

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

Agenda date: July 24, 2012
Prepared by: ALH

ITEM: 4B

SUBJECT: Planning Application 12-033 1133 Stannage Parking Exception

The applicant is seeking a parking exception for the home at 1133 Stannage Ave. The applicant would like to demolish an existing single car garage, remove the concrete slab, install a new storage shed approximately 112 sq. ft. in area, and create a new uncovered parking space. Due to the presence of existing mature birch trees on site, the applicant is only able to provide one off-street parking space which partially encroaches into the front yard setback.

SITE: 1133 Stannage

**PROPERTY OWNER/
APPLICANT: Jenny Holland**

ZONING: R-1 (Single-Family Residential)

STAFF RECOMMENDATION

The Planning and Zoning Commission review the proposed application and take one of the two following actions:

- Approve the Parking Exception to allow for the accessory structure in the side yard
- Approve the Parking Exception to allow for the accessory structure in the rear yard.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 5,000 square foot lot with an existing 1,092 square foot single-story home. There is also a 336 sq. ft. accessory structure at the northeast corner of the property. There is an existing single-car garage on the property constructed in 1920. The existing garage is 12' W x 23 L (276 sq. ft.) and encroaches within the 15 ft. front yard setback by 3 ft. The garage is in a dilapidated state and cannot be used to store a vehicle due interior framing as well as a grade change from the driveway to the garage. The interior garage floor is approximately 8 inches lower than the driveway grade. Additionally, the owner has had on-going issues with rat infestation in the garage.



Photo 1. Existing Garage



Photo 2. Rear of the Garage

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 “New Construction or Conversion of Small Structures” of the CEQA Guidelines, which exempts small additions.

SITE LOCATION



Figure 1. Site Location

DISCUSSION OF KEY ISSUES

When a garage demolition permit is submitted to the Building Department, Planning staff will review the plans for compliance with off-street parking. Two (2) off-street parking spaces are required and may not be located in the 15 ft. front yard setback. If two tandem parking spaces are provided in the driveway, this requires 36 ft. of length beyond the 15 ft. yard setback, or a total of 51 ft. of depth from the front property line.

The applicant would like to demolish the garage and install a new 14' x 8' pre-fabricated accessory structure to be used for storage. The structure is proposed to be located in the side yard, adjacent to the main residence. Utilities and bathroom facilities are not proposed. Due to the size of the structure and lack of utilities, a building permit is not required. However, the applicant is still required to complete the permit exemption declaration form. A photo of the proposed structure is included below.



Photo 3. Proposed Accessory Structure

Parking

Due to the presence of mature silver birch trees behind the existing garage, only one off-street space can be provided on the property. The existing trees are 38 ft. from the front property line and located in the driveway area behind the garage. The City Arborist visited the site and noted that the trees are nice, mature, and in good health. Consequently, the applicant is seeking a Parking Exception to allow one off-street parking space. The applicant's ultimate preference is to locate the accessory structure in the side yard and have the parking space partially encroach in the front yard setback. Hollywood pavers will be installed in the driveway/parking area. Section 20. 28.040 (2) is included below.

- a. Required spaces cannot be located in front or side yard areas.
- b. Space is not available to provide the required parking facilities without undue hardship.
- c. Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.
- d. Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.
- e. The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.

Option 1

Section 20.24.130 of the Albany Municipal Code establishes permitted uses for accessory buildings in the City. This provision specifies that an accessory structure may not remove required parking. The structure as it is proposed would not remove parking, though it would result in an encroachment of up to 10 ft. in the front yard setback.

20.24.130 Accessory Buildings

C. **Permitted Uses.** *Accessory buildings may be used as detached carports or garages, patio shelters, garden or storage sheds, greenhouses, pool houses, artist studios, workshops, tree houses, home offices, City licensed home occupations, or for a similar function as determined by the Planning and Zoning Commission, provided that such use does not remove required parking.*

Option 2

As an alternative, the accessory structure could be located in the rear yard. The new area combined with the existing area will result in 26% lot coverage, within the requirement of 20.24.130 (J). This would create one legal parking space outside of the front yard setback. However, a Parking Exception is still required for the second off street parking space.

Attachments:

1. Analysis of Zoning Requirements
2. Draft Findings for Approval
3. Draft Conditions of Approval
4. Project Application & Plans
5. Tony Wolcott E-Mail

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 (west)	12'	No change	15'
Side (north)	4'	No change	5'*
Side (south)	20'	No change	5'*
Rear (east)	34'	No change	20'
Area			
Lot Size	5000	No change	--
Lot Coverage	34.8% (1,092 + 336+276+ 40=1,744)	31.6% (1,580/5000)	50%
Maximum Height	15'	No change	28' max.

