

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

Agenda date: July 12, 2011
Prepared by: JB

ITEM/ **6d**

SUBJECT: **Planning Application 10-064. Design Review.**
The applicant is requesting approval of a parcel map to allow the subdivision of the property into two separate parcels.

SITE: **1196 Curtis**
APPLICANT/
OWNER: **John Gutierrez for Suzanne Portnoy**

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

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the tentative map, subject to the findings and conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 13,176 square foot parcel with a single-family residence. The applicant is requesting approval of a parcel map to allow the subdivision of the property into two separate parcels. No construction is proposed as part of the current application. The purpose of the meeting is to review preliminary plans with the Planning and Zoning Commission. No final action on the application will be taken at this meeting.

The Planning and Zoning Code requires residential parcels in the R-1 district to be a minimum of 3,750 square feet in size, and with a minimum lot width of 35 feet.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15315, "Minor Land Divisions" of the CEQA Guidelines, which exempts division of a parcel into four or fewer parcels.

DISCUSSION OF DESIGN ISSUES

The existing parcel at 1196 Curtis is one of the largest single-family residential parcels in the City. It is on the southern border of the City next to Codornices Creek. Existing improvements on the parcel include a two-story single-family residence, a garage structure that has been modified, swimming pool, and associated cabana.

The proposal is to create two parcels. The existing parcel is large enough and has a wide enough street frontage to meet the City's standards. The parcel for the existing residence would be approximately 50 feet in width, and a second parcel, suitable for future development of a single family home, would have street frontage width of 39 feet.

In general, the subdivision of a large residential into smaller fully compliant residential parcels does not create policy issues. Because of the layout of the existing home and the creek, several issues will ultimately need to be addressed:

- Off-street parking – the subdivision as proposed would require Parcel B to provide an easement to Parcel A for off street parking. The easement could take the form of a shared driveway to provide access to the rear yard of parcel A or an easement to provide off-street parking for both parcels on parcel B.
- Creek setbacks – The City's flood control regulations and the Planning and Zoning Code require a 20 feet setback from the top of creek. As a result, the future development of a residence on parcel B could be limited to the northwest corner of the property.
- Drainage – Parcel A is nearly flat and level with the street. Due to the absence of natural slope of the land to the street, it is likely that some sort of drainage easement will be required in order to allow storm water from Parcel A to flow across parcel B to Cadencies Creek.
- Schedule for Demolition – As part of recordation of an approved map, details on the demolition of the existing improvements on Parcel B need to be provided. Typically, either the demolition is completed prior to recordation or a performance bond is provided to ensure that the work is completed pursuant to an agreed schedule.

Attachment

Proposed Tentative Parcel map

Findings for Tentative Parcel Map approval (Per section 22-6 of the AMC)

<i>Required Finding</i>	<i>Explanation</i>
1. The proposed map is consistent with the General Plan and any applicable specific plan or the Zoning Ordinance of the City.	The map is consistent with the low-density residential General Plan and zoning ordinance in the project density is consistent with General Plan designation. The map also increases the number of units available for ownership in the City.
2. The design or improvements of the proposed subdivision are consistent with the General Plan or any applicable specific plans, or the Zoning Ordinance of the City.	Not applicable.
3. The site is physically suitable for the type of development.	The project is in conformance with both the general plan and zoning. The proposed property line reflects creek and zoning code setback requirements.
4. The site is physically suitable for the proposed density of development.	The project is in conformance with both the general plan and zoning.
5. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The project site can be developed without any environmental damage, injured fish, wildlife, or habitat.
6. The design of the subdivision or the type of improvements will not cause serious public health problems.	The project improves public health in that it increases the availability of new housing.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.	No such easements exist on the property.

ATTACHMENT 3 - CONDITIONS OF APPROVAL

1. General: This approval is for subdivision of one single-family residential parcel into two separate single-family residential parcels, as presented to the Planning and Zoning Commission at its meeting of July 12, 2011.
2. Parcel Map. The applicant shall submit for recordation a final Parcel Map for the proposed subdivision. The Parcel Map shall be prepared by a California registered civil engineer authorized to practice land surveying, or a California licensed land surveyor, and shall conform to the City Subdivision Ordinance and the State Subdivision Map Act requirements. Prior to recording the Parcel Map, the applicant shall submit copies of private easements for parking, sanitary sewers, storm drains, water service and access shall be reserved for the mutual benefit of both parcels, as may be required by the City Engineer.
3. Prior to the issuance of a grading permit or building permit for any new construction, the shall submit the follow unless waived by the City Engineer:
 - a. Grading Plan: a grading and drainage plan shall be prepared by a registered civil engineer and approved by the City Engineer. (Code Sec. 23-3b)
 - b. Sanitary Sewers: Sewer laterals are shall be inspected and replaced as necessary to conform to City standards.
 - c. Curb, Gutter, Sidewalks and Driveways: The existing curb, gutter, sidewalk shall be inspected and replaced as necessary to conform to City requirements, including relocation of streetlights.
 - d. Water Quality: The project shall submit a report, plans and specifications on the techniques the project will use to conform to the requirements of the State and Federal applicable to Codornices Creek
 - e. Subdivision Improvement Agreement: If required, execute the City's subdivision improvement agreement for the construction of public improvements associated with the project. (Code Sec. 22-9.7)
 - f. Security for Public Improvements: Submit performance and payment bonds or other suitable security in conformance with the City code and State Subdivision Map Act supported by a cost estimate prepared by a registered civil engineer. (Code Sec. 22-9.8)
 - g. Deferred Improvement Agreement (D.I.A.): Execute the City's standard D.I.A. for the undergrounding of utilities for the full frontage on Brighton Avenue and on Cornell Avenue. (Code Sec.22-9.2.g3 & 22-9.3)
 - h. Fees: Prior to the issuance of a building permit for any new construction, pay development fees as required by the Albany City Code, including, but not limited to:

4. Copies of Recorded Documents. After all requirements for recording the Parcel Map have been met the Planning and Building Manager and upon delivery of a Subdivision Guarantee the City's Planning and Building Manager will release the original Parcel Map to the Applicant's Title Company for recording. Following recording, the applicant shall deliver to the City Engineer, one set of duplicate photo mylars (minimum 4 mm thick) and two sets of bond prints of the recorded Parcel Map and two sets of other applicable agreements and easements. The securities held for this subdivision will not be released until the recorded parcel map and documents have been so delivered this requirement has been met.
5. Prior to the release of securities for this development the applicant shall deliver to the City Engineer, one set of photo mylars (minimum 4 mm thick), and two sets of bonds of the plans for the public improvements and grading (site plan).
6. Utilities must be metered separately and have their own panel board for electrical circuits that serve the unit; 2) A water shut-off valve shall be provided for each unit.
7. The applicants shall pay all City and other related fees applicable to the property. 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 and Inspection Fees.
8. Before the issuance of grading or building permits, the applicants shall submit written documentation that all requirements of the Public Works Department have or will be met to the satisfaction of the City Engineer.
9. Pursuant to Government Code Section 66474.9, the applicants (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 applicants of any such claim action or proceeding and cooperate fully in the defense.

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 10 days of the date of 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.