

City of Albany



TO: ALBANY PLANNING & ZONING COMMISSION
FROM: ANNE HERSCH, AICP, CITY PLANNER
SUBJECT: PA 12-045 Design Review & Parking Exception for 1117 Ordway
DATE: October 10, 2012

Property Owner/Applicant/Representative:

Paula Wagner & Gib Cattanach
1117 Ordway
Albany, CA 94706

PROJECT: 1117 Ordway Design Review & Parking Exception FILE: PA 12-045 LOCATION: 1117 Ordway GP LU: Low Density Residential ZONING: R-1 Residential Single Family PLANNER: Anne Hersch	Original filing: August 31, 2012 Date Deemed Complete: September 7, 2012 Date of Notice Posted/Mailed: 9/28/2012 Date of Public Hearing: October 10, 2012 Total number of days to hearing: 41 days
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REQUEST

The applicant is seeking design review and parking exception approval for a 650 sq. ft. accessory structure in the rear yard at 1117 Ordway. The lot is 7,551 sq. ft. in area. The applicant received administrative design review approval for a 239 sq. ft. accessory structure in 2011. The original accessory structure was constructed and finalized in April 2011. Upon completion, an unpermitted expansion of the structure commenced and a stop work order was issued. The applicant was directed to file a new application to remedy the current situation. The applicant is proposing to use the structure as a multipurpose art studio.

STAFF RECOMMENDATION

Due to the circumstances of unpermitted work and the proposed size of the accessory structure, staff recommends that the Planning and Zoning Commission review the proposed Design Review and Parking Exception request for 1117 Ordway and provide feedback to the applicant and staff for further review.

SITE LOCATION

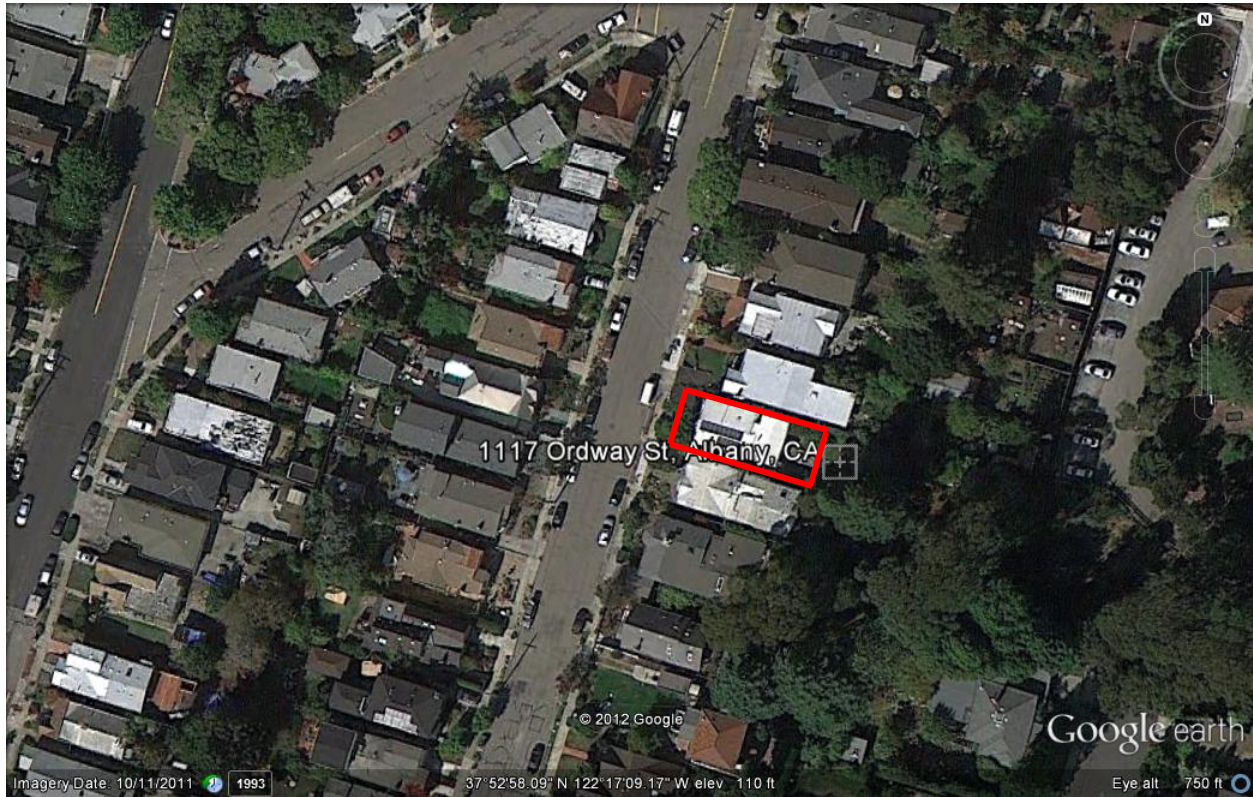


Figure 1. Site Location

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 7,551 sq. ft. lot with a 1,191 sq. ft. three bedroom, one bath home. The applicant received administrative design review approval on October 10, 2011 for a 239 sq. ft. accessory structure in 2011. Notices were sent to property owners within 100 ft. of the subject site. The original accessory structure included a half bathroom facility and was proposed to be used as an artist studio. The structure was constructed and passed final inspection in April 2011. Staff received an anonymous phone call on June 18, 2012 indicating that construction had commenced in the rear yard. Concern was also expressed that this unit could potentially be used as a secondary dwelling unit. The Building Inspector visited the property and issued a stop work order after observing unpermitted construction. Upon visiting the site, staff observed that a kitchen area may have been framed in the rear of the structure and the existing bathroom had been modified to include a floor drain.

ANALYSIS

The subject property is located in the Water Course Overlay District. The Cordinices Creek is located on the south side of the property line. The Overlay District establishes an additional setback requirement of 20 ft. from the top of the natural Creek bank (Section 20.24.030 (G) (1)). Due to the setback requirements, the original structure was configured in an “L” shape 21’6” in length x 8’5” in width with a bump out of 4’1 x 13’6”.

The structure was located outside of the require Creek setback area and sited 5" from the northeast property line. Since the structure is located so close to the property line it may only be used as an accessory structure, and not a secondary residential unit. A secondary unit is required to meet the setbacks of the main structure (3.5 ft from the side yard property line). Below is an illustration from the original submittal showing the building shape and dimensions.