* 16. Ten percent (10%) of lot width, up to a maximum of 5 feet, with a minimum requirement of 3 feet, except that the minimum setback for multi-family structures in the R-3 District is 5 feet.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable

20.24.050 Floor-Area-Ratio.

Not applicable.

20.24.060 Setback Areas, Encroachments.

See Discussion of Key Issues.

20.24.100 Distances between Structures.

See Discussion of Key Issues.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

See Discussion of Key Issues.

20.28 Off-Street Parking Requirement.

See Discussion 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 July 13, 2012 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.

Not applicable.

ATTACHMENT 2 - FINDINGS

Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

<i>Required Finding</i>	<i>Explanation</i>
1. <i>Required spaces cannot be located in front or side yards.</i>	The existing driveway and garage are located within the front yard setback area.
2. <i>Space is not available to provide required parking facilities without undue hardship.</i>	It is not feasible to expand the existing parking area to create two off street parking spaces due to the configuration of the existing garage and short driveway. Even with the demolition of the garage, the parking area is insufficient to accommodate two off street parking space.
3. <i>Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i>	There are two mature silver birch trees located in the driveway area. The City Arborist has visited the property and confirmed that the trees are in good health and shall remain. The trees are located approximately 38 ft. beyond the front property line and prevent two off-street spaces from being provided.
4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	Not applicable.
5. <i>The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i>	The home will remain a single-family home. The accessory structure is proposed to be used for storage and a study.

ATTACHMENT 3
COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL
COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

1. This Parking Exception approval is for 1133 Stannage, except as may be modified by conditions herein. Plans include an application submitted by Jennifer Holland, dated received by the Community Development Department on June 28, 2012, and presented to the Planning and Zoning Commission at its meeting of July 24, 2012.
2. The applicant shall submit a completed permit exemption form for the accessory structure at the time of demolition permit submittal.

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.

Planning Application #: 12-033

Date Received: 6/28/12
 Fee Paid: \$1,784
 Receipt #: 76212



City of Albany

PLANNING APPLICATION FORM

Please complete the following application to initiate City review of your application. Please be aware that staff may have additional application requirements. For projects requiring Planning and Zoning Commission review, please schedule an appointment with Planning Division staff. The Community Development Department office is open to accept applications 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 1000 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.

Fee Schedule (FY 2009-2010)

<input type="checkbox"/> Design Review*	\$1,784 / Admin. \$639
<input checked="" type="checkbox"/> Parking Exceptions/Reductions - see separate handout*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (major)*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Conditional Use Permit (minor)*	\$620
<input type="checkbox"/> Sign Permit	\$1,185/\$423 Admin.
<input type="checkbox"/> Temporary/Seasonal Conditional Use Permit*	\$300
<input type="checkbox"/> Parcel/Subdivision Map; Lot Line Adjustment; Condo Conversion*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Secondary Residential Unit*	\$455
<input type="checkbox"/> Planned Unit Development*	\$1,784
<input type="checkbox"/> Variance*	\$1,784
<input type="checkbox"/> Other(s): _____	\$ _____

*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 needs to be paid once for each separately submitted application.

Job Site Address: <u>1133 Stannage Ave</u>		Zoning District:
Property Owner(s) Name: <u>Jennifer Holland</u>	Phone: <u>510 524 9480</u> Fax:	Email: <u>jennyholland@sbcglobal.net</u>
Mailing Address: <u>1133 Stannage Ave</u>	City: <u>Albany</u>	State/Zip:
Applicant(s) Name (contact person): <u>Jennifer Holland</u>	Phone: <u>510 524 9480</u> Fax:	Email: <u>jennyholland@sbcglobal.net</u>
Mailing Address: <u>1133 Stannage Ave A</u>	City: <u>Albany</u>	State/Zip: <u>CA 94706</u>

PROJECT DESCRIPTION (Please attach plans if required) _____
Tearing down the existing garage, removing the slab

PROJECT ADDRESS: 1133 Stannage

GENERAL INFORMATION (Please fill out this Chart or attach separate plans with information)

Item	Existing	Proposed
Lot Size? (Express in square feet)		
Gross square footage of all building area (including detached & accessory buildings, garages, etc.)		
What is the Floor Area Ratio (FAR) (see handout on how to measure for residential projects)		
What is your lot coverage?		
What is the amount of impervious surface on the lot?		
What is the maximum height of the building? (see handout on how to measure for residential projects)		
How many dwelling units are on your property?		
How many off-street parking spaces do you have? (front yard parking is not counted unless previously approved by the City)	1	1
What are the dimensions of parking spaces? (give interior dimensions of enclosed parking spaces)	8 ft. X ¹⁴ 28 ft.	N/A X ___ ft.
What is the narrowest width of your driveway?	8'2"	
Minimum setbacks from structure to property line Front yard: Side yards: Rear Yard:		

TERMS AND CONDITIONS OF APPLICATION

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made part of this application in accordance with the provisions of the City's ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to 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.

