



DATE: August 14, 2013

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 13-V-07 – 481 Cherry Avenue

RECOMMENDATION:

Approve variance application 13-V-07 subject to the listed findings.

PROJECT DESCRIPTION

This is a variance application for a single-story addition to allow a side yard setback of nine-feet, seven-inches from the north property line, where a setback of 15 feet is required. The following table summarizes the project:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 10,270 square feet
MATERIALS: Stucco, wood shake roofing, bow window, all details to match existing.

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	2,907 square feet	3,243 square feet	3,595 square feet
FLOOR AREA:			
First floor	2,825 square feet	3,161 square feet	
Total	2,825 square feet	3,161 square feet	3,595 square feet
SETBACKS:			
Front	26 feet	N/A	25 feet
Rear	25 feet	N/A	25 feet
Right side	11 feet	N/A	15 feet
Left side	9.6 feet	9.6	15 feet
HEIGHT:	15	15	20 feet

DISCUSSION

The lot does not meet the minimum standards for a flag lot. Its width is less than 80 feet (79 feet) and its site area is less than 15,000 square feet (10,270 square feet).

The structure is considered non-conforming because it does not meet the required 15-foot side yard setback. The existing wall was legally constructed with a side yard setback of nine-feet, seven-inches, where a 15-foot setback is now required. The lot was developed under previous zoning regulations that only required a 10,000 square foot net lot size and 10-foot side yard setbacks. The adjacent flag lots are similar in size and each have a similar setback pattern that is less than 15 feet.

Non-conforming structures that were legally constructed may apply for an administrative approval for a one time extension of a non-conforming wall. The extension can be no more than 20 feet or 50 percent of the length of the wall, whichever is less. However, the requested variance is for a 23 foot extension of the north wall of the house, thus necessitating a variance.

Staff supports this variance because it would allow for a reasonable addition to a house that is limited by the increased setback requirement on a lot that was developed under previous regulations. The addition is well integrated into the existing house and would meet the intent of the zoning regulations and Residential Design Guidelines.

Procedurally the Design Review Commission acts on the variance application. If approved, then staff will administratively approve the design since it otherwise meets our design findings and Residential Design Guidelines.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15305 of the Environmental Quality Act because it involves minor set back variances not resulting in the creation of any new parcel.

Cc: Daryl V. Harris, RH Associates Architects, Applicant and Designer
Parag Bopardikar, Owner

Attachments:

- A. Application
- B. Area Map and Vicinity Map

FINDINGS

13-V-07—481 Cherry Avenue

1. With regard to approving the side yard setback variance for the house, the Design Review Commission finds the following in accord with Section 14.82.050 of the municipal Code:
 - a. That the granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02:
 - b. That the granting of the variance will not be detrimental to the health, safety or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
 - c. That special circumstances applicable to the property exists related to the less than standard site area and nonconforming side yard setbacks, where the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.



ATTACHMENT A

CITY OF LOS ALTOS
GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # 1105696

Table with 3 columns: One-Story Design Review, Sign Review, Multiple-Family Review, etc. Variance(s) is checked.

Project Address/Location: 481 CHERRY AVENUE
Project Proposal/Use: SINGLE STORY ADDITION
Current Use of Property: SINGLE FAMILY RESIDENCE
Assessor Parcel Number(s): 167-28-080 Site Area: 10,270 SF
New Sq. Ft.: 336 Remodeled Sq. Ft.: 2 Existing Sq. Ft. to Remain: 2825
Total Existing Sq. Ft.: 2,825 Total Proposed Sq. Ft. (including basement): 3,161

Applicant's Name: DARYL V. HARRIS RH ASSOC. ARCHITECTS
Home Telephone #: Business Telephone #: 530 268-3055
Mailing Address: 22807 SUNSET RIDGE DR.
City/State/Zip Code: AUBURN, CA 95602

Property Owner's Name: PARAG BOPARDIKAR
Home Telephone #: Business Telephone #:
Mailing Address: 481 CHERRY AVE.
City/State/Zip Code: LOS ALTOS, CA. 94022

Architect/Designer's Name: DARYL V. HARRIS Telephone #: 530 268 3055

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***



ASSOCIATES
architects

July 2, 2013

City of Los Altos Planning Commission
Design Review Committee
One North San Antonio Rd.
Los Altos, CA 94022

re: Bopardikar Residence, 481 Cherry Avenue

Dear Committee Members:

The proposed project seeks to maintain and extend an existing legally non-conforming portion of the existing single-story structure which does not comply with the current required interior side yard setbacks for a "flag" lot. The proposed addition will extend 23'-2" in front of the existing house to align with the front of the existing garage and will maintain the existing side yard setback of 9'-7". This proposed extension is 3'-2" longer than the 20 foot maximum length which is allowed per the exception requirements of Section 14.10.080 F that could be processed as an Administrative Extension. The approval of this additional length is what requires the filing of this variance application.