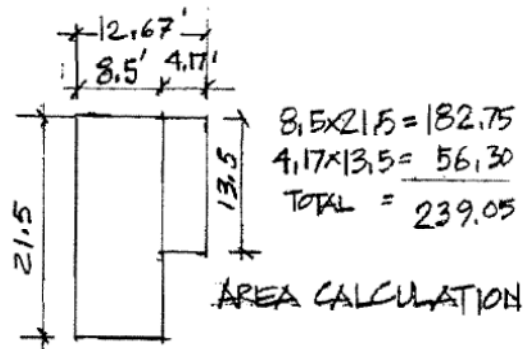
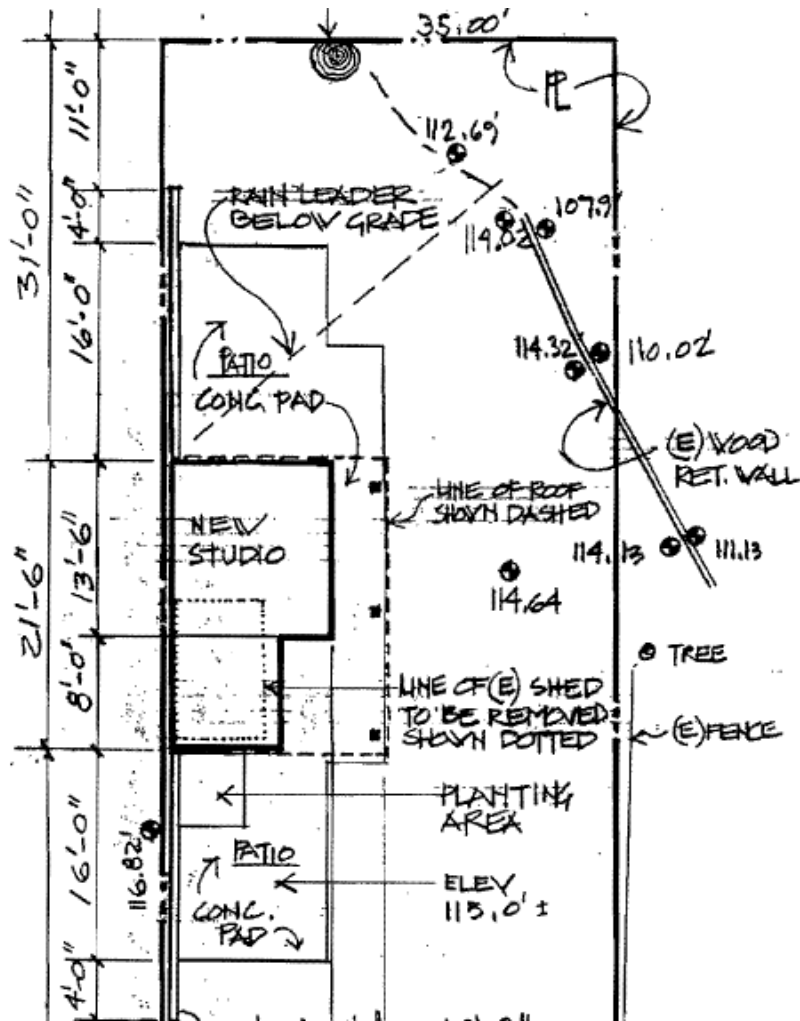


Illustration 1. Original Building Shape with Dimensions

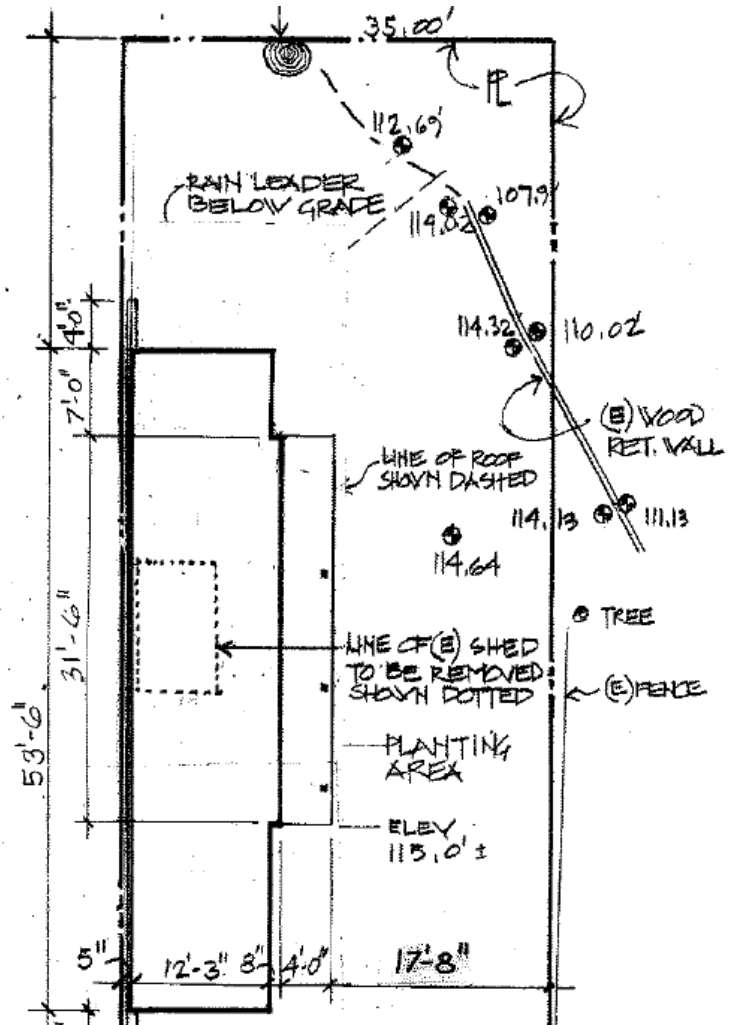
Unpermitted Work

A stop work order was issued on June 18, 2012 in response to unpermitted construction. Upon visiting the site, the structure had increased from 239 sq. ft. to 650 sq. ft., an increase of 411 sq. ft. The east and west walls were opened and conjoined with pre-fabricated accessory structures and located on previously installed concrete pads designated for patio use. Window openings less than three feet from the property line were also installed on the east and west elevations.

