



DATE: March 4, 2015

AGENDA ITEM # 3

**TO:** Design Review Commission  
**FROM:** Sierra Davis, Assistant Planner  
**SUBJECT:** 14-V-14 and 14-SC-48 – 840 Madonna Way

**RECOMMENDATION:**

Deny variance application 14-V-14 and design review application 14-SC-48 subject to the listed findings

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**PROJECT DESCRIPTION**

This is a variance and design review application for additions and modifications to an existing non-conforming, two-story house on a flag lot. The application includes a floor area variance to allow the reconfiguration of square footage from the side of the house to the front of the house, maintaining a non-conforming side yard setback of 10 feet where 15 feet is required for the first story, maintaining the second story. The following table summarizes the project:

**GENERAL PLAN DESIGNATION:** Single-family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 14,023 (net) square feet  
**MATERIALS:** Stucco, wood shingles, asphalt roof shingles, stone veneer, wood trim, new windows and doors throughout.

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>LOT COVERAGE:</b>	3,323 square feet	3,262 square feet	4,207 square feet
<b>FLOOR AREA:</b>			
First floor	3,323 square feet	3,262 square feet	
Second floor	1,553 square feet	1,553 square feet	
Total	4,876 square feet	4,815 square feet	4,152 square feet
<b>SETBACKS:</b>			
Front	25 feet	25 feet	25 feet
Rear	30 feet	30 feet	25 feet
Right side	18 feet /18 feet	18 feet/18 feet	15 feet*
Left side	10 feet /42 feet	10 feet/42 feet	15 feet*
<b>HEIGHT:</b>	28 feet	28 feet	27 feet

\* Second stories on flag lots are not allowed by code; therefore there is not a setback requirement.

## BACKGROUND

The property is in a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines. The homes in the neighborhood are primarily two story homes on hillside lots, with low wall plate heights and simple roof forms, with a mix of materials including stucco, wood siding, stone, and various roof materials. The street tree pattern is not well defined, however the landscaping includes mature shrubs and large trees.

The existing structure is located at the end of Madonna Way on a flag lot, adjacent to another flag lot. The house was approved and built in 1986 under the City's jurisdiction; however, the project is non-conforming to current zoning requirements in the following ways:

- Two story house on a flag lot, where no second story is allowed;
- 10-foot side yard setbacks, where 15 feet is required; and
- Floor area of 4,876 square feet, where 4,152 square feet is allowed.

## DISCUSSION

### Variance

The applicant is requesting variances to:

- Re-configure a greater than allowed floor area;
- Maintain a 10-foot side yard setback, where 15-feet is required; and
- Maintain a second story on a flag lot.

The scope of the project includes the demolition of the 176-square foot den on the left side of the house and the first story exterior walls, interior remodel of the first and second story, new windows throughout the house, demolishing and rebuilding the second story bay windows and new decks at the first and second story. The 127-square foot, addition at the front of the house would include adding floor area to the kitchen, dining room and entry. The project would maintain the roof structure over the first story and second story.

The zoning requirements for the R1-10 district address non-conforming structures in the single family zoning district. When a house has an existing nonconforming setback and fifty (50) percent or more of the floor area of that structure is voluntarily being eliminated or replaced, the entire structure shall be brought into conformance with current setback requirements. The intent of the non-conforming regulations is to allow maintenance of non-conforming structures, but provide for their replacement over time.

Staff has determined that approximately 75 percent of the house will be demolished and replaced; therefore, variances are necessary to maintain the non-conforming side yard setback and the second story. Maintaining the side yard setback and second story would not be consistent with the objectives of the zoning plan. With the extent of reconstruction the structure should be brought into conformance with the current setback requirements, which would require the left side of the property to conform to the 15-foot side yard setback and the elimination of the second story. This project, if granted, would essentially renew the lifespan of the structure.

