

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

Agenda date: May 25, 2010
Prepared by: JB

ITEM/ 6a

SUBJECT: **Planning Application 10-017. Design Review.**
The subject property is a 5,720 square foot lot with a 1,429 square foot single-family one-story home and detached garage. The applicant is requesting approval to allow a 437 square foot addition to the rear of the home.

SITE: 950 Tulare Street

**APPLICANT/
OWNER:** Daniel Richheimer for Mark Compton & Lynn Kusnierz

ZONING: R-1 (Single-Family Residential)

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the Design Review application, subject to the attached conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 5,720 square foot lot with a 1,429 square foot single-family one-story home and detached garage. The applicant is requesting approval to allow a 437 square foot addition to the rear of the home. The addition will maintain the existing architectural style of the home with a gabled roof and horizontal siding. The maximum height of the home will increase from approximately 21 feet in height to 23 feet in height. Off street parking spaces will remain the same with the existing garage and driveway in the side/rear yard..

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

The existing home is a single story rectangular shaped craftsman style home on a corner lot. The home features a combination of gable and hipped roof and a front porch entry.

For purposes of processing this application, the Marin Avenue frontage is considered the front yard and the Tulare Street frontage is considered the side yard. Thus, the proposal is to add a first floor addition to the rear yard (south side) of the residence. Off-street parking is provided in tandem in the garage and on the driveway. Given that this side of the property is not considered the front yard, approval of a "front yard parking exception" by the Commission is not required.

The proposal complies with many of the criteria outlines in the City's design guidelines, including, including the addition of a smaller second porch on the southeast corner of the home. In addition, the proposed addition integrates into the design into the existing with windows, horizontal wood siding, and column details that match the existing home. Keeping the residence as a one story home, helps address potential issues of height and massing

Attachments:

1. Analysis of Zoning Requirements
2. Project Application & Plans
3. Findings and Conditions of Approval

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 Construction (approx.)	Requirement
Setbacks			
Front (north)	21' 11"	No change	15'
Side (east)	8' 0"	No change	4' 6"
Side (west)	4' 6"	No change	4' 6"
Rear (south)	56'	36'	20'
Area			
Lot Size	5,720	No change	--
Lot Coverage	25%	33%	50%
Maximum Height	22'	22' 6"	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	5,720	No change	--
Floor Area			
Garage	229	229	--
Main Level	1,200	1,637	--
Total	1,429	1,866	--
Total Counted*	1,200	1,637	--
Floor Area Ratio*	25%	29%	55%

* 229 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for garage.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

Off street parking provided in existing garage and side/rear yard driveway.

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 mailed on May 14, 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.



City of Albany



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

For PLANNING & ZONING COMMISSION action:	
<input checked="" type="checkbox"/> Design Review** - residential additions or exterior modifications.	\$1784* / Admin. \$639*
<input type="checkbox"/> Parking Exceptions/Reductions** - see separate handout	\$Actual Cost/Min \$1784*
<input 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 1/3 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: <u>950 Tulare Ave.</u>		Zone: <u>(R)</u> R2 R3 R4 Other overlays:
Property Owner(s) Name: <u>Mark Compton + Lynn Kusnierz</u>	Phone: <u>415-806-0866</u> Fax:	Email: <u>studio@markcompton.com</u>
Mailing Address: <u>950 Tulare Ave.</u>	City: <u>Albany</u>	State/Zip: <u>CA</u>
Applicant(s) Name (contact person): <u>Daniel Richheimer</u>	Phone: Fax:	Email: <u>daniel@redplumstudio.com</u>
Mailing Address: <u>728 Carmel Ave</u>	City: <u>Albany</u>	State/Zip: <u>CA</u>

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

Item	Required	Existing	Proposed
How big is your lot? Express in square feet.	N/A	<u>5,720 sq.ft.</u>	<u>no change</u>
What is the floor area of: your existing residence (see additional handout on how to measure this)		<u>1,200 sq.ft.</u>	<u>1,637 sq.ft.</u>
any detached buildings—garage, sheds, etc.		<u>229 sq.ft.</u>	<u>no change</u>
How many square feet is your addition?	N/A	N/A	<u>437 sq.ft.</u>
What is the Floor Area Ratio (FAR) ¹ (see additional handout on how to measure this)	55% maximum allowed	<u>25</u>	<u>.33</u>
What is your lot coverage? ²	N/A	<u>25%</u>	<u>33%</u>
What is the amount of impervious surface on the lot?	N/A	<u>5%</u>	<u>no change</u>
What is the maximum height of your residence?	28 ft. maximum	<u>21'-3"</u>	<u>23'-3"</u>
How many dwelling units are on your site?	1 (2 with special permit)	<u>1</u>	<u>no change</u>
How many parking spaces do you have in a garage? ³	see note 3 below	<u>1</u>	<u>no change</u>
What are the interior dimensions of your garage?	7'6" by 16'	<u>12' x 18'</u>	<u>no change</u>

PROJECT ADDRESS: 950 Tulare Ave.

