

City of Albany
Planning and Zoning Commission
Staff Report

Meeting Date: June 24, 2008

Prepared by: _____

Agenda Item: 6c

Reviewed by: _____

Subject: 835 Santa Fe. Planning Application 08-042. Conditional Use Permit, Design Review. A request for Design Review approval to allow a 606 sq ft second-story addition on an existing single-family home. A Conditional Use Permit is requested to allow the vertical extension of the south non-conforming wall.

**Applicant/
Owner:** Leticia Estrada Niles / Raul Botello

Recommendation

Staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit to allow the extension of the nonconforming south wall and approve the Design Review request.

Previous Action

The house was constructed in 1937. No improvements are on record with the city.

Project Description

The subject property is a 2,500 sq ft lot with an 828 sq ft single-story home. The applicant is requesting design review approval of a 606 sq ft second-story addition. The maximum height of the addition would be 25'. The proposed improvements are consistent with the existing materials of the home, including a stucco finish with ceramic roof tiles and wood windows.

The southern side of the home has an existing side yard setback of 0' where 3' is required. The applicant is requesting a conditional use permit to allow a portion of this non-conforming south wall to be vertically extended for the second-story addition.

Background on Application

The application was received on June 6, 2008 and deemed complete on June 12, 2008.

Environmental Analysis

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303(a) of the CEQA Guidelines, which exempts one single-family residence or a second dwelling unit in a residential zone.

Identification of Key Issues

Design Review

The existing single-story home is relatively small at 828 sq ft. The exterior design is basic, with a small red clay tiled roof over the front one-third of the house, the roof pitch facing towards the street, and a flat roof on the remainder of the house. The exterior finish is white stucco. The proposed addition would retain the overall style of the dwelling, with the introduction of a gable roof over the entire second story. Roof materials are proposed as composition shingle, with red tiles located along the rake only to tie-in with the red tiles at the front of the house. Staff recommends that the entire roof be covered by red tiles, in keeping with the existing gable roof. This recommendation has been included as a condition of approval (D-2).

When viewed from Santa Fe Ave, the addition will be partially obscured by the existing gable roof at the front of the house, as well as by the two tall palm trees in the front yard. The most visible elevation of the house will be the north side, where the second story will project 2' beyond the first story. The designer is proposing decorative corbels under the second story on the north elevation to provide additional visual interest. The rear elevation appears slightly unbalanced, but this is unavoidable due to the setback requirement for the second story.

On the south elevation, the applicant is proposing a balcony in the area of the required setback, which will be accessed from the master bedroom. According to Section 20.24.060, "Setback Areas, Encroachments", balconies are not permitted to project into the required side yard setback area, which is 3' from the property line. Therefore, the applicant will be required to alter the design to show this area as roof-space only, and replace the proposed French doors with a double-hung window. This alteration will not affect the visual appearance of the addition, and has been included as a condition of approval (J-2).

All proposed windows would be dual-paned wood trim to match the appearance of the existing double-hung windows. Three of the proposed second story windows are proposed as horizontal fixed windows due to room functionality and placement restrictions.

The proposed design deals with the setback requirements in a way that is visually compatible with the existing home. The residence will also be visually compatible with other homes in the vicinity, which are a variety of architectural styles. Staff believes the findings for design review can be made, and therefore recommends approval.

Conditional Use Permit

The southern sidewall of the existing home is located directly on the property line, as is the northern sidewall of the adjacent home to the south, resulting in the two residences directly abutting one another. The applicant is proposing that the majority of the second story addition be setback the required 3' from the south property line, but they are requesting that a portion of the second story be allowed to vertically extend the 0' setback. The vertical extension would be located at the front of the addition, increasing the height of the existing wall by 10' for a width of 9'-3".

When viewed from Santa Fe Ave, allowing a portion of the non-conforming sidewall to extend vertically would result in an improvement aesthetically in comparison with requiring that the entire second-story be setback the minimum 3'. With this treatment, the front elevation appears more balanced than the rear elevation, where the setback from the south property line is more stark.

It should be noted that the vertical extension of the non-conforming south sidewall will have no negative impacts on the adjacent residence. The house to the south has no windows or other openings along their north sidewall.