## **Design Review**

According to the Design Guidelines, in Consistent Character Neighborhoods, good neighbor design has design elements, materials and scale found within the neighborhood and sizes that are not significantly larger than other homes in the neighborhood. This requires a project to fit in and lessen abrupt changes.

The house is located on a flag lot and does not present a facade to the street; however, the design and materials relate to other homes within the neighborhood context. The house maintains the existing plate heights and overall height of the house, which will not be a significant change in massing and scale. The project incorporates new architectural elements such as a taller entry, boxed out bay windows on the second story, and gable roof elements. The new elements relate well to the design of the existing house.

The project will remove and replace all exterior materials and will include: stucco, wood shingles, asphalt roof shingles, stone veneer, wood trim, new windows and doors throughout. The new architectural elements and high quality materials relate well to houses within the neighborhood context and create a cohesive Craftsman style.

## **Privacy**

The house is located on a sloped lot, sloping toward the front with views over the roof of the lot to the front. The first and second story windows will be replaced with similar sized windows which will not result in a substantial privacy change because the views to adjacent properties will be the same. Two new windows are proposed at the second story on the west side of the house in bedroom No. 6. The windows will not create a substantial privacy concern because there is existing vegetation on the side property line. The new side windows face the corner of the house on the adjacent property with approximately 40-feet between the structures. Additional privacy screening should be added along the west property line to minimize the impact of the new side facing windows.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves an addition to a single-family dwelling in a residential zone.

CC: Timeline Design, Designer  
Kai and Lillian Wu, Owners

### Attachments

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

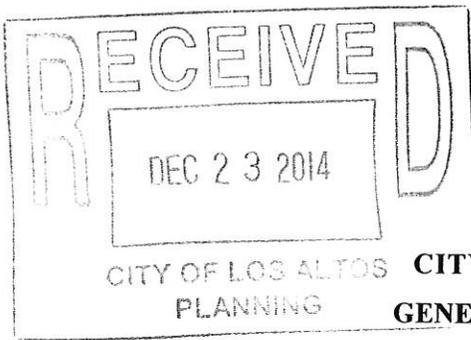
## FINDINGS

12-V-14 and 14-SC-48 – 840 Madonna Way

1. With regard to approving the floor area and setback variances, the Design Review Commission finds the following in accord with Section 14.82.050 of the Municipal Code:
  - a. That the granting of the variances are not consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02; and
  - b. That the granting of the variances 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 there are no special circumstances applicable to the property, including size, shape, topography, location, or surroundings, 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. Granting a variance on this property would be a granting of special privilege because the structure is not being substantially maintained and therefore should be brought into conformance with current code requirements as set forth in the Municipal Code.
  
2. With regard to design review for the first-and second-story additions to an existing single-family structure, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
  - a. The proposed structure does not comply with all provision of this chapter; and
  - b. The height, elevations, and placement on the site of the proposed structure, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy and will consider the topographic and geologic constraints imposed by particular building site conditions; and
  - c. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized and will be in keeping with the general appearance of neighboring developed areas; and
  - d. The orientation of the proposed structure in relation to the immediate neighborhood will minimize the perception of excessive bulk;
  - e. General architectural considerations, including the character, size, scale, and quality of the design, the architectural relationship with the site and other buildings, building materials, and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and

- f. The proposed structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.





ATTACHMENT A

CITY OF LOS ALTOS PLANNING CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1106172

Table with 3 columns: One-Story Design Review, Sign Review, Multiple-Family Review. Rows include Two-Story Design Review, Variance(s), Lot Line Adjustment, Tentative Map/Division of Land, Subdivision Map Review, Sidewalk Display Permit, Use Permit, Tenant Improvement, Preliminary Project Review, Commercial Design Review, Rezoning, R1-S Overlay, General Plan/Code Amendment, Appeal, and Other.

