

*City of Albany*  
**Planning and Zoning Commission**  
**Notice of Action**

- Applicants:** Y.M. Chung for Ava Ng
- Project Address:** 824 Ramona Avenue
- Application:** **Planning Application 05-037. Design Review.** A request for Design Review approval to allow a two-story addition of 981 square feet at the rear of an existing one-story, 450 square foot residence.
- Date of Action:** September 27, 2005
- Appeal Deadline:** October 11, 2005
- Commission Action:** **The Commissioners voted 4-1 to approve the Design Review request, based on the findings and subject to the conditions of approval below, as amended.**

**FINDINGS**

**Findings for Design Review approval**

*Section 20.100.050.E, applicable to all projects:*

1. *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. The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.*
2. *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." The proposal is in scale and harmony with existing development near the site. The architecture is 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.*
3. *Approval of the project is in the interest of public health, safety and general welfare. 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.*

4. *The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D. 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 protection of privacy.*

### **Conditions of Approval**

#### **A. GENERAL**

- A-1. This Design Review approval is for adding a 981 square foot first and second story addition to the house at 824 Ramona Avenue, as substantially shown on the project drawings, except as may be modified by conditions herein. Revised plans include a site plan/building elevation/floor plans prepared by Y.M. Chung, architect, dated received September 16, 2005, and presented to the Planning and Zoning Commission at its meeting of September 27, 2005.
- 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, as stated in the memo dated June 2, 2005, 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.

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. The applicant shall show proposed changes to the elevations, including the removal of any trellis, planters, etc., subject to review by staff.

- 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. These final window details shall show that all new windows will have true divided lights.

E. PARKING

No special conditions.

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 existing sewer system for the subject building shall be brought into compliance with Chapter 15 of the Albany City Code and 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 October 11, 2006, (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 October 11, 2006, an application for renewal of the approval is filed with the Community Development Department.

**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. The City Clerk will then schedule the matter for the next available City Council meeting.