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	20'	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	5'	no change
Rear Yards: What is the minimum distance between the rear wall of your house and the rear property line?	20 feet minimum	56'	36'
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 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: We are matching existing windows, roof line + exterior details
3. Is the proposed addition sensitive to the size or mass of the surrounding properties? Yes
If yes, please describe how: Single story addition off the back of the property. House with addition will be smaller than neighbors.
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.

[Signature] 3/25/2010
Lynn A. Kusnierz 3/25/10
 Signature of Property Owner Date
 MARK T. COMPTON + LYNN A. KUSNIERZ

[Signature] 3/29/10
 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 (510) 528-5760.

SUBMITTAL REQUIREMENTS	Provided		
	Y	N	NA
<ul style="list-style-type: none"> ▪ Accurate contour lines: <ul style="list-style-type: none"> a. Slopes between 0 - 15% - contour interval must be two feet. b. Slopes exceeding 15% - contour interval must be five feet. ▪ Provide a conceptual drainage plan, show any new or relocated downspouts, below grade drain lines, etc.) 	X		X
Floor Plans must be fully dimensioned, legible and drawn to scale (1' = 1/8" minimum) and must include:			
<ul style="list-style-type: none"> ▪ Existing, remodeled, demolished and new walls, stairs, windows, doors, etc., clearly delineated. ▪ Floor plans must be in context with setbacks from property lines clearly shown. 	X		
Building Elevations and Sections must be fully dimensioned, legible and drawn to scale (1' = 1/8" minimum), and must include:			
<ul style="list-style-type: none"> ▪ Existing elevations, including ground line, wall height, floor height, and ridge height, roof pitch. ▪ Proposed elevations - include above information as well as details such as downspouts, chimneys, exterior lighting, etc. ▪ Street elevation - including adjacent residences. ▪ Section drawing(s) 1) Through tallest portion of proposed structure showing existing and proposed grade; 2) Typical section showing the street and curb all the way through to the rear property line. ▪ Color board and Color rendering, if not matching existing materials on residence. Minimum size of (8 1/2" x 11") to include exterior finish/color, window trim, roof material, siding materials, etc. (one copy). 	X		
Other Important Information:			
<ul style="list-style-type: none"> ▪ Green Building Program Checklist - Contact Staff for appropriate checklist. ▪ Property Survey if any part of addition is less than 4 feet from a property line. N/A ▪ Photographs (electronic or paper) of the existing property and abutting neighbors. ▪ Window Details - photograph of existing windows and manufacturers cut sheet of proposed windows, including trim details, showing how new windows will match existing. 	X		X
Other Information - submit only if required by Planning staff			
<ul style="list-style-type: none"> ▪ Environmental Report ▪ Title Report ▪ Lighting Plan ▪ Other _____ 			

For Office Use:

_____ This Quick Check has determined that the application submittal is incomplete and cannot be accepted.

_____ This Quick Check has determined that the application appears to contain the items required by this Submittal Checklist (completeness as defined by Section 65943 will be determined within 30 days of application) and processing will begin.

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, TEL: (510) 528-5760.



City of Albany

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

*Please obtain other appropriate Green Point Checklist for projects other than Single Family Residential Remodeling Projects

Project Address: 950 Tulare Ave.
 Checklist Prepared By: Daniel Richheimer
 Date Prepared: 3/29/10

	INPUT	Resources	Energy	IAQ/Health
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A. Site

1. Recycle Job Site Construction & Demolition Waste 65% = 1 point; 75% = 2 points; 80% = 4 points	up to 4 Resource pts	y	1		
2. Salvage Reusable Building Materials	4 Resource pts	y=yes	4		
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	2		
7. Protect Water Quality with Landscape Design	2 Resource pts	y=yes	2		
8. Design Resource-Efficient Landscapes and Gardens	4 Resource pts	y=yes	4		
9. Reuse Materials/Use Recycled Content Materials for Landscape Areas	2 Resource pts	y=yes	2		
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 10% increase of flyash, up to 5 points	up to 5 Resource pts	y	2		
2. Use Recycled Content Aggregate	2 Resource pts	y=yes			
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			
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			

			INPUT	Resources	Energy	IAQ/Health
10. Apply Advanced Framing Techniques	4 Resource pts	y=yes	<input checked="" type="checkbox"/>	4		
11. Use Reclaimed Lumber for Non Structural Applications	3 Resource pts	y=yes	<input checked="" type="checkbox"/>	3		
12. Use OSB						
a. Subfloors	1 Resource pt	y=yes				
b. Sheathing	1 Resource pt	y=yes				

