

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

Agenda date: May 11, 2010  
Prepared by: JB

**ITEM/ 4d**

**SUBJECT: Planning Application 10-020. Zoning Compliance.**

The property at 929 Kains was historically developed as a two-unit "duplex" residential use. Most recently, the property has been used as a single family residence. The applicant is requesting zoning clearance to return to the duplex use, which in turn would allow the City to administratively issue a building permit for minor interior construction. Pursuant to parking regulations in place at the time of original approval, the property has two off-street parking spaces.

**SITE: 929 Kains**

**APPLICANT/  
OWNER: Paria Rowland**

**ZONING: R-2 (Single-Family Residential)**

---

**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission authorize staff to prepare a zoning compliance letter and process ministerial building permits associated with a duplex residential use.

**BACKGROUND/PROJECT DESCRIPTION**

The property at 929 Kains was historically developed as a two-unit "duplex" residential use. Most recently, the property has been used as a single family residence. The applicant is requesting zoning clearance to return to the duplex use, which in turn would allow the City to administratively issue a building permit for minor interior construction. Pursuant to parking regulations in place at the time of original approval, the property has two off-street parking spaces. Provision of additional parking would require removal of a large redwood tree and a curb cut that would eliminate on-street parking

**DISCUSSION OF KEY ISSUES**

In the R-2 district, single family and duplex housing are both permitted uses and city records are clear that the property was historically used as a duplex. As noted in the applicant's memorandum, minor interior changes were made to convert the function of the building to a single family residence. Many of the duplex features, however, including two kitchens, remain in place. It should be noted that because the single family and duplex uses are both permitted in

an R-2 district, the non-conformance section of the Planning and Zoning Code (Section 20.44) does not apply in the same manner as it would if this were a duplex in an R-1 district.

The primary issue is whether a requirement for additional parking is triggered by the restoration of the duplex. In this case, additional parking that is separately accessible (e.g., not in tandem with existing parking), would require a new curb cut and would include the removal of a mature tree. Both of these issues are reasonable basis for granting a parking exception. Finally, staff also would note that a determination of a building as a duplex is similar in nature to the City's support for the administrative approval of secondary residential units.

**Attachments:**

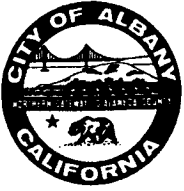
1. Application

Planning Application #: 10-020

Date Received: 4/13/10

Fee Paid: TBD

Receipt #: \_\_\_\_\_



# City of Albany

## PLANNING APPLICATION FORM

Please complete the following application to initiate City review of your application. Please be aware that staff may have additional application requirements. For projects requiring Planning and Zoning Commission review, please schedule an appointment with Planning Division staff. The Community Development Department office is open to accept applications 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 1000 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.

### Fee Schedule (FY 2009-2010)

<input type="checkbox"/> Design Review*	\$1,784 / Admin. \$639
<input type="checkbox"/> Parking Exceptions/Reductions - see separate handout*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (major)*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (minor)*	\$620
<input type="checkbox"/> Sign Permit	\$1,185/\$423 Admin.
<input type="checkbox"/> Temporary/Seasonal Conditional Use Permit*	\$300
<input type="checkbox"/> Parcel/Subdivision Map; Lot Line Adjustment; Condo Conversion*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Secondary Residential Unit*	\$455
<input type="checkbox"/> Planned Unit Development*	\$1,784
<input type="checkbox"/> Variance*	\$1,784
<input checked="" type="checkbox"/> Other(s): <u>Revision of city/county records to reflect property is a duplex (see attached description).</u>	\$ _____

\*When obtaining more than one planning approval, the full amount for the highest fee will apply and  $\frac{2}{3}$  fee will be charged for any other ones. General Plan Update Fee \$45 included in the fees above. This fee only needs to be paid once for each separately submitted application.

Job Site Address: <u>929 Kains Ave. Albany CA 94706</u>		Zoning District: <u>R2</u>
Property Owner(s) Name: <u>Paria Rowand</u>	Phone: <u>510 507 2280</u> Fax: <u>510 526 2229</u>	Email: <u>sprowand@gmail.com</u>
Mailing Address: <u>929 Kains ave</u>	City: <u>Albany</u>	State/Zip: <u>CA 94706</u>
Applicant(s) Name (contact person): <u>Paria M. Rowand</u>	Phone: <u>510 507-2280</u> Fax: <u>510 526 2229</u>	Email: <u>sprowand@gmail.com</u>
Mailing Address: <u>(same as above)</u>	City: _____	State/Zip: _____

PROJECT DESCRIPTION (Please attach plans if required) \*(Please see attached)

