



DATE: November 4, 2015  
AGENDA ITEM # 3

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Assistant Planner  
**SUBJECT:** 15-V-12 and 15-SC-37 – 210 Alta Vista Avenue

**RECOMMENDATION:**

Approval of applications 15-V-12 and 15-SC-37 subject to findings and conditions

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**PROJECT DESCRIPTION**

This is a variance to allow a height of 29.4 feet where a maximum of 27 feet is permitted and design review application for a two-story addition to an existing two-story, single-family house. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 77,089 square feet  
**MATERIALS:** Composition shingle roof, horizontal lap siding, wood windows, wood trellis and columns and stone wall

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>LOT COVERAGE:</b>	5,372 square feet	5,788 square feet	23,127 square feet
<b>FLOOR AREA:</b>			
First floor	1,505 square feet	1,786 square feet	
Second floor	1,259 square feet	1,492 square feet	
Accessory structures	2,593 square feet	2,721 square feet	
Total	5,357 square feet	5,999 square feet	10,459 square feet
<b>SETBACKS:</b>			
Front	39 feet	39 feet	25 feet
Rear	30 feet	30 feet	25 feet
Left Side	56 feet/56 feet	53 feet/53 feet	10 feet/17.5 feet
Exterior side (Alta Vista Avenue)	30 feet	30 feet	20 feet
<b>HEIGHT:</b>	29.5 feet	29.4 feet	27 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located on Alta Vista Avenue, an area that is considered a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. This neighborhood, which was originally subdivided while under County jurisdiction, consists of a mixture of one- and two-story houses that vary in age, architectural styles and materials.

### **Zoning Compliance**

The subject property is located at the intersection of Mariposa Avenue and Alta Vista Avenue. The property includes a portion of Alta Vista Avenue that was formerly public right-of-way. Based on a 1989 Superior Court ruling, the right-of-way was determined to be private property. The ruling in effect changed the property from a corner lot to an interior lot, because Mariposa Avenue became the only public street abutting the property. As such, for zoning purposes, the front of the property abuts Mariposa Avenue rather than Alta Vista Avenue.

Per the current plans, the existing height of the house is 29.5 feet. Since this structure was permitted and approved by the County in 1900, this height is considered legally non-conforming. However, if the second story roof structure is rebuilt or more than 50 percent of the entire structure is rebuilt, the height would need to be brought into conformance with the R1-10 District height requirement (Condition No. 1).

## **DISCUSSION**

### **Variance**

The site is topographically constrained due to it sloping from side to side with a steep grade break at the rear of the site. However, the site's grade change is not apparent along the Alta Vista Avenue. Rather, the grade change is more easily perceived from the interior side and rear of the property. This topographic condition is likely a result of the original site development, which the City records indicate was a 29.5-foot tall, two-story structure.

The project proposes a two-story addition with a 29.4-foot height where a 27-foot maximum height is allowed by Code. Since the structure exceeds the maximum height for the R1-10 District, the owners are seeking a variance A letter outlining the reasons for the variance request is included in Attachment B.

In order to approve a variance, the Commission must make three positive findings per Section 14.76.060 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. 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

3. Variances from the provisions of the Zoning Code shall be granted only when, because of 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.

The granting of a height variance for a two-story addition would be consistent with the objectives of the Zoning Code. The addition will provide significant setback from all property lines, will maintain a similar building height, and meets all other Code requirements.

The variance will not be not injurious to persons or property in the vicinity. The proposed addition would not create any negative impacts, such as privacy impacts, to adjacent properties. The subject house, along with many of the other houses on this section of Alta Vista Avenue, is almost completely screened from view due to topography and mature landscaping and trees.

There is a special circumstance applicable to the subject property due the unique topography of the property and the existing nonconforming building height., where the strict application of the height regulation in this case deprives the property owner a development privilege due to the site's topography and the ability to construct an addition consistent with the existing building. The project maintains significant setbacks from all property lines, allows for a reasonable addition to the floor area that is allowed by the Code, and maintains the architectural integrity of the house.