The original site plan approved in 2011 and the proposed site submitted in 2012 are shown below. The original site plan shows a total length of 53'6" on the northeast property line, from the edge of the west concrete patio pad beyond the structure and terminating at the edge of the east concrete patio. The proposed site plan shows a building length of 53'6" along the northeastern property line. Both concrete patio pads have been eliminated. The northeast wall now runs the entire 53'6" length, approximately 5" off of the property line. California Building Code requires that walls are a distance of 5 ft. or less from the property line must have a 1 hour fire rated wall. Since subsequent construction was unpermitted, it is unknown if the expanded walls are fire rated.



Original Site Plan 2011



Revised Site Plan 2012

Exterior Elevations



Photo 1. West Elevation



Photo 2. East Elevation



Photo 3. South Elevation



Photo 4. Northeast Property Line

Design Review

The structure is proposed to be clad in recycled redwood with recycled windows. The roofline is shown as a side gable, with a 5:12 pitch roof, though it is slightly off center as observed in the field. A concrete pathway with overhang is proposed for the south elevation.

Project Size

In reviewing the City's records for previously approved accessory structures, most structures range in size from 160 sq. ft.-515 sq. ft. Typically, if the structure is greater than 400 sq. ft. it usually contains a partial garage area for vehicle storage. Most recently, accessory structures were approved for 951 Ordway (440 sq. ft.) and 920 Masonic (515 sq. ft.) and contained covered parking for one car. The largest accessory structure approved in recent years is 600 sq. ft. and located in the rear yard at 1137 Stannage.

While the project complies with the lot coverage and FAR requirements, if this were to be approved as proposed, it would establish a precedent as the largest accessory structure in Albany.

Parking

Due to the size of the proposed structure, a Parking Exception is required. There is one off-street parking provided in the detached garage facing Ordway. Due to the uphill slope of the lot, a second parking space cannot be accommodated.



Photo 5. Garage

ENVIRONMENTAL REVIEW

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.

ATTACHMENTS:

1. Analysis of Requirements with the Zoning Code
2. Project Plans
3. Letter to the Commission from the Applicant
4. Letter to surrounding neighbors from the Applicant
5. Letter from Neighbor (Alison Truman)

ATTACHMENT 1 – ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan: Residential Low Density
Zoning: R-1 Residential Single Family

20.16 Land Use Classifications

Single family residential

Surrounding	North - SFR	East – PF (St. Mary’s College High School)
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)	22'	No Change	15'
Side (south)	20'	No Change	20'*
Side (north)	5"	5"	Within 6"
Rear (east)	15'	15'	Within 6"
Area			
Lot Size	7,551	No change	--
Lot Coverage (rear yard only)	5%	12.7%	30%
Maximum Height	12'	No Change	12' max.

*20 ft. setback required for Watercourse Overlay District.

20.24.030 Overlay District Regulations.
Water Course Overlay District requires 20 ft. setback from the top of the creek bank.

20.24.040 Hillside Residential Regulations.
Not applicable

20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	7,751	No change	--
Floor Area			
Garage/Storage	180	No change	
Main Level	1191	1,841	--
Second-floor	N/A	N/A	
Total			--
Total Counted*	1191	1841	--
Floor Area Ratio*	15%	24%	.55

* 220 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for garage and stairs.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

See Analysis.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

See Analysis.

20.28 Off-Street Parking Requirement.

See Analysis.

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.

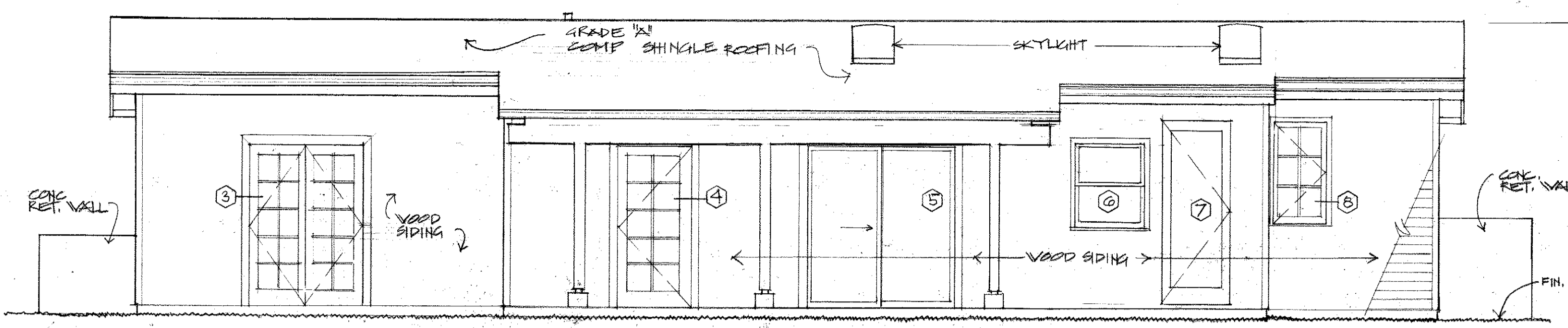
Not applicable.

20.100.010 Common Permit Procedures.

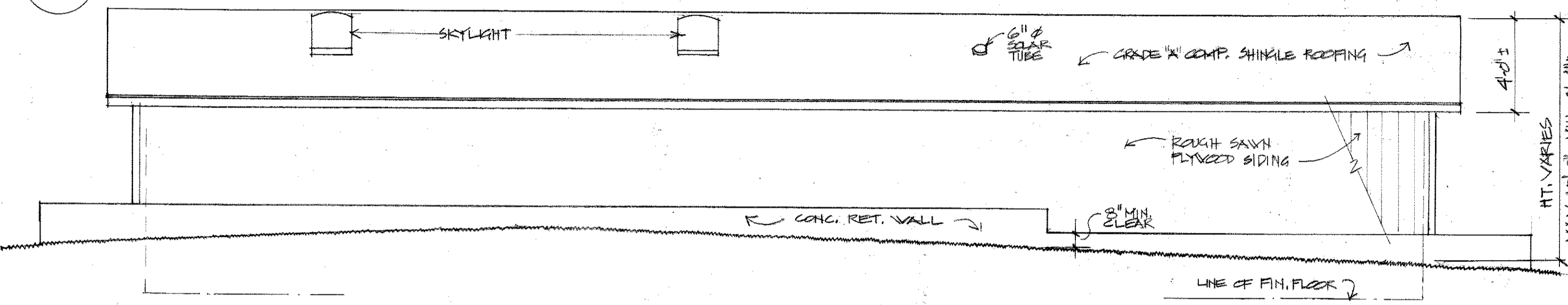
Public notice of this application was mailed on September 28, 2012, in the form of mailed notice, to property owners and occupants within a 100-foot radius, and posted in one location.

