

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 9/07/2010
Reviewed by: BP

SUBJECT: Appeal of the Planning & Zoning Commission approval of Design Review, Conditional Use Permit and Front Yard Parking Exception for Second Story Home Addition at 913 Carmel Avenue.

REPORT BY: Jeff Bond, Planning Manager

RECOMMENDATION

That the City Council return the matter to the Planning and Zoning Commission with specific direction on the key issues of the appeal.

BACKGROUND

The subject property is a 4,400 square foot lot with a 1,548 square foot single-family home. The applicant is requesting approval to allow a 632 square foot second story addition to the rear of the home. The addition will feature a contemporary architectural style with shed roof. The maximum height of the home will increase from approximately 17 feet in height to approximately 23 feet. One parking space will be provided in the existing garage and a front yard parking exception is required to accommodate the required second off-street parking space. The project architect has prepared a model of the home, which is available in the Community Development Department offices for review.

The applicant submitted the application on April 27, 2010. The Planning and Zoning Commission reviewed the project at their June 8, 2010 meeting (the public hearing was originally scheduled to be held on May 25, 2010, but continued due to lack of a quorum).

On June 8, 2010, the project was approved on a 3-0 vote with minor architectural revisions (two commissioners abstained in compliance with conflict of interest regulations). The staff report, application materials, and meeting minutes are attached (Attachments 1 & Attachment 2). In addition, the webcast of the meeting can be found at http://albanyca.granicus.com/MediaPlayer.php?view_id=2&clip_id=383. (The agenda item begins approximately 51 minutes into the meeting.)

In approving the project, Commissioners noted:

- the City does not have privacy or view ordinances;
- the project is well within the site regulation envelope;
- project includes quality details and preserves the backyard for open space; and

- A condition was approved to require obscure glass on windows to address privacy concerns.

An appeal of the approval was filed with the City Clerk on June 22, 2010 (Attachment 3). In summary, the appellants believe there are major impacts to the neighbors to the rear of the property. In addition, the appeal states that neighbors did not have an opportunity for input into the design prior to the application being filed with the City.

On Monday August 23, the applicant arranged for an informal meeting with the appellants to discuss areas of concern. The meeting was held at City Hall and City staff participated in the discussion. A number of issues were raised, but the conclusion of the meeting was that there does not appear to be a straightforward basis for a compromise solution.

DISCUSSION OF APPEAL PROCESS AND STANDARDS

In acting on an appeal, the City Council may:

1. Affirm the decision of the Planning and Zoning Commission
(Resulting in approval of the project as approved by the Commission.)
2. Affirm the decision of the Planning and Zoning Commission with modifications
(Resulting in approval of the project, incorporating additional modifications approved by the Council.)
3. Reverse the action of the Planning and Zoning Commission
(Resulting in denial of the application.)
4. Return the matter to the Planning and Zoning Commission
(Typically, with direction from the Council on key issues and direction on whether or not the Council wishes to review the application at a future meeting.)
5. Take no action.
(Resulting in approval of the project as approved by the Commission. Pursuant to the Planning and Zoning Code, a tie vote shall mean that no action is taken.)

In this project, the basic R-1 site regulations are met for height (24 feet 4 inches proposed vs. 28 feet required) and size (floor area ratio .50 proposed vs. 0.55 required).

As allowed by the zoning ordinance, exceptions to side yard setbacks and parking requirements of the nature requested in the application are often approved by the Commission. During the course of the Commission discussion, neither the Commission nor the appellants raised substantive issues regarding the proposed side yard setback and parking exception. Therefore, the primary discretionary action for the City Council, which was raised in the appeal, is Design Review.

The purpose of design review is to ensure that building designs are visually and functionally appropriate to its site and is harmonious with its surroundings. The key consideration in acting on the appeal is whether the Council can make the finding that the proposed project is harmonious with its surroundings and whether balanced attention has been given to the benefits of the proposed project and the privacy of residential occupants of adjacent properties.

The code specifies general standards of review, which should form the basis of Council action on the appeal (Attachment 4). In addition, the City's Residential Design Guidelines, which were approved by the Council on April 20, 2009, are applicable to the review of the application (Attachment 5).

In addition to the original application materials, the applicant has submitted supplemental information (Attachment 6). In addition, neighbors have submitted additional correspondence (Attachment 7).

ANALYSIS OF PROPOSED PROJECT

Based on discussions with neighbors and the applicant, the key issues of concern can be broken down as follows:

1. Architectural Style – The existing home is a traditional Albany bungalow with front gabled tile roof and stucco walls. Although there is no predominant design theme in this neighborhood, a number of homes in the neighborhood have been expanded and in doing so, have maintained their original style.

The proposed addition is of a contemporary architectural style compared with the existing home and of neighboring homes. The Planning and Zoning Commission has indicated that the mixing of styles in a home, when carefully designed, can be attractive. In this case, the Commission concluded that the applicant is proposing to use quality architectural details and materials to create aesthetically pleasing design.

If a more traditional design is applied, a potentially significant issue is that a conventional roofline would likely increase the height of the addition compared with the present proposal.

2. Location of Addition - Determining the location of the addition is a matter of trade-offs between:
 - Internal function of the home and project cost;
 - View impacts on neighbors behind the home;
 - Size of rear yard;
 - Overall height;
 - Impact on neighboring properties to either side; and
 - Impact on the size and appearance of the front façade of the home.

In this case, the proposed design keeps much of the rear yard open (e.g., the rear yard is 34 feet in depth vs. 20 feet required). Because of the slope of the lot and the placement of the addition at the rear of the home, the appearance of the front façade from the street remains the same. In addition, as a rear addition, the overall height of the addition is relatively low. The implication of an addition to the back of the home, however, is that the addition is relatively close to the uphill homes on Santa Fe. In particular, the proposal will have substantive impacts on the views of several Santa Fe Avenue residents. Shifting the addition towards the front of the home could address some of the view concerns, but also could result in greater impacts on the front façade and potentially to neighboring residents on both sides.

One possibility discussed was rotating the second level addition to run along the north side of the home rather than from side to side. This approach might open up a small view corridor, but also could result in greater impacts to the neighbor to the north. It also would create aesthetic and cost implications for the project.

Another possibility is moving some of the addition to the ground level in the rear yard. This increases the footprint of the home and reduces rear yard open space.

A further alternative that was discussed was the possibility of adding living area below the living room. The internal functionality and livability of the home with this approach would have to be considered.

3. Privacy - The entrance to the home is on the south side of the home, facing the neighboring property. In general, side entrances are more likely to create privacy concerns. A new trellis around the front door is proposed in order to address the impacts of residents and visitors coming to the front door. The second privacy concern raised by the proposed project is the addition of large windows on the southeast corner of the second story of the home. From the proposed addition, it could be possible for occupants to look down on the neighboring resident. The use of opaque glass is a common solution to privacy concerns.

SUSTAINABILITY IMPACT

The applicant has provided the required green points checklist (part of Attachment 1). 126 green points have been provided, which significantly exceeds the required 50 points.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

FINANCIAL IMPACT

None.

CONCLUSION

1. Planning and Zoning Commission Staff Report
2. Planning and Zoning Commission Minutes
3. Appeal
4. Standards of Review
5. Residential Design Guidelines
6. Supplemental application materials
7. Correspondence