Project Address/Location: 840 Madonna W<sup>N</sup>

Project Proposal/Use: Residential

Current Use of Property: Residential

Assessor Parcel Number(s): 336-03-024 Site Area: 14,023

New Sq. Ft.: Remodeled Sq. Ft.: Existing Sq. Ft. to Remain:

Total Existing Sq. Ft.: 5,032 Total Proposed Sq. Ft. (including basement): -375F

Applicant's Name: Prosamaria Uanos Poozigro

Home Telephone #: Business Telephone #: 408-741-3000

Mailing Address: 14401 Big Basin Wg.

City/State/Zip Code: Saratoga, CA 95

Property Owner's Name: Kai & Ellen Wu

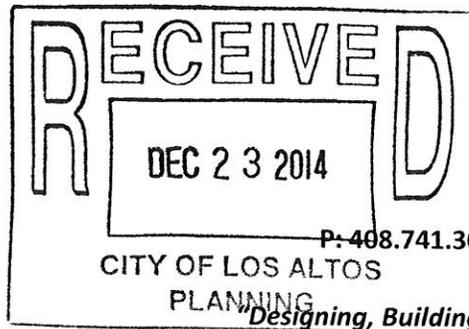
Home Telephone #: Business Telephone #:

Mailing Address: 840 Madonna Wg

City/State/Zip Code: Los Altos, CA 94024

Architect/Designer's Name: Telephone #:

\*\*\* 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. \*\*\*



Timeline Design  
14401 Big Basin Way  
Saratoga, CA 95070  
P: 408.741.3000 | F: 408.741.3007 | [www.tldesign.net](http://www.tldesign.net)

December 23, 2014

To: City of Los Altos  
Community Development, Planning Services  
1 North San Antonio Road  
Los Altos, CA 94022

Re: 840 Madonna Way  
Los Altos, CA 94022  
APN: 336-03-024

To Whom It May Concern:

I am writing this letter on behalf of Mr. and Mrs. Wu, owners for the above referenced address and neighbors of City of Los Altos since the 1970's. This letter is to express their desire to remodel their existing house – first and second floor - with small first floor relocation of square footage. During our initial research with the Planning Department, we were informed by Sr. Planner Zachary Dahl that the house as it currently stands, is non-conforming – 2<sup>nd</sup> story on a flag lot, encroaches setbacks, and it is over allowed SF. However, he also informed us that the house underwent a major remodel/addition in 1986 (86-SC-19) which was permitted and approved by the Planning Services back then. This approval allowed for a 5,008 square feet (SF) home, and consisted of a first and second story addition. This scope was then constructed, and reflects the house as it stands right now.

Sr. Planner Zachary Dahl's advised us to prepare a preliminary planning package in order to confirm if City of Los Altos Planning Department would support the proposed scope of work before moving forward with a full planning submittal. As result of this preliminary planning submittal, we learned that Los Altos Planning Department cannot support the relocation of the existing square footage on the first floor, only its elimination (Existing house is over FAR and Lot Coverage percentages per current zoning code) Nor could planning support the addition of a window bump out above the garage; limiting our proposed scope of work to an interior remodel, or the construction of a new house in order to meet current zoning code requirements.

Neither of the two options provided by the planning department are suitable to the Wu's, for they cannot financially afford to build a brand new home (unanticipated construction cost, and reduction on the value of their real estate), and whose current and future needs of space would easily be met by relocating SF and redesigning their existing home. The Wu's to no fault of their

own are being prevented from using all the existing and approved square footage in a way that would meet their spatial and financial needs. The 5,008 SF were approved by the planning department back in 1986, and as result, they should be allowed to remodel their house as needed, as long as we do not increase the 5,008 SF. The Wu Family has lived in this neighborhood for over 30 years, and every remodel/addition they have done to their house has always been approved by the planning and building departments. They have followed your regulations, and should not be negatively impacted by a change in the code over the years. They are in this neighborhood to stay and to continue building roots for generations to come.

If you have questions or require additional information, please let me know. I may be reached at 408.741.3000 or 408.913.9270 (direct line)

Thank you for your time and assistance.