The original residence was built in 1977 on a flag lot, zoned R1-10, which required a minimum interior side setbacks of 10'-0" which was the same as what is required for other standard interior lots in Los Altos. In 2003 an addition was done for the current property owner, to the original home, which extended the left or north side of the building both to the front and to the rear. This addition was done to match the same side yard setbacks as the original house. The existing structure and the 2003 addition were both built under the development standards of the City of Los Altos Zoning Code which allowed for flag lots, created before 1981, to have interior side yard setbacks of 10 feet. Sometime after 2003, this language was removed from the Zoning Code that exempted these flag lots from having to comply with the new larger minimum side setback of 15 feet.

The neighboring properties, on both sides of this property, are also a flag lots created before 1981 with existing single-story homes that have existing interior side yard setbacks of 10 feet, or less. Our proposed interior side extension will be similar in length & setback to the adjoining side yard neighbor's home.

Variance Findings for Approval:

1. That granting of the variance will be consistent with the stated purposes of the City Zoning Plan allowing for growth along sound lines by ensuring a harmonious & convenient relationship among other properties in the neighborhood and thus preserving and enhancing real property values within the City.
2. That granting the variance will not be detrimental to the health, safety or welfare of persons living in the vicinity.
3. That agreeing with the Planning Staff's recommendation for approval and granting this variance, does not constitute a grant of special privileges, since the project meets the provisions for the allowable exceptions in the Zoning Code and as such will not deprive this property of development privileges enjoyed by other similar properties in the City under identical zoning classification.

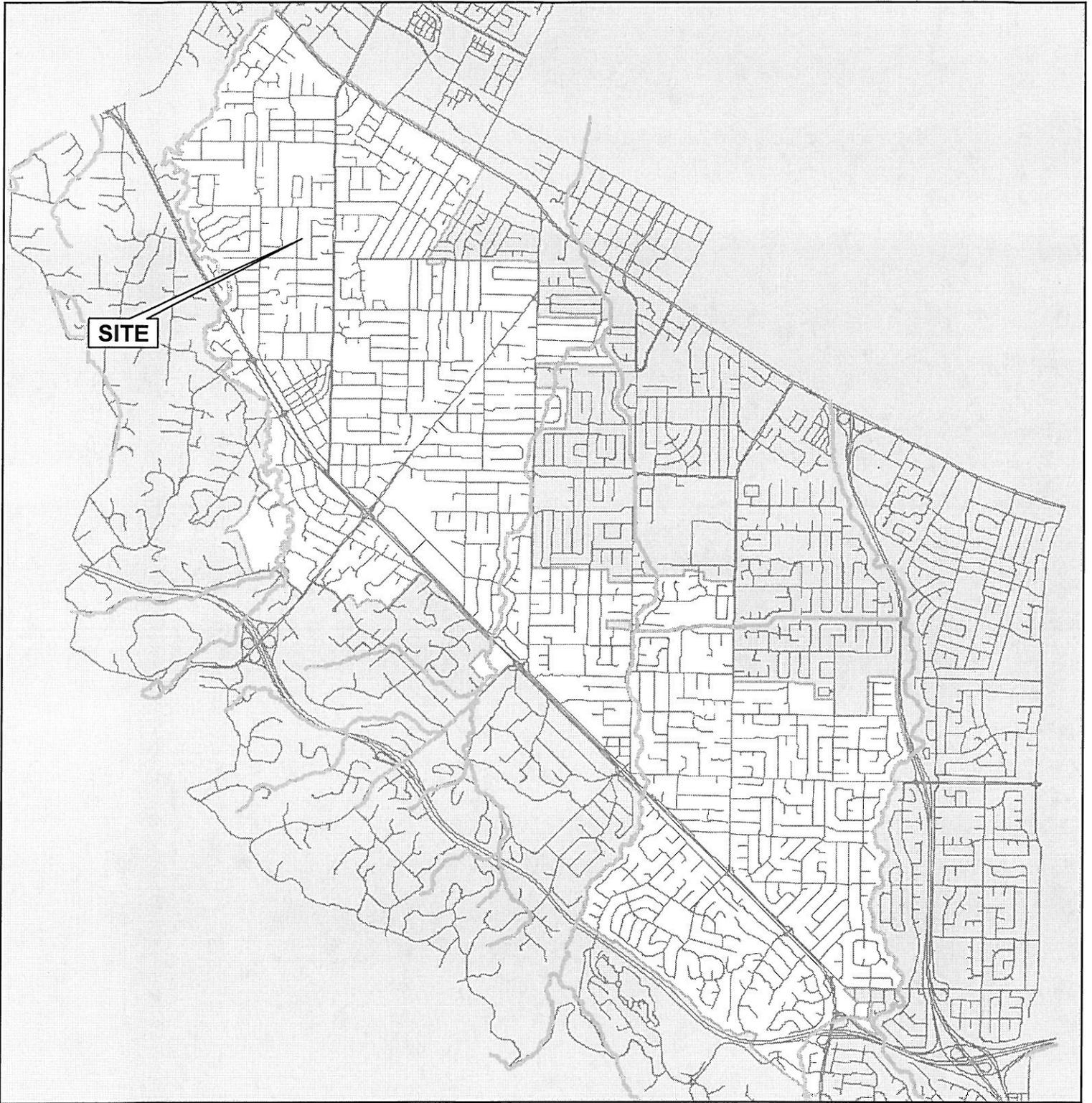
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daryl V. Harris', with a long horizontal flourish extending to the right.

