Commissioner Panian seconded.

Vote to continue:

Ayes: Gardner, Maass, Panian

Nays: None

Motion passed, 3-0.

- c. **701 Hillside. Planning Application 05-025.** Status report on implementation of the project.

Staff recommendation: for discussion only.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing. Thelma Rubin, Albany resident, commented the evening's meeting had been interesting. Mr. Wallace stated there had been little progress on this project adjacent to his property. He asked why the City had not done anything, and why the Commission did not have the power to cause the construction to speed up. He asked that the regular update meetings continue so that it would be public record that the property owner did not attend the meetings.

Ruth Ganong, Albany resident, asked about the huge concrete box with no entrances on the site. She wanted to know if the builder was following the approved plans. Planning Manager Bond stated staff would go out to the site the next day to check. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Panian noted that the Commission and staff were working on improving enforcement ability. Commissioner Arkin stated there was a plan to better assure that construction did match approved plans. He recommended a time limit to complete construction (such as three years) and fees for failure. Chair Maass was concerned about a possible mudslide hazard created by the channel between the two houses. Planning Manager Bond reported that staff would review construction sites for stormwater controls within the next four weeks, before the rainy season.

Commissioner Panian asked staff to agendize code enforcement for a future meeting discussion. Commissioner Arkin suggested bringing construction drawings to the Commission for a comparative review with the approved design plans.

- d. **Recommendation to the City Council on Proposed to Initiate Amendments to the Planning and Zoning Code to Correct and Clarify Development Regulations.**

Excerpt from Draft Planning and Zoning Commission Minutes of December 8, 2009

- a. **713 Ramona. Planning Application 09-037. Design Review.** Request for design review approval to allow a 1,395 sq. ft. two-story addition to an existing single-family home and expansion of an existing accessory structure to create a 420 sq. ft two-car garage.

Staff recommendation: Commission provide further direction to the applicant and staff and continue the public hearing to a future date.

Planning Manager Bond delivered the staff report. Chair Maass opened the public hearing and invited the applicant to make a presentation. Winnie Tam, the project architect, was available to answer questions. Barry Ogilve, 710 Ramona, was concerned the project was out of scale, height, and bulk; he did not favor the changes in architectural style, the loss of the chimney that provides architectural relief, the big-box design, the roof deck on the front, the appearance of the sliding or French door on the front, the use of invasive bamboo, and the loss of privacy. David Apelt, 707 Ramona, felt the design did not fit in; even with the variety on the block, this looked monolithic, stark, and unappealing. He asked if the street tree would be removed or retained. He was concerned about extra vehicles, suggesting this might be more than a single-family structure. He was concerned about loss of sunlight and something about the garage at the top of a steep driveway. Susan Shaw, 715 Ramona, objected to the revised design and to the bamboo, and opined the applicant should be more concerned about impacts to the neighbors. Amy Deberouchen, 710 Carmel, stated the project was massive. No one else wished to speak. Chair Maass closed the public hearing.

Commissioner Gardner stated the project was really big—not sustainable, not modest. Commissioner Arkin noted with FAR exceeding 45 percent there must be extra care in the design. He stated there had been progress in the design, but consistency was still lacking. The false gable would look odd from many angles. The roof deck should be better integrated with the roof. Perhaps broadening the overhang and using the same roof form on the first floor would be better. Commissioner Moss stated this was not well proportioned or well articulated. He also asked why there were full and half-baths directly across from each other. He felt the garage did not fit with either the first or the second floor. The chimney could have been retained (with a switch to gas). Chair Maass wanted the massing broken up and did not like the three different roofs and was bothered by trying to hide the upper balcony. Planning Manager Bond offered to work with the applicant to address the Commissioners' concerns.

Commissioner Moss moved continuation. Commissioner Gardner seconded.

Vote to continue item 6a:

Ayes: Arkin, Gardner, Maass, Moss

Nays: None

Motion passed, 4-0.