



DATE: November 1, 2017
AGENDA ITEM # 2

TO: Design Review Commission
FROM: Steve Golden, Senior Planner
SUBJECT: 17-V-06 – 1519 Tiptoe Lane

RECOMMENDATION:

Approve variance application 17-V-06 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance application to allow for a reduced rear yard setback to be maintained as part of an addition and remodel to an existing one-story house. The project includes an addition of 189 square feet with a variance to allow a rear yard setback of 20 feet where 25 feet is required. The following table summarizes the project’s technical details:

GENERAL PLAN DESIGNATION: Single-Family
ZONING: R1-10
PARCEL SIZE: 11,960 square feet
MATERIALS: Composition shingle roof, smooth finish stucco, horizontal shiplap siding and stone veneer

	Existing	Proposed	Allowed/Required
COVERAGE:	2,136 square feet	2,325 square feet	4,186 square feet
FLOOR AREA:	1,696 square feet	1,885 square feet	3,946 square feet

SETBACKS:			
Front	45.5 feet	45.5 feet	25 feet
Rear	20 feet	20 feet	25 feet
Right side	8.5 feet	8.5 feet	10 feet
Left side	8.5 feet	8.5 feet	10 feet
HEIGHT:	13 feet	14.5 feet	27 feet

BACKGROUND

Neighborhood Context

The property is located in a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines. The neighborhood context is primarily one-story Ranch style houses that have been designed using low-scale, simple massing, horizontal eave lines, consistent front yard setbacks, and rustic materials. The street tree pattern is not well defined and mature landscaping within the front yards varies amongst the properties, but does not generally obscure the front elevations.

Property History

The property is zoned R1-10 and is required to have a 25-foot rear yard setback. The existing house, which appears to be the original structure built in 1955, has a 20-foot nonconforming rear yard setback. An administrative design review for a one-story 189 square foot addition was approved on September 14, 2016, which showed the addition complying with the required 25-foot rear yard setback. The building permit was subsequently issued, however, upon initiation of the grading for the building foundation, the building site was surveyed and the rear setback dimension on the plans was found to be in error. The applicant ceased any additional construction and consequently filed for a variance.

DISCUSSION

Variance

The applicant is proposing a one-story 189 square foot addition at the left rear corner of the house remodel and expand the existing master bedroom and bathroom. The variance request is to allow a 20-foot setback where a 25-foot setback is required. The Zoning Code has a setback exception for R1 zoning districts which would administratively allow one encroaching first story setback to be extended without a variance under certain circumstances, however, the extension is only allowed along its existing building line (e.g. extending a gable roof). The existing residence already has a non-conforming 20-foot rear yard setback and while the proposed addition does not encroach further into the required setback, it does not extend an existing building line, therefore not eligible for this exception. The residence also has non-conforming side yard setbacks of 8.5-feet on both sides where 10-feet is required; however, the proposed addition complies with the required side yard setback.

There are opportunities to add-on to the house in other areas that would be within the allowable building envelope and meet the required setbacks. However, this would require a much more significant alteration to the house and the floor plan would need be substantially altered since the scope of this project focuses only on improvements to the master bedroom and bathroom. A letter from the applicant provides additional information about the variance request as included in Attachment B.

In order to approve a variance, the Commission must make three positive findings pursuant to 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. 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
3. Variances from the provisions of this chapter 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 the variance to encroach into the rear-yard would be consistent with the objectives of the City's zoning plan because the reduced 20-foot rear yard setback would still ensure the Zoning Code's objective of a harmonious, convenient relationship among the adjacent residential land uses. The house was originally constructed with a reduced 20-foot rear yard setback that was required in 1955 and the proposed addition will substantially maintain that setback and the house's relationship to the adjacent properties. Furthermore, the Zoning Code already allows limited extension of a non-conforming setback without a variance, however, because of design considerations, this addition is not eligible for that specific exception.

The variance would 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 because the project would maintain an appropriate building setback relationship with the structures on adjacent properties. The nonconforming 20-foot rear yard setback has existed since 1955 when the original structure was built and the proposed project does not encroach further into that setback.

The property is located on an exterior "knuckle" bend in the street and as a result, it is an asymmetrical and irregularly shaped lot. The irregular shape of the lot and the current location of the house on the lot creates an unusual building envelope for additions to conform to setback requirements. These as well as the current nonconforming setbacks for which the house was originally developed can be considered special circumstances. Strict application of the Zoning Code would require portions of the house not in conformance with setbacks to be removed and major modification of the existing house in order to enjoy a minor addition for which other properties in the vicinity and with identical zoning are not encumbered by.

Staff is in support of the variance request because of the findings stated above are in compliance with the Zoning Code, the proposed 20-foot rear yard setback maintains the existing nonconforming setback, and the Zoning Code would allow an administrative extension of a non-conforming setback under different design considerations. Therefore, staff recommends Design Review Commission approval of the variance request.

Design Review

If the Design Review Commission approves the variance request, the previous one-story design review approved administratively will be in effect. However, upon subsequent review of the proposed addition, and in light of the addition not meeting the required rear yard setback, staff will be recommending that the wall plates of the proposed addition be lowered to be more integrated with the existing low-scale structure and horizontal eave lines. This change is consistent with the Residential Design Guidelines which supports addition designs that are in-keeping and architecturally

integrated with the original house design and do not appear to be appendages that have been grafted onto the house.