Staff believes the findings for a conditional use permit can be made and that the proposed design is more aesthetically pleasing than the alternative. Staff therefore recommends approval.

Parking

There is an existing single-car garage located at the northeast end of the lot, setback 19' from the rear wall of the house. The garage has interior dimensions of 19' by 11' and an approximately 7' wide garage door. The second required parking space is proposed in the rear yard directly in front of the garage. Both parking spaces meet the minimum parking standards. The existing driveway has a width of 7', which is the minimum width required for a single-family residential use. The existing gate that provides access to the parking area has a opening width of 6'-6'. Staff has included a condition of approval (E-1) requiring that the gate be modified to provide a minimum opening width of 7'.

Green Building Requirements

The applicant has provided the green points checklist and will have a total score of 56 points, more than the minimum requirement. (The checklist states 76 points, however the addition will result in more than a 50% increase over the existing square footage and therefore 20 points for City of Albany Incentive #1 were subtracted). Items such as using engineered lumber, replacing toilets with ultra-low flush toilets, and installation of lighting controls are some of the measures the applicant will implement.

Staff would also like to note that the applicant is receiving points for adding awnings over the south facing windows. The awnings are not shown on the proposed plans and the Commission may want to consider discussing appropriate awning types and material.

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 action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee.

Attachments:

1. Analysis of Zoning Requirements
2. Findings
3. Conditions of Approval
4. Application, Project Plans and Site Photos
5. Green Building Checklist

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 (approx.)	Requirement
Setbacks			
Front (west)	15'	15' (first-story) 27' (second-story)	15'
Side (north)	7'	5' (second story)	3'
Side (south)	0'	0'	3'
Rear (east)	39'	No change	20'
Area			
Lot Size	2500	No change	--
Lot Coverage	42.5%	45.2%	50%
Rear Yard Coverage	24%	No change	30% max.
Maximum Height	16'	25'	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	2500	No change	--
Floor Area			
Accessory Bldg	234	No change	--
1 st Floor	828	No change	--
2 nd Floor	-	606	
Total Residence	1062	1668	--
Total Counted*	842	1454	--
Floor Area Ratio	33.7%	58.2%	60%

20.24.060 Setback Areas, Encroachments.

See Summary of Key Issues.

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

See Summary of Key Issues.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

See Summary of Key Issues regarding nonconforming side yard setback.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on June 13, 2008 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues

ATTACHMENT 2 - FINDINGS

Findings for Design Review approval (Per section 20.100.050.E of the AMC)

<i>Required Finding</i>	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. The project will not remove any significant vegetation and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood. The proposed design of the home will be in keeping with the existing residence. The applicant has paid special attention to the details of the design of the home. The City has an eclectic array of architectural designs in homes.</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. The home will maintain its two off-street parking spaces.</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>

Findings for Conditional Use Permit Approval (side, northern wall) as required by Section 20.100.030.D:

Required Finding	Explanation
<p>1. <i>The size, location and intensity of the project are desirable and compatible with the neighborhood and community.</i></p>	<p>The expansion of the residence is otherwise consistent with City development standards relating to bulk, size, and location. The authorization of a conditional use permit to use existing non-conforming yard setbacks reflects the existing developed location of the house. The continued use and limited expansion of the nonconforming wall will result in a more aesthetically pleasing, better balanced home. There are no identified issues in the authorization of this house expansion using the site’s historic front yard setback dimension.</p>
<p>2. <i>The project will not be detrimental to the health, safety, convenience or general welfare of people residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i></p> <ul style="list-style-type: none"> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.</i> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.</i> 	<ul style="list-style-type: none"> a. The site is of sufficient size and shape to successfully develop the house addition consistent with City zoning standards relating to size and height. The conditional use permit authorizing a reduction in the otherwise required side yard setback will not degrade the amount of existing or proposed private open space available to the project site. There should be no significant effect on people in the neighborhood caused by the reduction of the side yard standard. b. The project should not have any increased traffic impacts beyond those typical during the initial construction period. Pedestrian access to the site is adequate and will not be impacted by the project proposal. c. The project will not develop new noxious noise, glare, dust or odor emissions beyond those associated with initial construction activities. The project will remain a residential activity with all such characteristics. d. The treatment is appropriate with a finish stucco and horizontal wood siding which is commonly found in the neighborhood.
	<p>The proposed project is otherwise consistent with the City zoning standards and</p>

3. That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan.

requirements relating to the height, size, location, and bulk for such residential expansions. The maintenance and preservation of the City housing inventory, including reasonable expansions of such residential dwellings, are policy objectives of the City General Plan. The site is both zoned and designated in the General Plan for residential use.