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.

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 of Property Owner

6.28.12
Date

Signature of Applicant (if different)

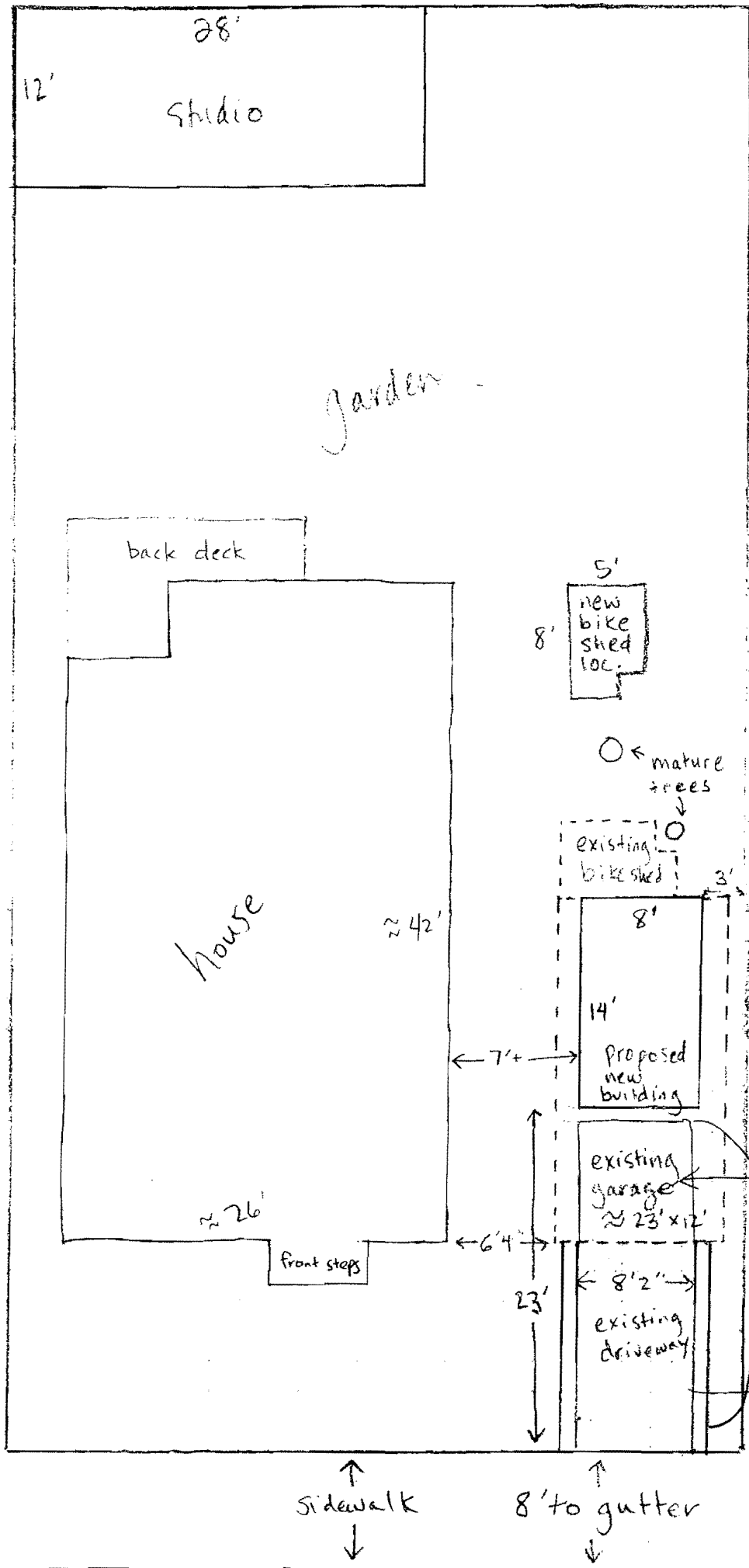
Date

1133 Stannage Ave.

CITY OF ALBANY

JUN 28 2012

COMMUNITY DEVELOPMENT
DEPARTMENT



↑
sidewalk
↓

↑
8' to gutter
↓

new parking area

22'

18'

From: [Tony Wolcott](#)
To: [Anne Hersch](#)
Subject: Jenny Holland
Date: Wednesday, June 27, 2012 8:25:16 AM

Hi Anne,

Regarding Jenny Holland's place at 1133 Stannage: I inspected yesterday and there are two very nice and mature silver birches (*Betula pendula*) – *the largest one I have seen in Albany.*

FYI

Tony Wolcott
Urban Forester
City of Albany
Board Certified Master Arborist
ISA#WE3284
(510) 559-4275
Fax - (510) 524-9722
Email twolcott@albanyca.org

NOW on [twitter](#) and [Facebook Fan page](#) - TreeMan_Tony