20.100.050 Design Review.

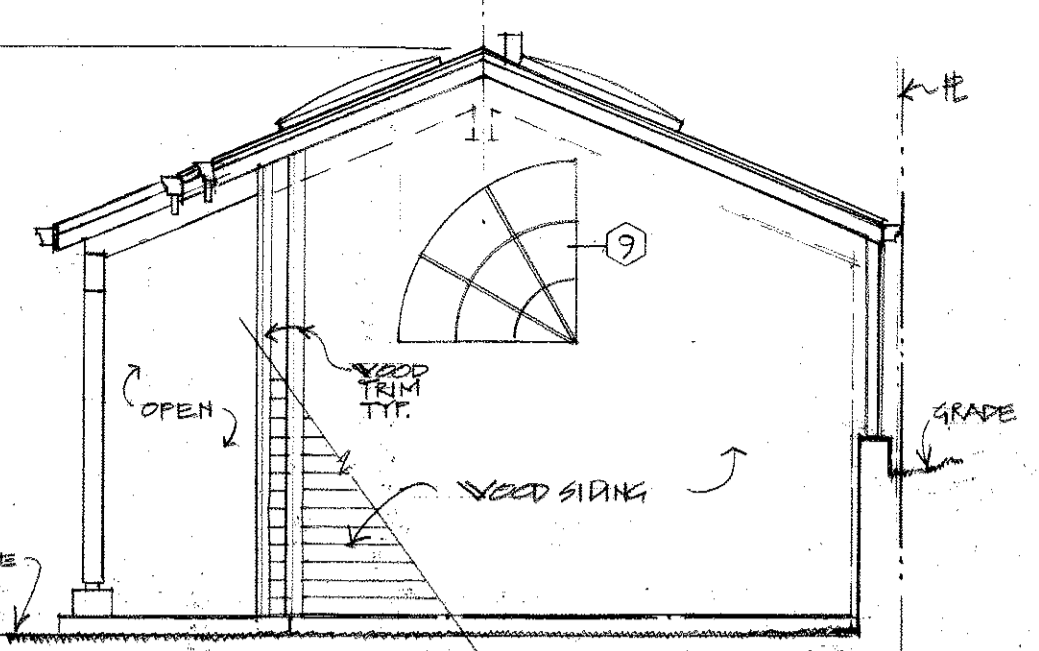
See Analysis.



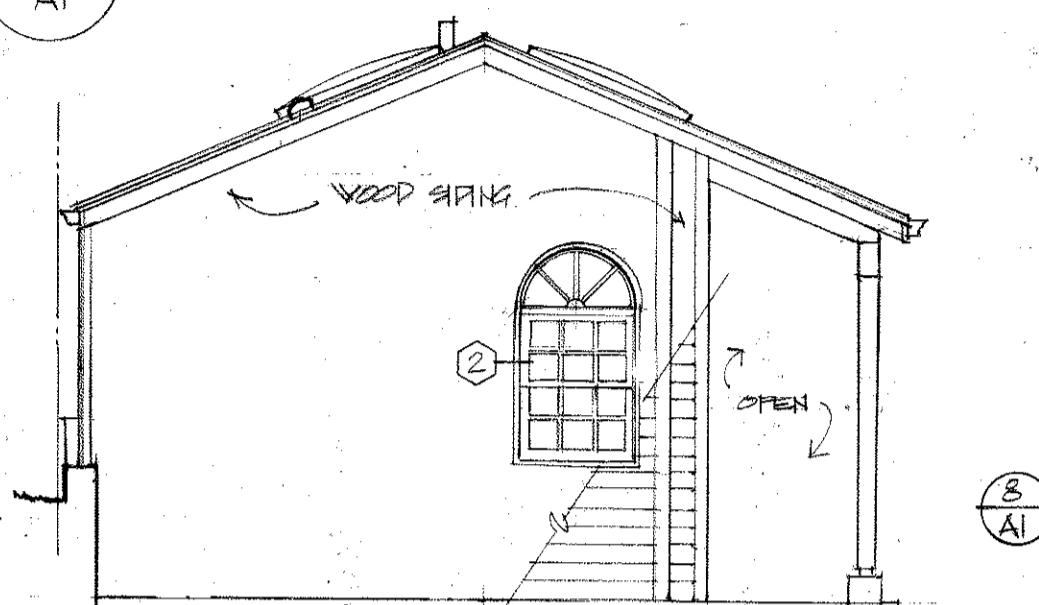
4 SOUTH ELEVATION 1/4" = 1'-0"