### **Design Review**

As noted above, the property is located in a Diverse Character Neighborhood. According to the Design Guidelines, in Diverse Character Neighborhoods, good neighbor design has its own design integrity while incorporating some design elements and materials found in the neighborhood.

The proposed second story addition maintains the existing style of the residence and relates well with the immediate neighborhood. The project includes a two-story addition at the rear of the house with family room on the first story and master bedroom and bathroom on the second story. Rather than extend the structure's main gable, the addition reflects the original design and maintains the architectural integrity of the house by using a smaller gable that reduce the bulk of the addition and minimize its overall height. The proposed materials include composition shingle roof, horizontal lap siding, wood windows, and stone wall, will match the existing house and can be found in the surrounding neighborhood. Overall, the design elements and materials are compatible with the area.

The project has relatively low, approximately 8.4-foot tall eave lines at the first story, which minimizes the perceived height of the structure. The second floor is held to an eight-foot tall wall plate, which minimizes its bulk. The site plan places the second story massing at the rear of the building envelope and maintains the existing mature trees and shrubs along the front, side and rear property lines to minimize the perception of bulk and mass.

### **Privacy and Landscaping**

The project maintains a reasonable degree of privacy. Along the west elevation, there are three first story and one second story windows facing the adjacent property at 401 Mariposa Avenue. The

living room has two windows with three-foot sill heights and one window with a one-foot sill height. The master bathroom has a large window, which is set back approximately 53 feet from the side property line. By virtue of their distance and existing mature landscaping, these windows maintain a reasonable degree of privacy.

All existing landscaping is to be retained. The lot has a variety of mature trees and landscaping and staff finds that the project satisfies the City's Street Tree Guidelines.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15301 (e) of the California Environmental Quality Act, because it involves an addition to a single-family structure.

## **PUBLIC CONTACT**

Staff noticed this project in the *Town Crier* with a legal advertisement, a mailed notice to the 80 property owners within 500 feet of the project via first class mail in addition to an on-site posting.

Cc: Barbara Chambers, Applicant  
Soleio and Kater Cuervo, Architect and Designer

### Attachments:

- A. Application
- B. Applicant Letter
- C. Area, Vicinity and Notification Map

## FINDINGS

15-V-12 and 15-SC-37—210 Alta Vista Avenue

1. With regard to allowing a two-story addition to a two-story structure with an overall height of 29 feet, five inches, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
  - a. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
  - b. 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. There is a special circumstance applicable to the subject property due the unique topography of the property and the existing nonconforming building height., where the strict application of the height regulation in this case deprives the property owner a development privilege due to the site's topography and the ability to construct an addition consistent with the existing building. The project maintains significant setbacks from all property lines, allows for a reasonable addition to the floor area that is allowed by the Code, and maintains the architectural integrity of the house.
  
2. With regard to design review for the two-story addition, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code that:
  - a. The proposed addition complies with all provision of this chapter;
  - b. The height, elevations, and placement on the site of the proposed addition, 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;
  - 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;
  - d. The orientation of the proposed addition in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
  - 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 is designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

## CONDITIONS

15-V-12 & 15-SC-37—210 Alta Vista Avenue

1. The approval is based on the plans received on October 12, 2015 and the written application materials provided by the applicant, except as may be modified by these conditions. The scope of work is limited to that shown on the plans and may not exceed rebuilding 50 percent of the existing structure.
2. The following trees (Nos. 1-36) and privacy screening shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.
3. Obtain an encroach permit issued from the Engineering Division prior to doing any work within the public street right-of-way.
4. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in all new construction pursuant to Chapter 12.64 of the Municipal Code.
5. Fire sprinklers may be required pursuant to Section 12.10 of the Municipal Code.
6. The applicant/owner agrees to indemnify, defend, protect, and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.
7. **Prior to the issuance of a demolition permit**, install tree protection fencing around the dripline of all trees shown to remain on the site plan, or as otherwise approved by the project arborist. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground.
8. **Prior to building permit submittal, the plans shall contain/show:**
  - a. The conditions of approval shall be incorporated into the title page of the plans;
  - b. On the grading plan and/or the site plan, show all tree protection fencing and add the following note: "All tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground. The tree protection fencing shall be installed prior to issuance of the demolition permit and shall not be removed until all building construction has been completed";
  - c. Verification that the structure will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from a Qualified Green Building Professional;
  - d. The location of any air conditioning units on the site plan and the manufacturer's sound rating for each unit; and

- e. The measures to comply with the New Development and Construction Best Management Practices and Urban Runoff Pollution Prevention program, as adopted by the City for the purposes of preventing storm water pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.).

