

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

Agenda date: May 10, 2011
Prepared by: JB

ITEM/ **6d**

SUBJECT: **Planning Application 10-028. Design Review.**
The applicant is requesting design review approval to add a second level to the home, resulting in a 2,487 square foot residence.

SITE: **949 Ordway**

**APPLICANT/
OWNER:** **Joanne Koch for Robert & Laura Shear**

ZONING: **R-1 (Single-Family Residential)**

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission provide direction to staff and the applicant on refinements to the design.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 4,522 square foot lot with an existing 1,217 square foot one-story single-family residence. The applicant is requesting design review approval to add a second level to the home, resulting in a 2,487 square foot residence. The addition would feature a front gabled roof and feature stucco finish on the first floor and wood shingle finish on the second floor. The height of the residence is proposed to increase to 28 feet.

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 residence is a single-story, with front gabled roof and stucco finish. The back of the home features a hipped roof. A driveway on the southside of the lot leads to a garage in the rear corner of the lot. The applicant seeks approval to add a second story to the existing footprint of the home. The project would involve low-sloped gable roof and a wood shingle finish on the second level. In addition, modifications to the front porch are proposed.

The key issue raised with the application is the removal of a large Cedrus deodora (deodora cedar). The applicant proposed to remove the existing tree and extend the porch across the entire front of the home. In addition, a new tree is proposed to be planted in the northwest portion of the front yard. This agenda item has been scheduled as a discussion item in order to allow the Commission to hear input from the applicant and neighbors regarding this issue. Several neighbors have contacted staff expressing concern about the potential loss of the tree (see attachment 4). In addition, the City arborist has inspected the tree and determined that it is in good condition (attachment 3).

The Planning and Zoning Code does not specifically regulate the removal or preservation of trees on private property with the exception of the Hillside Residential District. The Residential Design Guidelines identify landscaping as an important element of the design of a home, it does not provide specific guidance regarding the preservation or removal of an existing tree.

Attachments:

1. Analysis of Zoning Requirements
2. Project Application & Plans
3. Memo from City Arborist
4. Correspondence

20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	4,522	No change	--
Floor Area			
Garage/Storage	244	266	
Main Level	1,274	1,274	--
Second-floor		1,250	
Total	1,518	2,790	--
Total Counted*	1,298	2,510	--
Floor Area Ratio*	29%	55%	55%

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

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.

See Summary of Key Issues.

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 April 29, 2011, 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 TREE INSPECTION

Tony Wolcott

Urban Forester City of Albany

548 Cleveland Avenue, Albany, Ca. 94710

WC ISA Board Certified Master Arborist #WE 3824

Phone: 510.559.4275 Fax: 510.524.9722

Date: April 15, 2011

To: Jeff Bond, Planning Manager
City of Albany

Location: 949 Ordway Street

Subject: Tree Condition

Species: *Cedrus deodora* (deodora cedar)

Summary

The deodora cedar is in good health, even with four major upright stems. It is recommended that the tree remain and be protected during construction.

Tree and Root Description

The deodora cedar has four main stems with four DBH – 14 inches, 15 inches, 24 inches and 16 inches, The height is approximately 60 feet, and the width about 30 feet.. The live crown ratio is over 90% with some dead stubs and rubbing branches.

Analysis

With some construction care – using pier support instead of a continuous footing for instance, this tree can be preserved in good health. This tree offers many benefits – oxygen, shading, air purifying, water retention and slope stabilizing. This tree also has a high aesthetic value for the surrounding neighborhood.

Recommendation

Keep this tree with the following recommendations: Prune off old stubs and broken branches. Clean out any dead wood. Remove the smaller of any crossing branches, except for branches larger than seven inches. Remove poorly attached branches. Do some slight lifting and side reduction 0- no more than five feet. There should be more clearance over the sidewalk and away from the two roofs.

END

From: [Lubov Mazur](#)
To: [Jeff Bond](#)
Subject: Re: 949 Ordway
Date: Friday, May 06, 2011 7:42:48 PM

Jeff

Yes please include my email.

I received my notice for the meeting on May 10th.