ATTACHMENT 3 - CONDITIONS OF APPROVAL

A. GENERAL

- A-1. This Design Review approval is to allow a second-story addition and remodel to an existing one-story residence at 835 Santa Fe Avenue, except as may be modified by conditions herein. Plans include a site plan/floor plans/elevations submitted by Residential Design Works, dated received by the Community Development Department on June 6, 2008, and presented to the Planning and Zoning Commission at its meeting of June 24, 2008.
- A-2. The applicants shall pay any and 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
- A-3. Before the issuance of grading or building permits, the applicants shall submit written documentation that all requirements of the Albany Fire Department have or will be met to the satisfaction of the AFD.
- A-4. 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.
- A-5. 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.
- A-6. In the event subsurface archeological remains are discovered during any construction or pre-construction 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.

B. SITE PLANNING

- B-1. All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way.

C. LANDSCAPING

- C-1. All existing trees on the site shall be preserved to the fullest extent practicable. Removal will be allowed only upon prior written approval from the Planning Division.
- C-2. The applicant shall apply for one street tree prior to the issuance of the building permit. The City's Environmental Resource Associate 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.

D. ARCHITECTURE

- D-1. Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Planning Division prior to issuance of building permits for the project.
- D-2. The applicants shall submit final architectural elevations, details and revisions for the review and approval of the Planning Division before issuance of building permits. These plans shall show that the second story roof is covered by red tiles in keeping with the red tiles on the existing gable roof on the first story.
- D-3. All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief. Alternate architectural treatments may be acceptable in lieu of a two-inch recess. Such alternative treatments are subject to review by the staff. Final window details shall be submitted for review and approval at the time of building permit application.

E. PARKING

- E-1. The driveway gate shall be modified to have a minimum opening width of 7 feet.

F. GRADING

- F-1. Any grading required in association with the project shall require a grading permit from the Community Development Department. To obtain this permit, the applicants shall submit a grading plan, indicating the extent and volumes of earth proposed to be moved.

G. STREETS

- G-1. The applicants shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.
- G-2. 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.

G-3. 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 applicants. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.

G-4. 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.

H. INFRASTRUCTURE

H-1. The applicant shall verify that the existing sewer system for the subject building complies with Chapter 15 of the Albany City Code to the satisfaction of the Maintenance and Engineering Division.

H-2. 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.

H-3. Prior to the issuance of any Building Permits, the applicants shall provide a drainage plan showing existing and proposed drainage for the project, including areas drained and the flow patterns (e.g., sheet flow off roof, downspouts). Show the area draining to each downspout and details of both existing and proposed downspouts, including construction at and near grade (e.g., bends in downspouts, splash blocks). Demonstrate that drainage quantity, concentration, and direction will remain unchanged. If not unchanged, roof drainage from the structure shall be collected via a closed minimum 3 inch pipe and conveyed to an approved storm drain system off the street curb unless otherwise approved by the City Engineer. No concentrated drainage of surface flow across sidewalks shall be permitted.

I. MISCELLANEOUS

I-1. The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the use. Any other change shall require further Planning and Zoning Commission approval through the Design Review process.

I-2. 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.

J. SPECIAL CONDITIONS

- J-1. This Design Review approval shall expire at the close of business on July 8, 2009, (one year from the date on which this approval becomes effective) unless, before expiration of one year, a Building Permit is issued and construction commenced or completed. The design review 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 prior to July 8, 2009, an application for renewal of the approval is filed with the Community Development Department.
- J-2. The proposed second story balcony on the south elevation shall be removed, and the proposed French doors shall be replaced with a double-hung window to match other proposed windows on the addition.