9. **Prior to final inspection:**

- a. All front yard landscaping, street trees and privacy screening shall be maintained and/or installed as shown on the approved plans or as required by the Planning Division.
- b. Submit verification that the house was built in compliance with the City's Green Building Ordinance (Section 12.26 of the Municipal Code).



# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1106800

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input checked="" type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Other:

Project Address/Location: 210 ALTA VISTA AVENUE, LOS ALTOS, CA 94022

Project Proposal/Use: RESIDENTIAL Current Use of Property: RESIDENTIAL

Assessor Parcel Number(s): 167-35-072 002 AND 167-35-076 Site Area: 77,089 SF

New Sq. Ft.: 3,963 Altered/Rebuilt Sq. Ft.: 566 Existing Sq. Ft. to Remain: 3,397

Total Existing Sq. Ft.: ~~1000~~ 5,357 Total Proposed Sq. Ft. (including basement): 5,999

Applicant's Name: BARBARA CHAMBERS

Telephone No.: 415-381-8326 Email Address: BARBARA@CHAMBERSANDCHAMBERS.COM

Mailing Address: 420 MILLER AVENUE

City/State/Zip Code: MILL VALLEY, CA, 94941

Property Owner's Name: SOLEIO AND KATER CUERVO

Telephone No.: ~~415~~ 650-383-5526 Email Address: KGCUEVVO@GMAIL.COM

Mailing Address: 210 ALTA VISTA AVENUE

City/State/Zip Code: LOS ALTOS, CA 94022

Architect/Designer's Name: BARBARA CHAMBERS ARCHITECT

Telephone No.: 415-381-8326 Email Address: BARBARA@CHAMBERSANDCHAMBERS.COM

Mailing Address: 420 MILLER AVENUE

City/State/Zip Code: MILL VALLEY, CA, 94941

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

(continued on back)

15-V-12 and 15-SC-37

20 August 2015

**Variance Findings:** to extend an existing roof gable for a length of approximately 24 feet in an East – West direction.

Cuervo Residence  
210 Alta Vista Avenue  
Los Altos, CA 94022

1. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 of the Los Altos Municipal Code.

*The request for this variance application is to extend the existing roof; it will be compatible with the existing style of the home. The proposed gable will extend in an East – West direction. An existing roof gable already occurs in generally the same location. The existing roof currently exceeds the allowable height limit.*

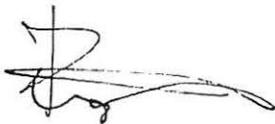
2. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity.

*The variance has no effect on any neighboring properties – it is located in the center most area of a very large parcel of land.*

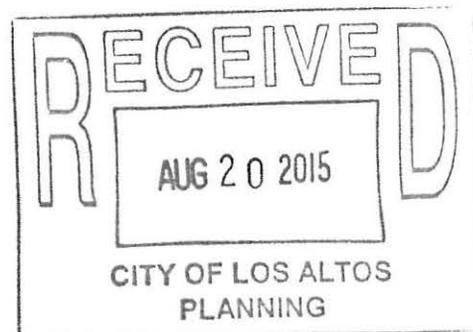
3. The variance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Ordinance deprive the subject of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

*The special circumstance that occurs – the roof gable is an existing condition. We propose adding some additional length to this existing roof. Therefore, when extending the roof it becomes necessary to request a variance – otherwise a flat roof, out of character for this home, is the alternate option.*