A handwritten signature in black ink, appearing to read "Rosamaria Llanos-Popolizio". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rosamaria Llanos-Popolizio for  
Timeline Design

PS. We also would like to proceed with variances for 2 bay windows, and balcony at second floor.

Scope of Work proposed consists of façade improvements, mostly interior remodel, with a small square footage relocation that includes the removal of the den (176 SF of the living area) on the east side of the property, which is on the largest non-conforming setback (per current standards), and the enclosure of existing covered porch in front of the house. The demolition of the Den would result in a square footage reduction that would lessen the amount of area encroaching on the rear setback. Also, based on our proposed remodel/square footage relocation, the new square footage proposed would be less than what exists. See below.

The remodel/addition consists of the following:

- Demolition of den (first floor living area)
- Remodel/addition of entry, dining, breakfast, & kitchen
- Remodel/reconfiguration of the bedrooms, family room, living room, bathrooms, and master suite (within existing footprint).
- Reconfiguration of main stairwell
- New exterior finishes, windows and doors.
- (2) new decks (first and second floor)

Please note that although the current floor area ratio exceeds the allowable area, the proposed remodel/addition reduces the current square footage by 37 SF.

**Lot Coverage**

Lot Coverage is the area of a site that is covered by the footprint of all structure, both open & enclosed, over 6-feet in height:

Net Lot Area x 30%  
 14,023 SF x 30% = 4,207 SF

(E) 1 <sup>st</sup> floor	2,556 SF
(D) 1 <sup>st</sup> floor	-176 SF
(N) 1 <sup>st</sup> floor addition	+127 SF
(E) Garage	724 SF
(D) Entry/covered porch	-190 SF
(N) Entry porch	+68 SF
(E) Storage (unconditioned)	50 SF
<u>(E) Wood deck #2</u>	<u>131 SF</u>
Total	3,290 SF

Lot Coverage: 3,290 SF < 4,207 SF

**Floor Area**

Max Floor Area:  
 Lots > 11,000 SF  
 3,850 SF + 10% of remaining area

Net Lot Area:  
 14,023 SF – 11,000 SF = 3,023 SF  
 10% of 3,023 SF = 302 SF  
 3,850 SF + 302 SF = 4,152 SF

Floor Area is the space enclosed by four walls on each floor:

(E) 1 <sup>st</sup> floor	2,556 SF
(D) 1 <sup>st</sup> floor	-176 SF
(N) 1 <sup>st</sup> floor addition	+127 SF
(E) 2 <sup>nd</sup> floor	1,559 SF
(D) 2 <sup>nd</sup> floor (bay windows)	-40 SF
(N) 2 <sup>nd</sup> floor addition	+40 SF
(E) Garage	724 SF
(E) Storage (unconditioned)	50 SF
<u>(N) Deck #3 (2<sup>nd</sup> floor)</u>	<u>131 SF</u>
Total	4,971 SF

Floor Area Ratio: 4,971 SF > 4,152  
 4,971 SF < 5,008 SF (1986 Permit)



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*"Designing, Building, and Remodeling Homes of Distinction"*

Letter of Intent  
Re: Application for Variance

January 9, 2015

To: City of Los Altos  
Community Development, Planning Services  
1 North San Antonio Road  
Los Altos, CA 94022



Re: Request and substantiate the grant of a variance for the Wu Residence located at 840 Madonna Way, Los Altos, CA. 94022

I am writing this letter on behalf of Mr. and Mrs. Kai-Min Wu, owners of the above referenced address. The Wu's have lived in this home since 1970. The Wu's want to remodel the home to accommodate their extended family and themselves as they age in place in their family home. The elder Wu's will live in the main level master suite and their son Warren and his family will live in the upper level bedrooms.

In 1986, the Wu's applied for and were granted permits for an addition and remodel. See Permit number 1986 (86-SC-19). The work was permitted, constructed and final approval was given by the City. The Wu's followed all the rules, regulations and laws, and were approved to build a floor area up to 5,008 square feet.