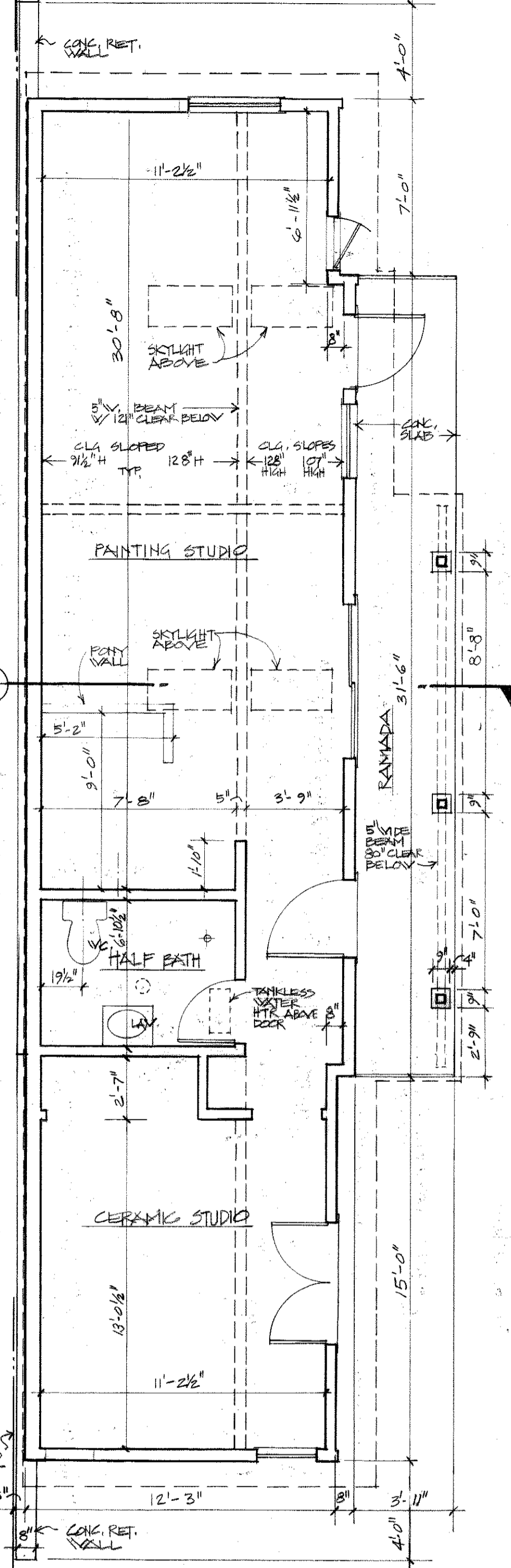
6 NORTH ELEVATION 1/4" = 1'-0"



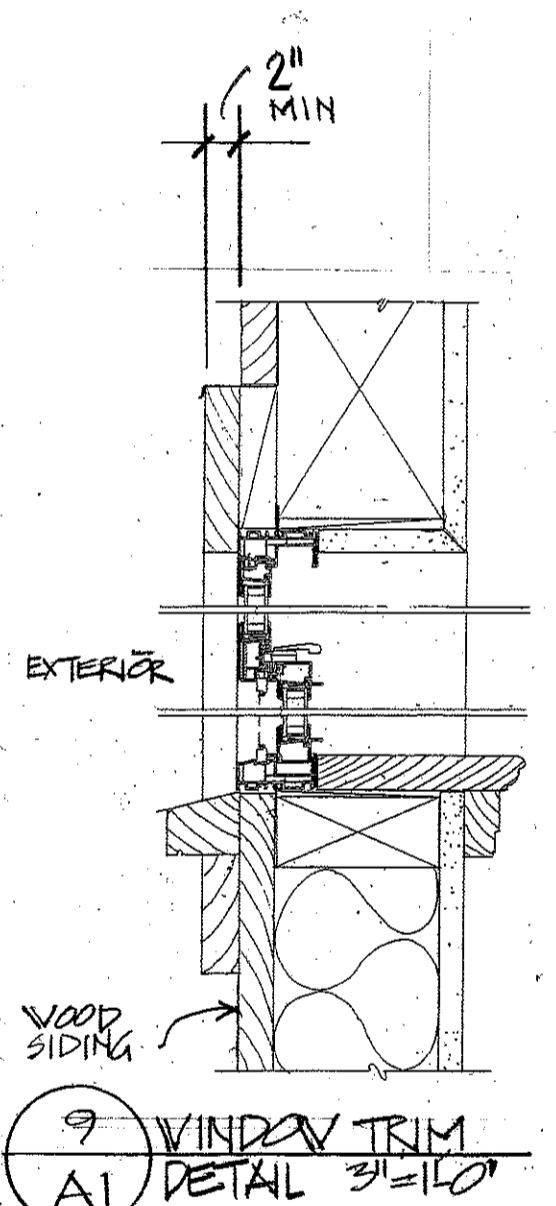
3 EAST ELEVATION 1/4" = 1'-0"



5 WEST ELEVATION 1/4" = 1'-0"



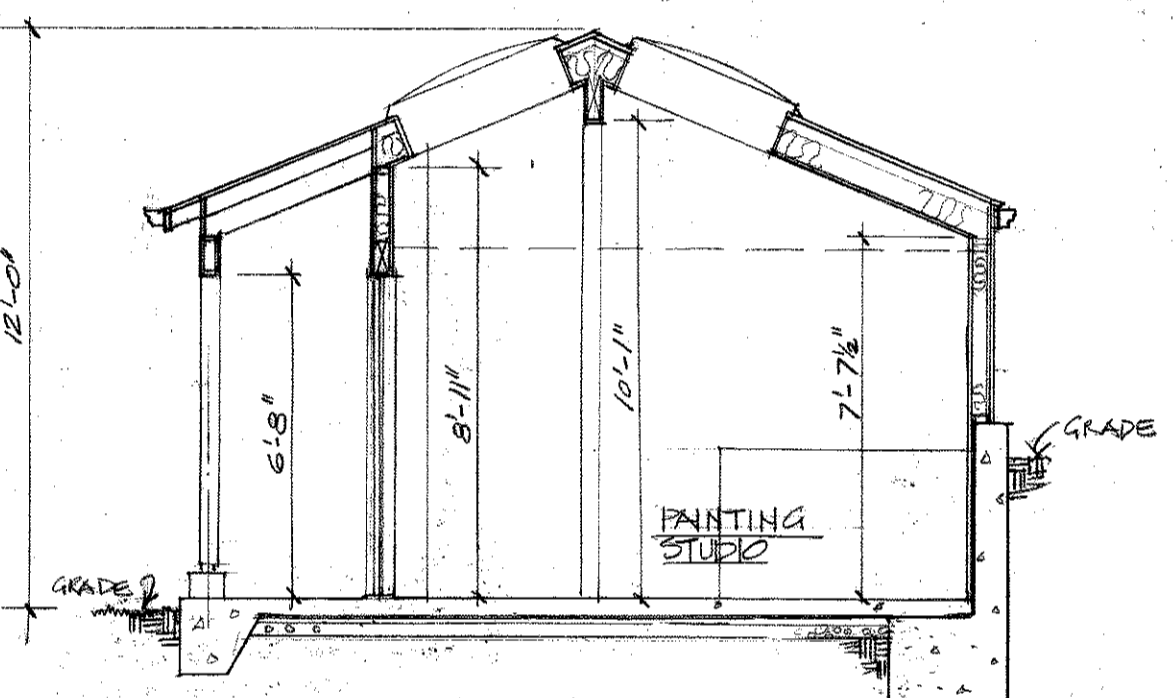
2 FLOOR PLAN 1/4" = 1'-0"