D. Exterior Finish

1. Use Sustainable Decking Materials						
a. Recycled content	3 Resource pts	y=yes				
b. FSC Certified Wood	3 Resource pts	y=yes	<input checked="" type="checkbox"/>	3		
2. Use Treated Wood That Does Not Contain Chromium/Arsenic	1 IAQ/Health pt	y=yes	<input checked="" type="checkbox"/>			1
3. Install House Wrap under Siding	1 IAQ/Health pt	y=yes	<input checked="" type="checkbox"/>			1
4. Use Fiber-Cement Siding Materials	1 Resource pt	y=yes	<input checked="" type="checkbox"/>	1		

E. Plumbing

1. Install Water Heater Jacket	1 Energy pt	y=yes				
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.					
b. Showerheads (1 point each, up to 2 points)	Up to 2 Resource pts.					
4. Replace Toilets with Ultra-Low Flush Toilets (1 point each, up to 3 points)	Up to 3 Resource pts.					
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				

F. Electrical

1. Install Compact Fluorescent Light Bulbs (CFLs) (6 bulbs=2 points, 10 bulbs =3 points, 12 bulbs = 4 points)	Up to 4 Energy pts.					
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. Install High Efficiency Ceiling Fans with CFLs (1 point each, up to 4 points)	Up to 4 Energy pts.					

G. Appliances

1. Install Energy Star Dishwasher	1 Energy pt	y=yes				
2. Install Washing Machine with Water and Energy Conservation Features	1 Energy pt	y=yes				
3. Install Energy Star Refrigerator	1 Energy pt	y=yes				
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	<input checked="" type="checkbox"/>		2	
b. Ceilings	2 Energy pts	y=yes	<input checked="" type="checkbox"/>		2	

			INPUT	Resources	Energy	IAQ/Health
2. Install Floor Insulation over Crawl Space	4 Energy pts	y=yes	Y		4	
3. Install Recycled-Content, Fiberglass Insulation with No Added Formaldehyde	3 IAQ/Health pts	y=yes	Y			3
4. Use Advanced Infiltration 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				
c. Low-Conductivity Frames	2 Energy pts	y=yes				
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				
2. Install Ductwork within Conditioned Space	3 Energy pts	y=yes				
3. Vent Range Hood to the Outside	1 IAQ/Health pt	y=yes				
4. Clean all Ducts Before Occupancy	2 IAQ/Health pts	y=yes				
5. Install Solar Attic Fan	2 Energy pts	y=yes				
6. Install Attic Ventilation Systems	1 Energy pt	y=yes				
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				
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 TXV	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 stoves/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					

			INPUT	Resources	Energy	IAQ/Health
6. Select Safe and Durable Roofing Materials	1 Resource pt	y=yes	Y	1		
7. Install Radiant Barrier	3 Energy pts	y=yes				

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	Y			1/2
2. Use Low VOC, Water-Based Wood Finishes	2 IAQ/Health pts	y=yes	Y			2
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	Y			6
6. Use Exterior Grade Plywood for Interior Uses	1 IAQ/Health pts	y=yes				
7. Seal all Exposed 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	Y	20		
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	25 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				

TOTAL POINTS ACCUMULATED:

(50 Points REQUIRED from all 3 columns)

50 points total Req'd	68 total
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ATTACHMENT - 3

FINDINGS AND CONDITIONS OF APPROVAL

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 existing dwelling and with the City's Residential Design Guidelines. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians.</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.</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, retention and maintenance of buildings, and privacy.</p>

CONDITIONS OF APPROVAL

GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Design Review approval is for Mark Compton & Lynn Kusnierz, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include plans prepared by Daniel Richheimer, Red Plumb Studios, date received April 6, 2010, as presented to the Planning and Zoning Commission on May 25, 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 expire on June 8, 2011 (one year from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, 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 before issuance of said permit or before 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 before

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 Albany Municipal Code 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 **Title 24 Standards.** All construction shall be designed and built in accordance with 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 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.

ARCHITECTURAL CONDITIONS

- 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

Lndsc-1 **Street Tree Requirement.** The applicant shall apply for one street tree before 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 **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 California 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 before 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.

Infr-5 **Completion of Off-Site Improvements.** Off-site improvements, as required by the City Engineer, shall be complete before issuance of a Certificate of Occupancy unless alternatives are approved in writing by the Albany City Engineer.

PUBLIC IMPROVEMENTS CONDITIONS

Pubim-1 **Encroachment Permit.** The applicant shall obtain an encroachment permit from the Engineering Division before 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 battery 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 City of Albany Fire Department standards. 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 or County 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*

- 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.
- Bmp-1 Paved Sidewalks and Parking Lots.** Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any soap, cleaning agent or degreaser shall be collected and discharged to the sanitary sewer and shall not be discharged to a storm drain. The applicant shall contact the City Engineer for specific connection and discharge requirements.
- Bmp-2a Private Streets, Utilities and Common Areas.** The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

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.