---



---



---



---

**PROJECT ADDRESS:** 929 Kains ave. Albany CA 94706

**GENERAL INFORMATION** (Please fill out this Chart or attach separate plans with information)

Item	Existing	Proposed
Lot Size? (Express in square feet)		
Gross square footage of all building area (including detached & accessory buildings, garages, etc.)		
What is the Floor Area Ratio (FAR) (see handout on how to measure for residential projects)	See attached "Exisity Plans"	
What is your lot coverage?		
What is the amount of impervious surface on the lot?		
What is the maximum height of the building? (see handout on how to measure for residential projects)		
How many dwelling units are on your property?		
How many off-street parking spaces do you have? (front yard parking is not counted unless previously approved by the City)		
What are the dimensions of parking spaces? (give interior dimensions of enclosed parking spaces)	___ ft. X ___ ft.	___ ft. X ___ ft.
What is the narrowest width of your driveway?		
Minimum setbacks from structure to property line Front yard:  Side yards:  Rear Yard:		

not proposing any physical changes


**TERMS AND CONDITIONS OF APPLICATION**

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made part of this application in accordance with the provisions of the City's ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to 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.

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.

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 of Property Owner 4/12/10  
Date

\_\_\_\_\_  
 Signature of Applicant (if different) Date

**Project Description:**

This property was originally built in 1944 as a Duplex, 929-931 Kains Ave. All current city records indicate that this property is a duplex; however, county records reflect a single family home. The original two kitchens, two fireplaces, two porches circa 1944 are still in place, and pictures of both units have been emailed to Jeff Bond, Planning and Building Manager. We are asking that records be revised to reflect this property is still a duplex. We are not proposing any structural work. Adding any additional parking would require the removal of a Landmark Redwood tree, and would also require a curb cut, which would take a parking space away from an already very crowded street (two doors down from the YMCA). We are proposing that since we are not doing any structural changes to the property, and only asking for records to be revised, that the new parking requirements be waived.

**PROJECT INFORMATION      GENERAL INFORMATION**

PARCEL AREA: 5,000 SQ. FT.      APN: 652-660-52

EXISTING CONDITIONED AREA: 810 SQ. FT.  
 UNIT A = 810 SQ. FT.  
 UNIT B = 646 SQ. FT.

TOTAL UNCONDITIONED AREA = 333 SQ. FT.  
 TOTAL UNCONDITIONED AREA = 333 SQ. FT.

BUILDING GROSS SQ. FT. = 1,456 SQ. FT.  
 TOTAL LAND AREA = 5,000 SQ. FT.  
 FLOOR AREA RATIO = 0.29

SITE LOCATION: 929 KAINS AVENUE  
 ALBANY, CA 94706  
 OWNER: PARRIA ROWLAND  
 929 KAINS AVENUE  
 ALBANY, CA 94706

ZONING: R-2  
 YEAR BUILT: 1944  
 CONSTRUCTION TYPE: VB - SINGLE STORY

**PROJECT DESCRIPTION**

- NO WORK PROPOSED
- COUNTY RECORDS NEED TO BE REVISED TO DUPLEX
- NO ADDITIONAL PARKING SPACES ARE PROPOSED. CREATING ADDITIONAL PARKING WOULD REQUIRE THE REMOVAL OF A LANDMARK TREE