Daryl V. Harris
CA architect's license # C25631

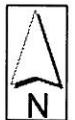
ATTACHMENT B

AREA MAP



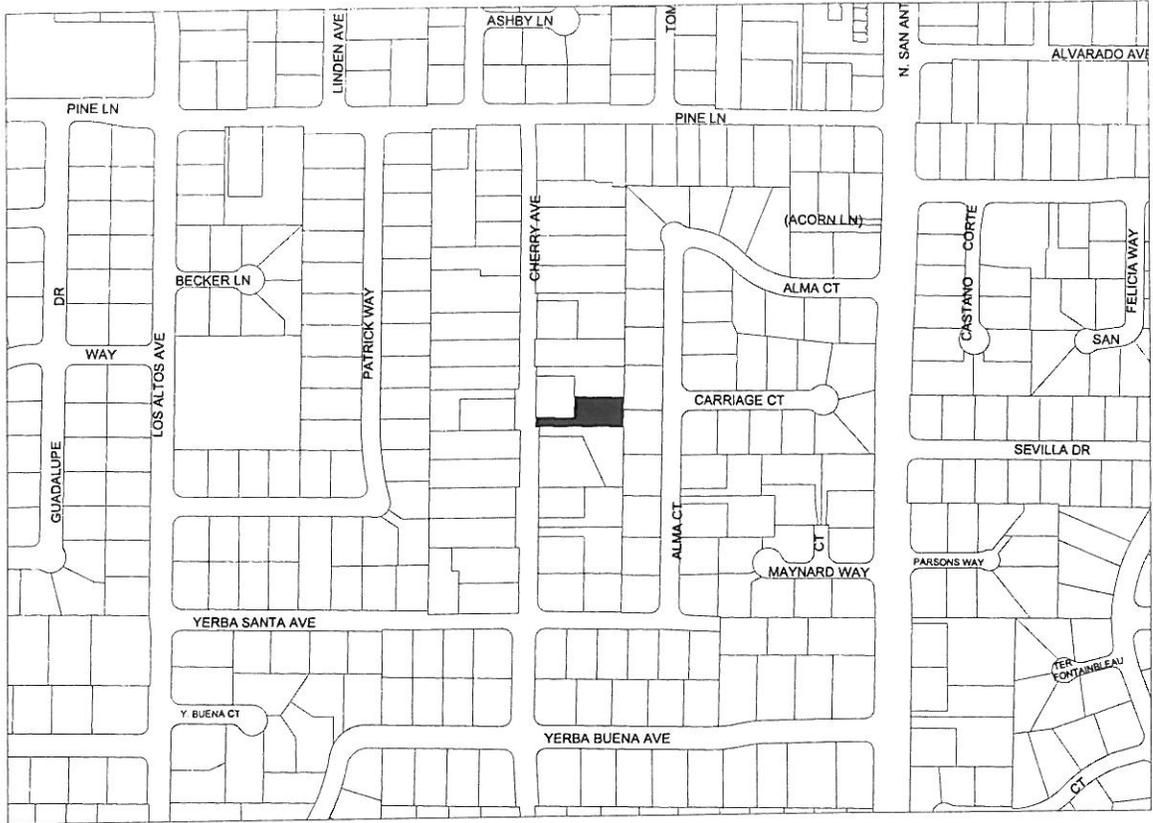
CITY OF LOS ALTOS

APPLICATION: 13-V-07
APPLICANT: D. Harris/P. Bopardikar
SITE ADDRESS: 481 Cherry Avenue

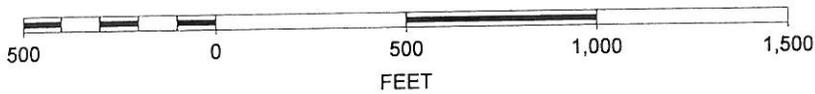


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



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