We were hired by the Wu's to design and remodel their home on this site. We hired a surveyor and discovered the existing home was encroaching on the NEW setbacks.

We went to the city of Los Altos Planning Department and were told that we could add to the front of the house if we reduced the square footage in the non-conforming area. The Wu's really love their house – especially the existing living room which we propose not to alter and they wanted to save as much of the house as they could. Amazingly, with just minor tweaks we were able to achieve their goals with the house. We found that by incorporating the existing porch and roof into the house, were able to get enough width to build a new kitchen and island and improve the entry way.

We reduced the encroachment on the back of the house and didn't change the front setback at all. We actually make the house more conforming. Based upon what we were told on our first visit to planning, we expected this to be acceptable.

Per our research at the City of Los Altos Building Department, we were able to find documentation that supports the legality of the existing conditions of the house as it stands right now. Permit number 1986 (86-SC-19) confirms that a building permit – initiated by the Wu's - for a first and second story remodel/addition was issued by your agency for a total allowed square footage of 5,008. As result, we believe that our clients Kai-Min and Alice Wu should be allowed to remodel their house to their current and future living needs, as long as they stay within the approved square footage for the house, and do not negatively alter the existing non-conforming, but legally approved conditions of the house.

We are proposing the demolition of existing den, remodel/addition of entry, dining, breakfast, and kitchen, remodel of bedrooms, family, living and bathrooms, master suite, reconfiguration of stairwell, new exterior finishes including windows and doors, all within existing building footprint. We are also proposing two new decks on either floor (See attached plans). Part of our effort to make the Wu Residence more compliant with current zoning requirements, and aid in obtaining planning support, we are proposing the demolition of the existing den in the south east corner of house. By doing this, we would reduced the total amount of building square footage encroaching into the rear setback, the overall existing house square footage by 37 square feet, and would allow us to relocate this existing remaining square footage to the front of the house by enclosing existing covered porch (addition to kitchen, entry, dining, and breakfast).

Another design element that is part of our scope of work is the window bump out above garage. As part of the aesthetic improvements we are proposing the front of the house we feel a bump out window in Bedroom 6 (does not go all the way to the finish floor) would result in a front façade that is more balanced, has rhythm, and nicely ties together design elements from the first and second floors. This is an aesthetic improvement, not an addition in square that would complement the other two already existing bay windows. Please include this design element as part of our request for variance.

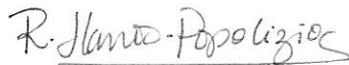
Allowing the Wu's to remodel their house within the approved and existing house square footage would in no way be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity. All the proposed work – including the relocation of square footage - is contained within the existing building foot print, limiting the amount of grading and environmental impact to the neighborhood. In more ways than one, the design we are proposing is sustainable because it is reusing what is already there, reducing waste, and will last for a long time. Many architects the Wu's interviewed just wanted to knock the house down and build new. But, the Wu's, being environmentally conscious, were pleased that we were able to provide a more environmentally friendly solution.

By approving this plan, you allow the Wu's to keep their already approved square footage. They have paid for building permits and for Property taxes on for years. They need this square footage to fit everything they need into the house. Should we do a new home, we would have to build a basement and that would increase cost and significantly disrupt the neighborhood. It seems unjust that they would have to incur such cost after they have been given a permit to build in 1986. This is taking away a previously granted right to the applicant. We have made adjustments to conform as much as possible and still get what the Wu's want. It's a reasonable compromise.

The Wu Family has lived in this neighborhood for over 30 years, and every remodel/addition they have done to their house has always been approved by the planning and building departments. They have followed your regulations, and should not be negatively impacted by a change in the code over the years. They are in this neighborhood to stay and to continue building roots for generations to come.