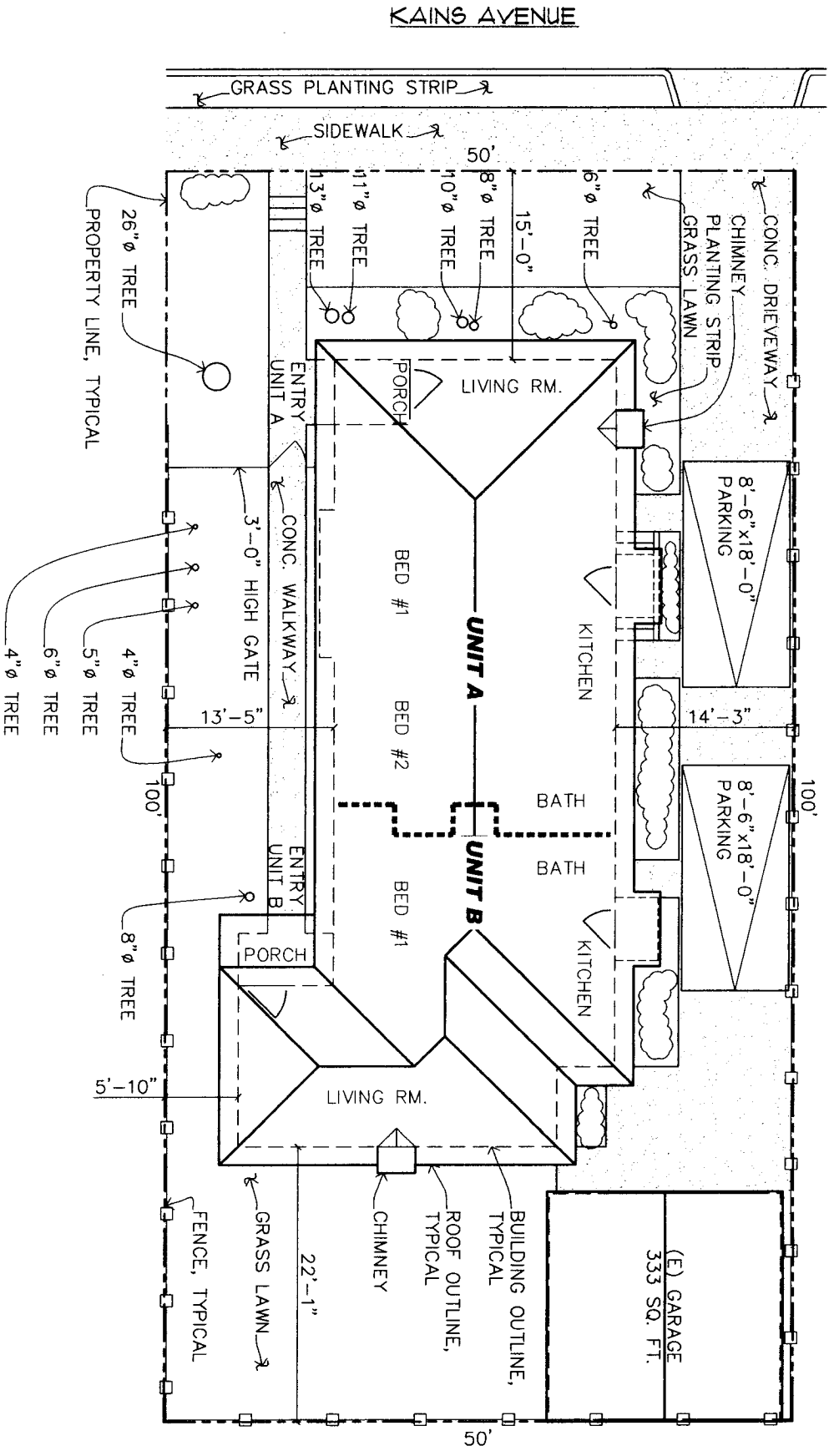
**DRAWING INDEX**

- A1 TITLE PAGE
- A2 EXISTING PLAN



# EXISTING PLAN

SCALE: 1/8" = 1'-0"



A2

**RESIDENTIAL DUPLEX**  
929 KAINS AVENUE, ALBANY  
EXISTING PLAN

**ZDH** Zachary D. Hilliard  
DESIGN PO Box 6702  
& Albany, CA 94706  
DRAFTING (510) 499-0714

DATE: 4/12/10  
SCALE: 1/8" = 1'-0"

Planning Application #: 10-020

Date Received: 4/13/10

Fee Paid: TBD

Receipt #: \_\_\_\_\_



# City of Albany

## PLANNING APPLICATION FORM

Please complete the following application to initiate City review of your application. Please be aware that staff may have additional application requirements. For projects requiring Planning and Zoning Commission review, please schedule an appointment with Planning Division staff. The Community Development Department office is open to accept applications 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 1000 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.

### Fee Schedule (FY 2009-2010)

<input type="checkbox"/> Design Review*	\$1,784 / Admin. \$639
<input type="checkbox"/> Parking Exceptions/Reductions - see separate handout*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (major)*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (minor)*	\$620
<input type="checkbox"/> Sign Permit	\$1,185/\$423 Admin.
<input type="checkbox"/> Temporary/Seasonal Conditional Use Permit*	\$300
<input type="checkbox"/> Parcel/Subdivision Map; Lot Line Adjustment; Condo Conversion*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Secondary Residential Unit*	\$455
<input type="checkbox"/> Planned Unit Development*	\$1,784
<input type="checkbox"/> Variance*	\$1,784
<input checked="" type="checkbox"/> Other(s): <u>Revision of city/county records to reflect property is a duplex (see attached description).</u>	\$ _____

\*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 needs to be paid once for each separately submitted application.

Job Site Address: <u>929 Kainis Ave. Albany CA 94706</u>		Zoning District: <u>R2</u>
Property Owner(s) Name: <u>Paria Rowand</u>	Phone: <u>510 507 2280</u> Fax: <u>510 526 2229</u>	Email: <u>sprowand@gmail.com</u>
Mailing Address: <u>929 Kainis ave</u>	City: <u>Albany</u>	State/Zip: <u>CA 94706</u>
Applicant(s) Name (contact person): <u>Paria M. Rowand</u>	Phone: <u>510 507-2280</u> Fax: <u>510 526 2229</u>	Email: <u>sprowand@gmail.com</u>
Mailing Address: <u>(Same as above)</u>	City:	State/Zip:

PROJECT DESCRIPTION (Please attach plans if required) \*(Please see attached)

---



---



---



---