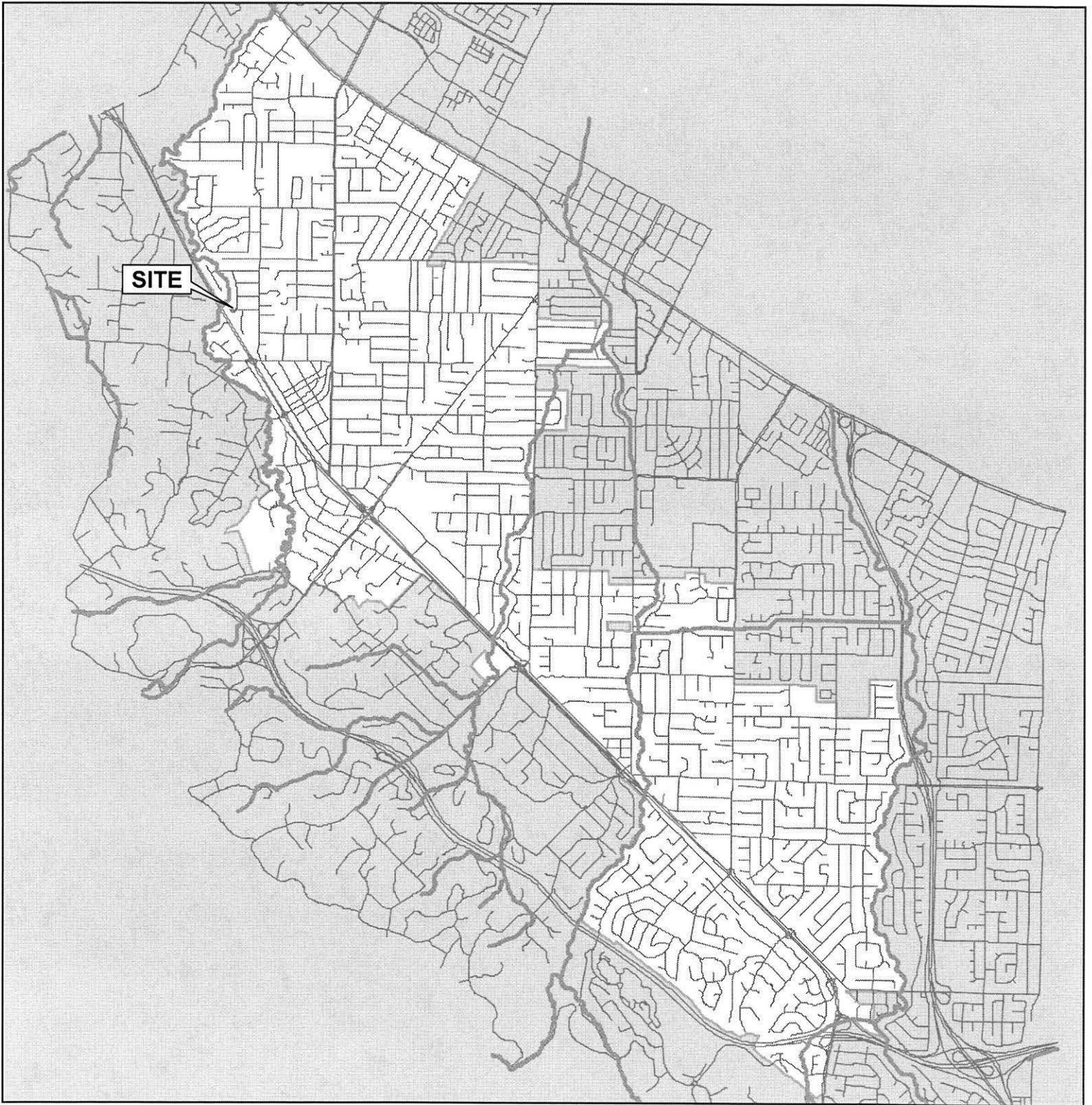
Sincerely,



Barbara Chambers  
Chambers + Chambers Architects



# AREA MAP



## CITY OF LOS ALTOS

**APPLICATION:** 15-V-12 and 15-SC-37  
**APPLICANT:** B. Chambers/S. and K. Cuervo  
**SITE ADDRESS:** 210 Alta Vista Avenue



Not to Scale



# 210 Alta Vista Avenue 500-foot Notification Map



SCALE 1 : 3,000