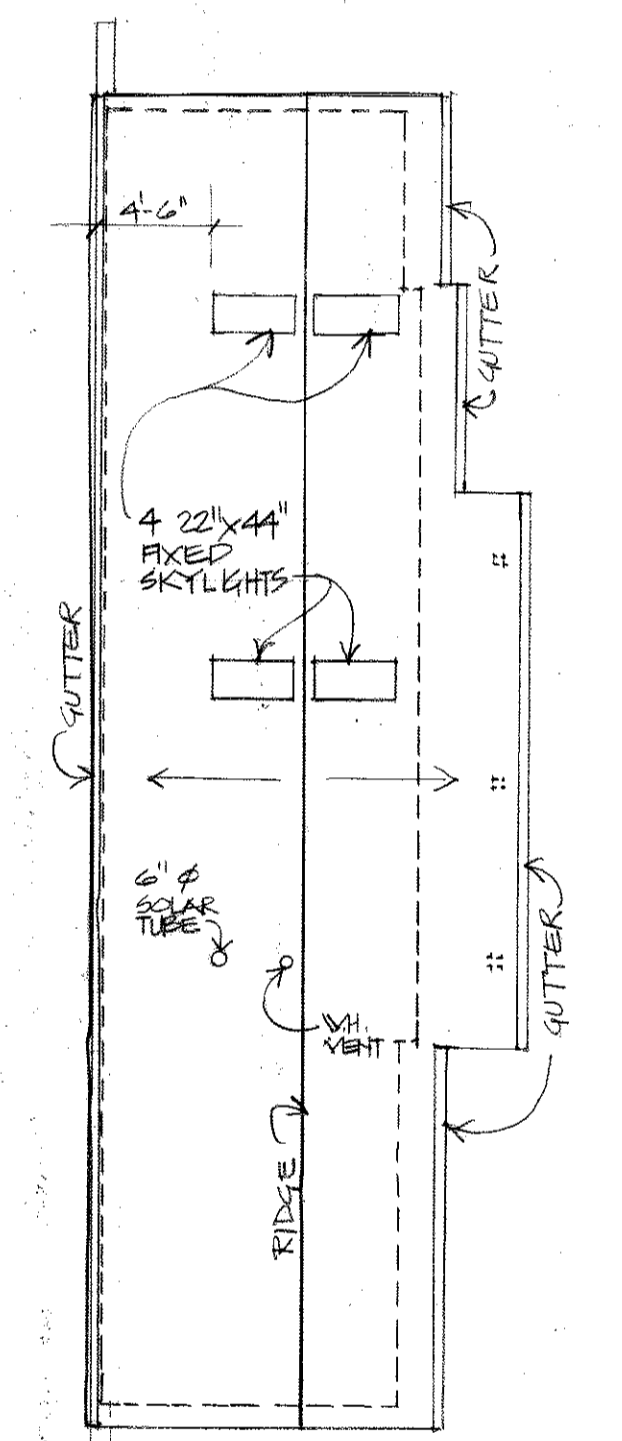
9 WINDOW TRIM DETAIL 3/8" = 1'-0"

WINDOW SCHEDULE

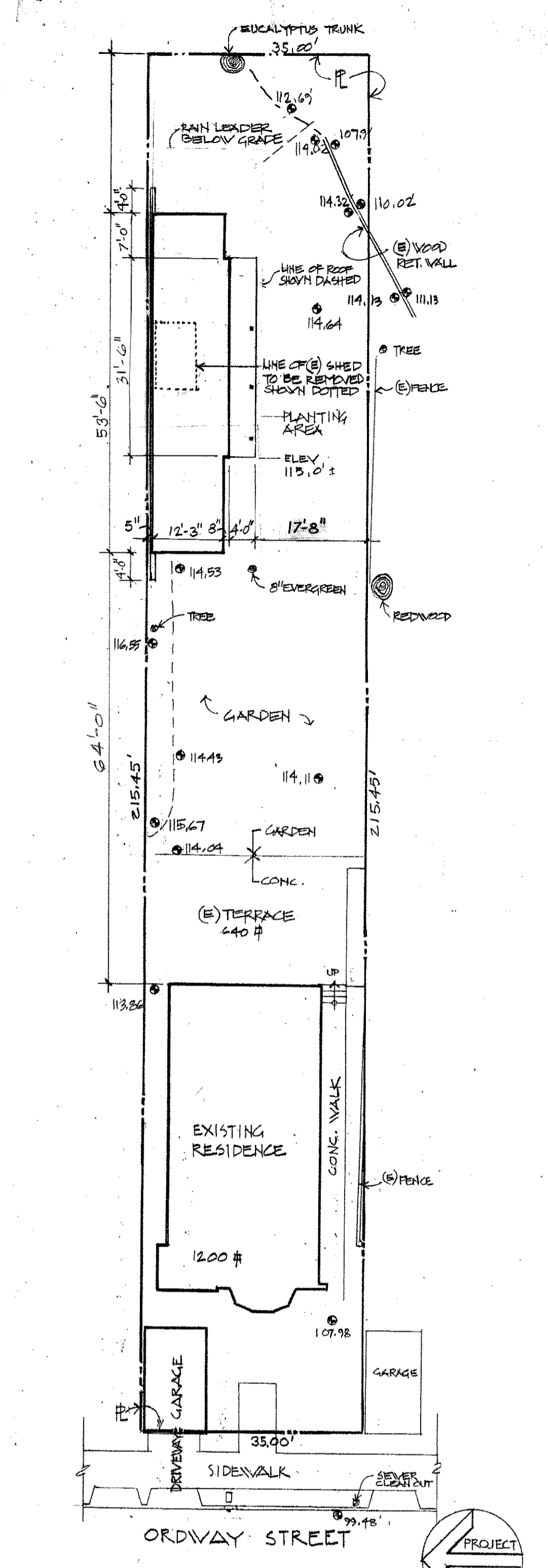
KEY	ROOM DESIGNATION	SIZE W x H	TYPE	MATERIAL
1	DELETED			
2	CERAMIC STUDIO	2/3 x 4/5	DBL HUNG W/FIXED ROUND TOP	WOOD
3	"	4/3 x 6/7	FR. DOORS	WOOD
4	PAINTING STUDIO	3/4 x 6/9	10 LIGHT POOR	WOOD
5	"	6/4 x 6/8	SL. GLASS POOR	VINYL
6	"	3/6 x 3/4	DBL HUNG	WOOD
7	"	3/6 x 7/8	SINGLE LIGHT POOR	WOOD
8	"	2/2 x 4/6	CASEMENT	WOOD
9	"	3/2 x 3/8	FIXED FAN LIGHT	VINYL
10	DELETED			