Since seeing the plans I have been considering the losses in quality of life I will have at my home. The footprint of 949 Ordway extends eastward about 12 feet further than the back my house, sits about 2 feet higher on its foundation, and will loom over my house and garden when the present hipped roof is replaced by a second story wall and gable end roof. The configuration of the two houses leaves only the east side of my back garden open to air and light, but the increased height of the addition will block air and light at the back of 947. The eave height on the north side of 949 will eliminate all sun in my south side windows through three seasons. I will have to lean over the kitchen sink to see the sky.

The north wall will also reflect sound from Marin Avenue into my backyard as it travels south from the street between 1602 and 1604 Marin since previous owners of 1602 Marin cut down the sound blocking trees and paved the entire back yard.

The owners at 949 Ordway also plan to cut down the oldest tree on the block (to facilitate moving kayaks). This tree dampens sound bouncing between the houses, provides a house-sized mass of cool air free of charge and with no environmental impact all summer and shades both our houses from the afternoon summer sun. Both houses had awnings before the tree grew to sufficient height to provide afternoon shade. The tree has never dropped a branch on either house, its roots have never lifted a walk or foundation, and hold the embankment. The owners told me they intend to put in a retaining wall on their side. What happens to my property is my problem.

The property to the north of my house has been occupied by five different families in the past 40 years, averaging less than 10 years per occupancy. Every other owner cut down the trees planted by the previous owner, resulting in no tree more than 10 years old. The present owner is a planter. If the pattern holds it will look like a piece of sheet iron next door after the house changes hands.

Please also note that the gas line is not located under the tree in front. The gas meter was moved from the south to the north side of the house in the 1950's or 60's when meters were changed to outside the house instead of behind doors on the driveway. The Deodar was already a large tree when the meters were moved at 947, 949, 951 Ordway, and 1602, 1604 Marin. I doubt that PG&E would tunnel under the tree to place the supply. The sewer line for 949 Ordway runs on the south side of the house under a shared driveway, not near the tree roots. Mine runs near the roots and has never been blocked by them.

My concerns are two: That the Deodar in the front remain, and that I not be put into dark and damp in the winter months by a featureless two story wall four feet from my property line.

Thanks,
Lubov

On Fri, May 6, 2011 at 11:14 AM, Jeff Bond <jbond@albanyca.org> wrote:

Lubov,

Would you like me to provide this email to the Planning and Zoning Commission?

Jeff

Jeff Bond, Planning and Building Manager
City of Albany Community Development Department
1000 San Pablo Avenue
Albany, CA 94706

[510-528-5769](tel:510-528-5769)

-----Original Message-----

From: Lubov Mazur [mailto:lubov.mazur@gmail.com]

Sent: Sunday, March 20, 2011 8:36 AM

To: Jeff Bond

Subject: 949 Ordway

Jeff

Although my new south-side neighbors are probably within the limits for adding square feet I am concerned that their planned addition will put me in the dark for a good part of the winter. I am also concerned that I will not be notified before they take action on their plans.

They also plan to cut down the largest tree on the block that keeps my house cool in the summer, breaks up bounced noise from Marin Avenue , and probably contributes to air quality. It is a major feature for my garden and more importantly for the streetscape. The tree stands along the property line and does not interfere with a second storey addition. When the foundation of the house was replace within the last five years the builder expended a lot of effort to engineer mitigation for the tree roots that will last well into the future.

Neighbors are coming to me asking what they can do to prevent the removal of this tree. I do not have any information for them on how they can protest the removal of this healthy, well maintained tree that was planted nearly a century ago.

Thanks for any information you can provide.

Lubov Mazur
947 Ordway

From: [Barbara Kloeppe](#)
To: [Jeff Bond](#)
Subject: Please save the tree at 949 Ordway st
Date: Sunday, May 08, 2011 1:51:57 PM

Please don't cut down this tree.
It has taken 30 years for this block to finally have a bit of tree growth.
Many years ago you would walk down the block and wonder why there weren't very many trees and very little greenery.
We can finally feel that there is a bit of lush foliage.
Please don't let this defoliating happen.
Thank You for your consideration,
Barbara Kloeppe
Greg Davies
Jocelyn Davies
966 Ordway ST