If you have questions or require additional information, please let me know. I may be reached at 408.741.3000 or 408.913.9270 (direct line)

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Rosamaria Llanos-Popolizio  
Design Manager  
Timeline Design

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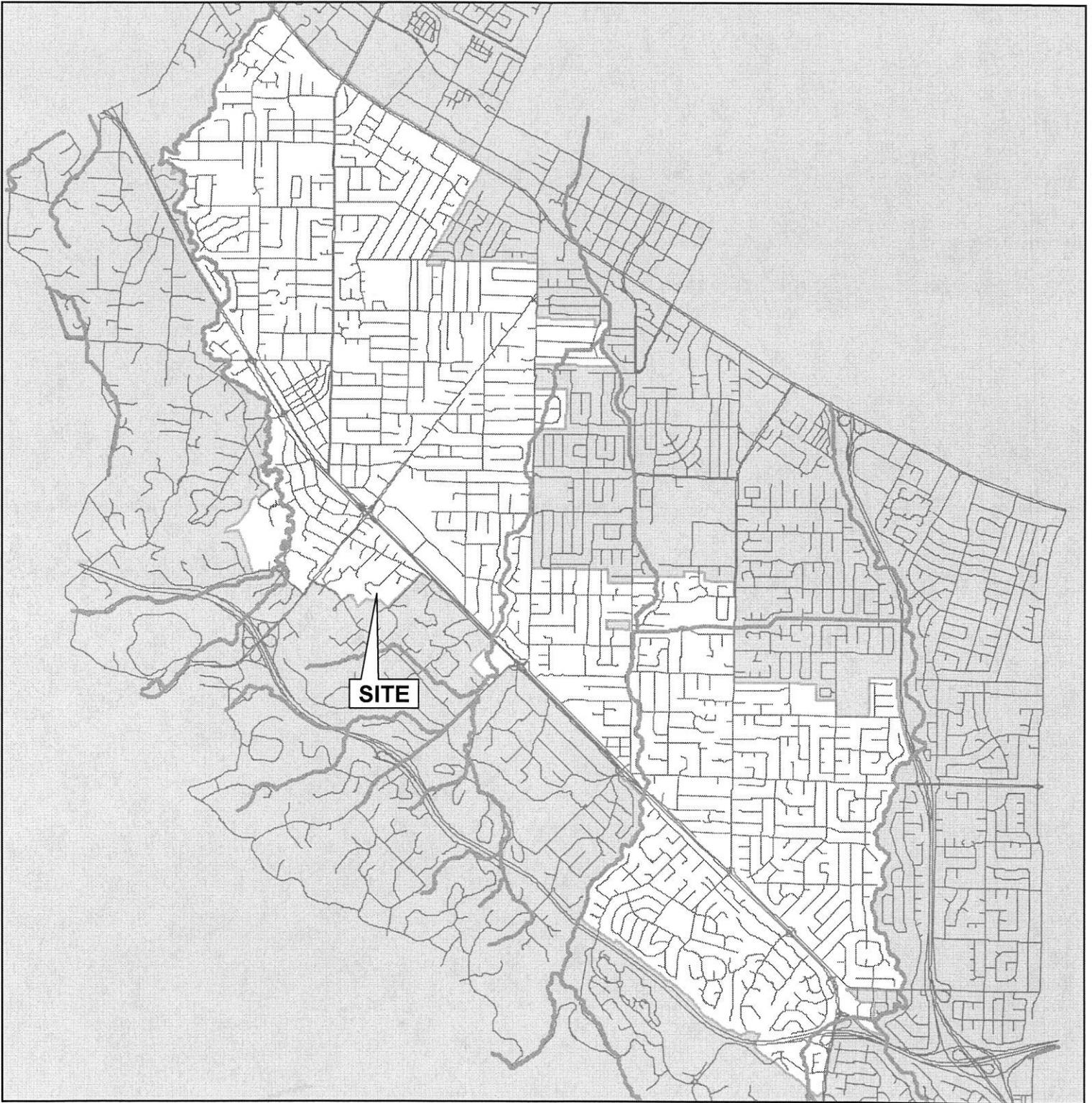
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(replaces existing porch)	
(E) 2 <sup>nd</sup> floor	1,559 SF
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4,971 SF < 5,008 SF (1986 Permit)