8 SECTION 1/4" = 1'-0"



7 ROOF PLAN 1/8" = 1'-0"



1 SITE PLAN 1/16" = 1'-0"

EXCAVATION:
 AREA OF BUILDING
 240' x AVERAGE DEPTH 2'
 = 480 CU. FT = 18 YDS
 AREA OF PATIO = 583' sq ft
 AVERAGE DEPTH OF 1" = 583'
 = 22 CU YDS
 22+18 = TOTAL 40 CU. YDS.

SCOPE OF PROJECT
 CONSTRUCTION OF SINGLE STORY ARTIST'S STUDIO WITH HALF BATH AND POURED CONCRETE PATIO.

CALIFORNIA BUILDING CODE 2010 EDITION
 CALIFORNIA MECHANICAL CODE 2010 EDITION
 CALIFORNIA ELECTRICAL CODE 2010 EDITION
 CALIFORNIA PLUMBING CODE 2010 EDITION

From: Paula Wagner & Herbert G. Cattanach, Owners
1117 Ordway Street, Albany, CA 94706

To: City of Albany Planning & Zoning Commission
City of Albany Planning Department

Re: Application for Approval of Art Studio

Date: September 29, 2012

We respectfully apologize for making design changes to an approved accessory building without a permit and are eager and are willing to take all necessary steps to achieve full compliance.

Our intention has always been to use this structure as a multipurpose art studio for our own activities, not as a rental or living space at any time, now or in the future. Since our house is only 1232 square feet, it is really too small to accommodate eight grandchildren and extended family when we get together, which is often. For this purpose, a multipurpose art studio would be ideal.

The current accessory building is architecturally esthetic, structurally cohesive and blends beautifully into the natural environment. No views are obstructed. Even our closest neighbors can only see it through a screen of trees from the far end of their back yards. From Saint Mary's, it's not visible at all. Since our property sits below our neighbors' to the north, the view from their side shows only the sloping brown-shingled roof and three feet of redwood-stained back wall rising above the retaining wall below their sight line. The building is also exceptionally green with recycled redwood siding, doors and double pane windows (trimmed to achieve a 2" setback).

Given the depth of our lot, the building fits very well into our back yard while still leaving a FAR of only 32%. The native landscaping we intend to plant will be a big improvement over the old shed, weeds and brambles that used to cover the space. Finally, the new structure conforms to the same height, size, sewer and setback requirements as the originally permitted space.

So how did this all happen? After the original accessory building of 239 square feet was signed off in May 2012, we built two 10X12 accessory units, which did not require permits as long as they were 6 feet away from the finished structure. Our mistake was in joining them together, opening up one wall and adding windows and doors, which created an additional space of 411 square feet. *However, the only areas actually built without a permit are the enclosed spaces totaling 144 square feet.*

With winter coming we are anxious to resolve these problems and complete the project to the satisfaction of the city and our neighborhood as soon as possible.

Thank you for your consideration,

Paula Wagner & Gib Cattanach

September 30, 2012

Hello Neighbors,

If you've received a notice from the Albany Planning & Zoning Commission regarding the studio on our property on 1117 Ordway, you may have some questions prior to the meeting on October 10.

First of all, we want to explain how the originally approved studio "grew." Quite simply, the possibilities of joining it together with two smaller accessory units (which did not require permits), carried us away. That is how three separate units evolved into a single larger building.

However, that was our mistake and we are fully committed to do what it takes to get the studio into compliance. Therefore, we have begun a new planning review. We have apologized to the city for working outside their guidelines and we want to sincerely apologize to our neighbors as well, for any disruption this has caused.

Despite these problems, the expanded structure conforms to all the same requirements (height, sewer and setbacks) as the permitted space. With recycled redwood siding, doors and windows it is very green and blends beautifully into nature at the back of our deep lot. In spite of its size, it can hardly be seen among the trees and does not obstruct any views.

It remains our intention to use this space for multipurpose activities with family and friends, not as a rental. Our main house is quite small, so the extra space would be great for our eight grandchildren and extended family.

We look forward to resolving these problems and welcome you to come and see the studio or contact us for more information.

Thank you for your consideration. Have a beautiful autumn season!

Your neighbors,

Paula Wagner & Gib Cattanach

1117 Ordway Street, Albany
510.526.0195 / paula.lifework@comcast.net

Alison Truman
1115 Ordway Street
Albany CA 94706

October 12, 2012

City of Albany Planning Commissioners
City Hall – Council Chambers
1000 San Pablo Avenue
Albany CA 94706

SUBJECT: Planning application 12-045 Design Review and Parking Exception for 1117 Ordway.

Dear Planning and Zoning Commissioners;

This letter outlines areas of concern regarding the ancillary building erected at 1117 Ordway. My understanding is that the Public Works staff issued a stop work order due to an unpermitted expansion of the approved permitted structure. The agenda item noted in the above subject heading is on your agenda for public discussion on October 10, 2012.

Prior to outlining my concerns, I would like to express my support for improving the property values in our community. My parents purchased 1115 Ordway in the early 1970's and I became a part owner of our home in 2007. I, on my behalf and my Parents, am uncomfortable writing this letter because of the discomfort that has resulted from the situation due to this apparently unpermitted construction. We have consistently supported neighborhood expansion projects and have maintained strong and supportive relations with our neighbors over the years, both old and new neighbors in addition to the St. Mary's High School administration. We support ongoing neighborly relations. This project, unfortunately, has strained neighborhood relations.

