

Jeff Bond

From: Mari Willits [mariwillits@hotmail.com]
Sent: Friday, September 09, 2011 9:35 AM
To: Jeff Bond
Cc: Marie Hopper
Subject: Sept 13, 2011 Hearing - Letter in support of project at 514 Santa Fe Avenue

To: Albany Building Commission

Attention: Jeff Bond

Re: 514 Santa Fe Avenue Garage Project

My family and I reside at 506 Santa Fe Avenue, Albany, just two doors down from the property located at 514 Santa Fe Avenue. I understand that Marie Hopper and Greg Denny are seeking permission from the Albany Building Commission to retain the current 13'4" height on the garage structure in their backyard. As a neighbor and a homeowner, I urge you to grant their request as quickly as possible.

The structure, at the current height is consistent with the roofline of the home at 514 Santa Fe Avenue and gives the impression that the structure is original. This enhances both the aesthetics of the garage, the property as a whole, as well as the look and value of the entire neighborhood. This sort of architectural/design consistency is rarely found in Albany's older home stock. For instance, when my family and I were looking to purchase a home in Albany, we viewed many properties, quite a few of which had "modern" additions that were completely incongruous with the rest of the home and neighborhood. As a then potential homeowner, this was a clear turn-off for us, and I suspect many other potential buyers. Albany has a wonderful small town feel that is, in part, driven by the age and architecture of the homes. Please help keep it that way.

I urge you to allow Marie Hopper and Greg Denny to keep the current 13'4" height on their garage so as to retain the architectural tone of the property and neighborhood as a whole.

If you have any questions, you may contact me at home (510) 527-1796 or cell (510) 381-6360.

Sincerely,

Maraka L. Willits

506 Santa Fe Avenue

Albany, CA 94706

Albany homeowner and resident

516 Santa Fe Avenue
Albany, CA 94706
6 September 2011

City of Albany Planning & Zoning Commission
1000 San Pablo Ave.
Albany, CA 94706

Re: 514 Santa Fe Ave. – Design Review & Height Exception – Sept. 13, 2011

We are writing regarding the application of Gregory Denny at 514 Santa Fe Ave., Albany. We understand this is scheduled for hearing before the Planning and Zoning Commission on Tuesday, September 13, 2011 at 7:30 PM.

We live immediately adjacent to the subject property, on the south side, at 516 Santa Fe Ave. The Accessory Building that is the subject of this hearing is on the north side of our back yard and will effectively serve as a fence for that side of our back yard. We wanted to make two points regarding the structure and the hearing:

1. The Height of the Structure is Fine: The proposed ~13'6" height of the Accessory Structure is fine. It is of a pitch akin to that of the main house at 514 Santa Fe Ave so it blends in well. Further, the oak tree in the back yard at the subject property is much taller than the Accessory Structure and essentially encompasses that structure. The Accessory Structure and the tree blend well together. In short, the height of the Accessory Structure at approximately 13'6" is not a concern to us.
2. Completion. We would urge the city to approve the design review height exception at 514 Santa Fe Ave. so that the project can be completed. As noted above, the Accessory Structure forms the northern boundary of our back yard. We have two young children and pets. We would simply like the project finished at the ~13'6" height so that we can then finish the fence in the backyard and our backyard will be secure. The project has been in limbo for some time. Please let them finish it.

Please let us know should you have any questions.

Very Truly Yours,



Fred S. Etheridge



Megan A. Rooney-Etheridge

cc. Jeff Bond
Gregory Denny

Jeff Bond

From: Wendy Musell [wmusell@stewartandmusell.com]
Sent: Friday, September 09, 2011 10:26 AM
To: Jeff Bond
Cc: Wendy Musell; Marie Hopper
Subject: 514 Santa Fe Avenue Garage Project

Importance: High

To: Albany Building Commission

Re: 514 Santa Fe Avenue Garage Project

I reside at 506 Santa Fe Avenue, Albany, CA. Marie Hopper and Greg Denny are seeking permission from the Albany Building Commission to build a 13'4" height on the garage structure in their backyard. I am writing in support of their application.