# AREA MAP



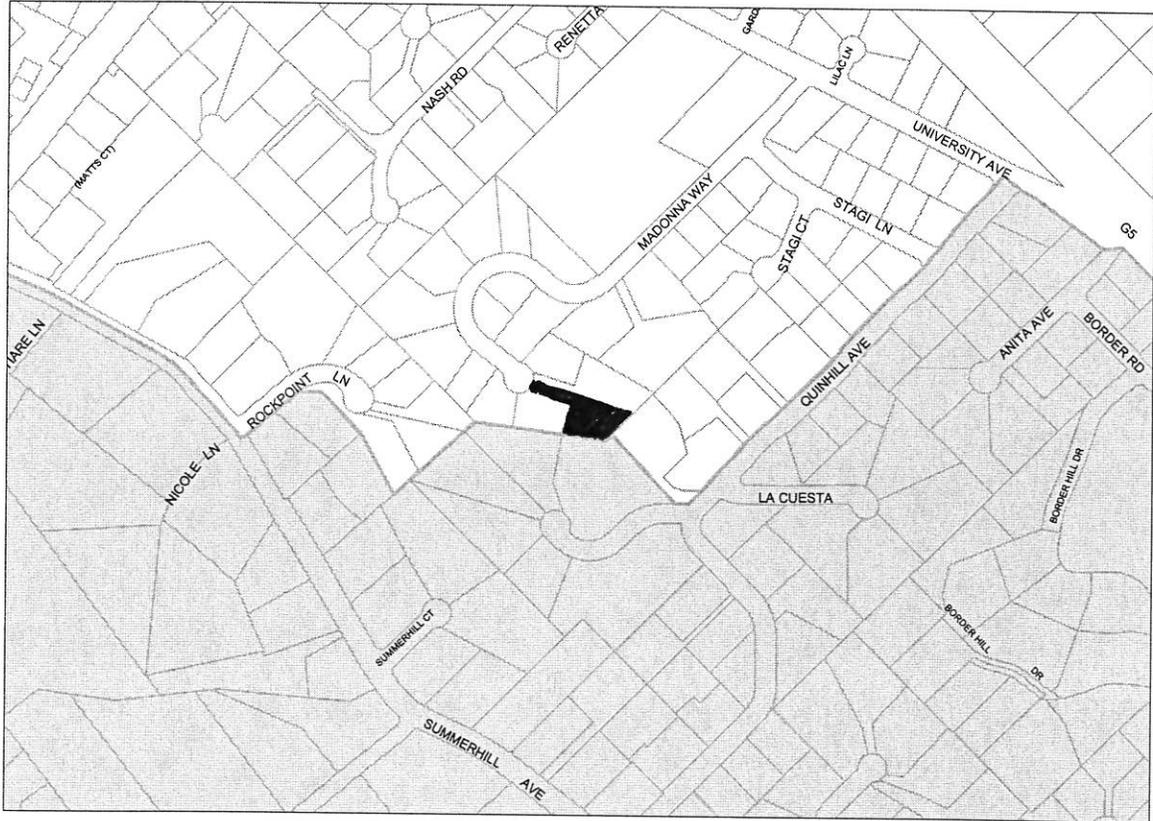
## CITY OF LOS ALTOS

**APPLICATION:** 14-V-14 and 14-SC-48  
**APPLICANT:** R. Llanos-Popolizio/ K. and E. Wu  
**SITE ADDRESS:** 840 Madonna Way

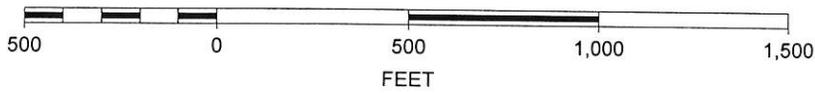


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



## CITY OF LOS ALTOS

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**APPLICANT:** R. Llanos-Popolizio/ K. and E. Wu  
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