I, along with my parents, continue to support permitted developments that fit into the Albany community and our neighborhood. We feel that this present situation should be done in accordance with city codes and, as is appropriate, should not negatively affect our property. This being said I have some questions about the current and proposed revised ancillary building currently standing at 1117 Ordway. Unfortunately I am not familiar enough with the city ordinances or statutes to reference them throughout my verbiage below. I have tried to organize my thoughts in a logical manner below for the Commission.

Size:

If I am reading the proposed revised drawings correctly, the current ancillary structure is almost 54 feet in length; and will result in a final ancillary structure that is 650 square feet. The structure runs in a continuous length and is inches from our 1115 Ordway property line. This seems like a very large ancillary structure to have so close to the property line. How does this structure compare to other ancillary structures approved by the City and how have structures this close to a property line been contained so they do not negatively impact the neighbor who shares the property line? The structure has certainly changed the view from the upper portion of our yard and the view from the back bedroom. We have had to relocate a fence and add a fence panel to block the view of the ancillary structure from our home. If we had been aware that the approved permitted structure was going to be single continuous length and this large; we would certainly have raised the size issue earlier.

Weight:

As noted above the structure is very large. The cement slabs that were poured for the permitted structure were very large and have clearly added a large weight bearing load to the property at 1117 Ordway. These slabs with the combined weight of the ancillary structure walls and content when filled will be considerable. Given the proximity to the creek and the section of the bank that is not protected by a retaining wall (the northeast property line bank behind the structure); I am concerned that the weight of the structure, once finalized will impact the non-retained portion of the northeast bank. The considerable weight of the structure will no doubt overtime result in drawing down the northeast un-retained bank. Also the long-term impact of the weight is of concern, given the creek that is not far from the property. How will the city evaluate and address the long-term impact of a structure of this size in terms of potential negative impact to existing banks, with no obvious history of erosion problems?

Fire:

I am concerned that there is an increased fire risk to our property. As noted above the large ancillary structure now erected at 1117 is inches from the property line and has been finished with painted wood paneling. Also due to the fact that our lot is above the 1117 lot, the ancillary building roof is not that far from the ground of our property. My understanding is that the walls on the property line or within inches of the property line must have a one hour fire rated wall. It is not clear to me if the current wall and painted finish meet this one hour fire rating requirement. I am also not sure if the roof and the proximity to the ground of our lot meets fire code requirements. Given the number of trees in the area, proximity to St. Mary's property and the existing ancillary structures on our property I would like assurance that the ancillary structure meets all the city fire code requirements.

Drainage:

As noted the current ancillary structure is inches away from the property line and the roof is not that far from the ground of our property. The installed roof gutters along the perimeter on the

ancillary structure do not seem sufficient to ensure continuous drainage from the roof through the rainy seasons. Though we have had no rains to date, the gutter is currently full of leaves and twigs from the existing trees. I am concerned that the gutters will be very difficult to keep clear to ensure there is no drainage overflow onto our property, thus causing erosion to bank, ground and damage to the plants located on our property immediately behind the back wall of the ancillary structure. This is of particular concern given the only access to the gutters for our neighbor's, via their property, appears to be over the top of the ancillary structures roof. Is there another solution that will protect the ability for continuous drainage from the ancillary building roof to the outputs approved by the city so we will not be faced with informing our neighbors every time there is gutter overflow?

Erosion:

There is a portion of the bank at the northeast end of the ancillary structure to the start of St. Mary's property that is not behind a retaining wall. During the excavation of the bank for the concrete forms required for the retaining wall; long wide sheets of metal that were embedded in the bank prior to our purchase of 1115 Ordway were removed by the laborers working at 1117 Ordway. The removal of these metal sheets coupled with the removal of some large tree limbs almost at the base of a tree on the bank and which straddles the property line, has now raised concerns regarding the ongoing stability of the northeast bank that is not behind a retaining wall, yet which was affected by the erected ancillary building. This bank has been stable since my parents purchased 1115 Ordway in the early 1970's. Given our property is above the 1117 property, there is now increased risk that the old structures in the back of our yard may slip if the bank erodes onto 1117 due to the disruption caused by the construction and removal of tree limbs. The issue with the removal of the tree limbs is that the tree is now 'unbalanced' which may cause it to fall over sooner than through the natural progression of its continued uninterrupted growth. How can this issue which will result in considerable cost be addressed so we are not negatively impacted by the erection of the ancillary structure?

Intended Use:

Through a letter distributed to the neighbors on September 30, 2012 (see attached), the use has now been stated as "a space to be used for multipurpose activities with family and friends and not as a rental". I am still concerned about the utility of the structure by future owners. Does the city place enforceable restrictions on the use of additions?

Miscellaneous:

There is currently a copper pipe that is protruding from the back wall of the ancillary structure. It appears unfinished and it is not represented on the revised drawings submitted to the commission. It looks similar to a safety valve overflow for a water heater. If this is the copper pipes utility, as it is currently finished, it will spew hot steam over onto our property and plants. I would like to see the plans for this pipe as my hope is that it will be redirected to output onto 1117 Ordway's property.

I look forward to the commission's review of this matter, especially regarding resolution of the concerns outlined above and look forward to the Commission's determinations of the appropriate scope and use of the final structure. My parents and I are understandably pleased that our neighbors are committed with only moving forward with a final structure that meets the city's ordinances and statutes.

Please feel free to contact me with any questions regarding the content of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Truman", with a long horizontal flourish extending to the right.

Alison Truman

Cc: Rhys and Margaret Truman
Paula Wagner and Gib Cattanach

September 30, 2012

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However, that was our mistake and we are fully committed to do what it takes to get the studio into compliance. Therefore, we have begun a new planning review. We have apologized to the city for working outside their guidelines and we want to sincerely apologize to our neighbors as well, for any disruption this has caused.

Despite these problems, the expanded structure conforms to all the same requirements (height, sewer and setbacks) as the permitted space. With recycled redwood siding, doors and windows it is very green and blends beautifully into nature at the back of our deep lot. In spite of its size, it can hardly be seen among the trees and does not obstruct any views.

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Thank you for your consideration. Have a beautiful autumn season!

Your neighbors,

Paula Wagner & Gib Cattanach

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