When my family and I chose to move to Albany and buy a home, one of the considerations to us was the architectural styles of the homes in the area. Many of the homes, including my own and the home of Ms. Hopper and Mr. Denny, are built in the 1930s, before "pre-fab" building structures were used. I appreciate the craftsmanship of these older homes.

Given that this area has older, sometimes smaller homes, there is a lot of building and expansion of homes and out buildings in the City of Albany. When I was looking for a home in Albany, I was astonished to see that many construction projects deviated wildly from the original style of the buildings, leading, in some cases, to results where it appears that two different homes are grafted one on the other. In my opinion and based on my own purchasing decisions, having these widely divergent architectural styles lowers that overall desirability and value of the property as a whole, and consequently, the value of homes in the neighborhood.

The architectural design of the shed that Mr. Denny and Ms. Hopper are building has taken special care to preserve the style of their home and the neighborhood. It is custom built and keeping the same style and roofline as their home. I live only two houses down and the building is not too tall or in any way incongruous with the homes on this street. There is no effect on the view of the large, leafy trees that line the street or the view or usage of the creek in the neighborhood. I appreciate that Mr. Denny and Ms. Hopper are taking the time and large expense to upgrade and maintain their property in keeping with the architectural style of the neighborhood.

Our neighborhood is very tight knit, with neighbors often discussing issues in Albany and in the neighborhood with each other. I have not heard a single negative reaction to the building project or the height of the shed being built. I am surprised and dismayed that City of Albany resources are being spent to even hear this issue, (also resulting in a loss of monies and delay to the homeowners), instead of simply approving this slight variance sought by the homeowners. In this time of fiscal scarcity, in my opinion, it is a waste of the City of Albany's resources that could be much better spent on other improvements in the area.

If you have any questions, you may contact me at my work, Stewart & Musell, LLP (415) 593-0083.

Sincerely,

Wendy Musell, Esq.
Albany homeowner and resident

Wendy Musell

We have moved. Please note our new address.

Stewart & Musell
351 California Street, Suite 700
San Francisco, CA 94104
Telephone: 415/593-0083
Fax: 415/520-0920
wmusell@stewartandmusell.com

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CHAPTER XX

PLANNING AND ZONING

20.24.080 Height Limits and Exceptions.

A. **Measurement of Height of a Structure.** The height of a structure shall be measured with reference to a plane defined by the natural grade at the perimeter of the structure. The distance of the highest point of the structure shall be measured directly above said plane. See subsection 20.24.040.F.3 for special height measurement provisions applicable in the RHD Hillside Residential District.

B. **General Exceptions.** Subject to approval of a use permit, towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, flagpoles, theatre scenery storage structures, fire towers, and similar structures may be erected to a height not more than ten (10) feet above the height limit prescribed by the regulations for the district in which the site is located, provided that no such structure shall be used for habitable space or advertising purposes, and provided that the aggregate of such structures does not cover more than ten (10%) percent of the roof area of the top floor of the structure to which they are attached. All structures that exceed the height limit shall be subject to design review.

C. **Mechanical Appurtenances.** Mechanical appurtenances covering not more than twenty (20%) of the roof area of the top floor of any nonresidential, mixed use or multi-family structure to which they are attached may exceed the height limit prescribed by the regulations for the district in which the site is located by six (6) feet subject to design review and provided that such structures are screened in accordance with subsection 20.24.110, and further provided that no screening is located within ten (10) feet of the perimeter of the plate line of the top story.

D. **Exemptions.**

1. The height limitations specified by this Chapter shall not be applicable to public utility distribution and transmission lines, towers and poles.

2. Rooftop equipment enclosures or screen walls that do not exceed four (4) feet in height shall be exempt from the requirement for a use permit, but shall be subject to design review.

E. **Residential Additions.** The Planning and Zoning Commission may grant a use permit for a second story addition that exceeds the maximum height of twenty-eight (28) feet, in no case above thirty-five (35) feet, in an R-1 Zoning District if, on the basis of the application and the evidence submitted, the Commission makes at least one of the following findings:

1. The roof pitch of the second story is designed to be consistent with the roof pitch on the existing house in order to maintain a unified architectural character.

2. The existing house has a partial ground story, which causes an increase in the overall height of the building, and there are sound design reasons for considering a roofline, which exceeds twenty-eight (28) feet.

3. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point of the roof.

4. The existing architectural character and design of the house must be maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.

5. Planning and Zoning Commission, subject to Design Review criteria, may grant a use permit to allow greater height for second story additions, up to thirty-five (35) feet, measured in accordance with subsection 20.24.080, and based on all three (3) of the following findings:

a. The existing house has a partial ground story that causes an increase in the overall height of the building, and there are sound design reasons from considering a roof line that exceeds twenty-eight (28) feet.

b. The natural downward or upward topography of the site causes an increase in the overall height of the building. The minimum roof pitch has been maintained on the addition to be consistent with the existing architectural design of the house. The height has been measured from the natural or finished grade to the highest point on the roof.

c. The existing architectural character and design of the house is maintained. Design factors have been considered to offset or minimize the increased height, such as breakup in the mass and bulk, offsetting one or more portions of the addition from the ground story wall line, and adding architectural details and elements such as horizontal trim or other features to create interest.

(Ord. No. 04-09; Ord. No. 09-011 §§14, 15, 18)

CHAPTER XX

PLANNING AND ZONING

20.24.130 Accessory Buildings.

A. **Purpose.** These regulations are intended to ensure that required yard areas and access ways in residential districts remain substantially open and unobstructed and that accessory buildings are not used in a manner inconsistent with the General Plan and this chapter.

B. **Definition.** Refer to "Building, accessory" in the definitions section of this Chapter.

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.

D. **Secondary Residential Units.** Secondary Residential Units are regulated by subsection 20.20.080 as a use of land. Regulations of this subsection for Accessory Buildings do not apply to Secondary Residential Units.

E. **Prohibited Uses.** Accessory buildings may not be used for sleeping purposes.

F. **Bathrooms and Kitchens.** No kitchens shall be permitted in accessory buildings. Bathroom facilities shall be limited to a sink and a toilet. An exception shall be made for accessory buildings serving swimming pools whereby all bathroom facilities are permitted, provided the entire accessory building does not exceed one hundred twenty (120) square feet in size.

G. **Location on the Site.** No accessory building shall be closer than six (6) feet to the main building on the lot, nor located in a required front setback area.

H. **Setbacks.** Accessory buildings shall be within six (6) inches of the side or rear lot line, or shall be set back at least three (3) feet, and shall be subject to the following provisions:

1. Accessory buildings shall not have openings (windows, doors, and vents) within three (3) feet of the property line. This includes openings on walls that are perpendicular to a property line. An exception shall be made for garage (vehicle) doors.

2. Accessory buildings located on the street side yard of corner lots are required to meet the minimum setback requirements for the main building.

I. **Rear Setback Coverage.** No accessory building, nor the aggregate of two (2) or more accessory buildings, in a residential district, shall occupy more than thirty (30%) percent of the required rear setback area, or more than thirty (30%) percent of the entire rear yard.

J. **Maximum Height.** The maximum height of an accessory building shall be twelve (12) feet, except that within three (3) feet of the property line, no exterior wall shall exceed eight (8) feet six (6) inches in height, as measured from the top of the foundation, and no roof pitch shall exceed forty-five (45°) degrees.

K. **Projections.** Accessory building roofs or other architectural projections shall not project over a property line.

L. **Tree Houses.** This subsection establishes standards for tree houses to ensure neighborhood compatibility. Tree houses that meet the following limitations are exempt from City permit requirements. If any limitations in the subsection below are exceeded, a variance and a building permit will be required. The Community Development Director may specify additional information required in support of an application for a variance:

1. **Maximum height.** Twelve (12) feet above grade.
2. **Maximum size.** Thirty-six (36) square feet.
3. **Setback.** No tree house or access structure shall be within three (3) feet of a property line.
4. **No habitable space.** A tree house is intended for recreational use and shall not be used as a habitable space.
5. **Prohibitions.** No electricity, plumbing or heating shall be allowed.
(Ord. No. 04-09; Ord. No. 09-011 §19)