The applicant is aware of staff's recommendation, however, would like to proceed with the design as submitted. While the Design Review for a project of this scope is approved administratively, staff is deferring this specific design consideration to the Design Review Commission and has included a condition (Condition No. 2) to require the design modification. Should the Commission agree with staff, the applicant will need to subsequently complete a modification to the design review. If the Commission determines the current design is consistent with the City's Residential Design Guidelines, then the condition should be removed as part of the Commission's action on the variance request.

ENVIRONMENTAL REVIEW

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

PUBLIC CONTACT

A public hearing notice was published in the *Town Crier*, posted on the property and mailed to all property owners within 500 feet of the project site. The mailed notice included 81 property owners.

Cc: Mark Perham, Applicant and Designer
Edward Bachand, Property Owner

Attachments:

- A. Application
- B. Applicant's Justification Letter
- C. Area, Vicinity and Public Notification Maps
- D. Materials Board

FINDINGS

17-V-06 – 1519 Tiptoe Lane

With regard to approving the rear yard setback variance, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:

1. The granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 because the reduced 20-foot rear yard setback would still ensure the Zoning Code's objective of a harmonious, convenient relationship among the adjacent residential properties; the house was originally constructed with a reduced 20-foot rear yard setback and has existing in this location since 1955, and the proposed addition will substantially maintain that setback and the relationships between adjacent properties. Furthermore, the Zoning Code already allows limited extension of a non-conforming setback without a variance, however, because of design limitations and lot asymmetry, this project is not eligible for this exception; and
2. 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 because the house would maintain an appropriate building setback relationship with the structures on adjacent properties and house has existed in this location since 1955, and the proposed addition will not be increasing the nonconforming setback; and
3. The irregular shape of the lot and the current location of the house on the lot creates an unusual building envelope for additions to conform to the required setback for the R1-10 District. The irregular shape of the lot and the current nonconforming setbacks for which the house was originally developed are considered special circumstances. Strict application of the Zoning Code would require portions of the house not in conformance with the required setbacks to be removed and a major modification of the existing house in order to enjoy a minor addition for which other properties in the vicinity and identical zoning are not encumbered by.

CONDITIONS

17-V-06 – 1519 Tiptoe Lane

GENERAL

1. **Approved Plans**

This approval is based on the plans received on July 21, 2017, and the written application materials provided by the applicant, except as may be modified by these conditions.

2. **Design Modification**

Reduce height of the wall plates of the proposed addition to nine feet to better integrate with the existing house design.

3. **Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1107817

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input 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: 1519 Tiptoe Lane, Los Altos

Project Proposal/Use: Single-Family Residential Current Use of Property: Single-Family Residential

Assessor Parcel Number(s): 197-02-057 Site Area: 11,960

New Sq. Ft.: 189 Altered/Rebuilt Sq. Ft.: 0 Existing Sq. Ft. to Remain: 1,696

Total Existing Sq. Ft.: 1,696 Total Proposed Sq. Ft. (including basement): 1,885

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Mark Perham

Telephone No.: (408) 425-5659 Email Address: mpdraftingdesign@yahoo.com

Mailing Address: 1600 Standiford Ave. #17

City/State/Zip Code: Modesto, ca. 95350

Property Owner's Name: Edward Bachand

Telephone No.: (650) 520-3821 Email Address: edbachand@aol.com

Mailing Address: 1519 Tiptoe Ln.

City/State/Zip Code: Los Altos, Ca. 94024

Architect/Designer's Name: Mark Perham

Telephone No.: (408) 425-5659 Email Address: mpdraftingdesign@yahoo.com

Mailing Address: 1600 Standiford Ave. #17

City/State/Zip Code: Modesto, Ca. 95350

** 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)

17-V-06

ATTACHMENT B

VARIANCE JUSTIFICATION LETTER

Edward Bachand
1519 Tiptoe Lane
Los Altos, CA 94024

JUL 21 2017

CITY OF LOS ALTOS
PLANNING

Describe the special circumstances that are applicable to the property, such as size, shape, topography, location or surroundings, which justify a variance. Does strict application of the Zoning Code deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

1. The addition to the master bedroom does not result in a further encroachment into the rear setback. The original master bedroom was constructed in 1955 and is disposed at an angle to the rear property line of the property, which is a pie-shaped lot in a culdesac. The rearmost corner of the current master bedroom is located 20 feet from the rear property line, which is five feet into the rear setback. No part of the addition to the master bedroom, including the rearmost corner of the addition, would be closer than 20 feet from the rear property line. Thus, the addition does not result in a further encroachment into the existing rear setback. See Exhibit A attached to this letter.
2. The application of Section 14.06.080G of the City of Los Altos Municipal Code deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.
 - Section 14.06.080G provides as follows:
 - 1. The extension may only be applied to the first story;*
 - 2. Only one such administrative extension may be permitted for the life of the building. Other extensions may be considered, subject to the filing of a variance application;*
 - 3. Extensions are only permitted for the main structure and cannot result in a further encroachment into any required setback area.*
 - Section 14.06.080G appears to apply most often to rectangular lots with structures having building lines that are parallel to the boundary lines of the property. Most homes in the property area, even some homes on the culdesac of the property, have rectangular lots with structures so placed on the property. On pie shaped-lots, such as here, structures are often not aligned on the property so that building lines extend parallel to the property lines – particularly the rear property line. If the rear wall of the current master bedroom was parallel to the rear property line, and encroached upon the rear setback as contemplated by Section 14.06.080G, an addition to the master bedroom that extended along the rear wall would likely be permitted by Section 14.06.080G. The proposed addition does not result in a further encroachment into any required setback area, as required by Section 14.06.080G(3).

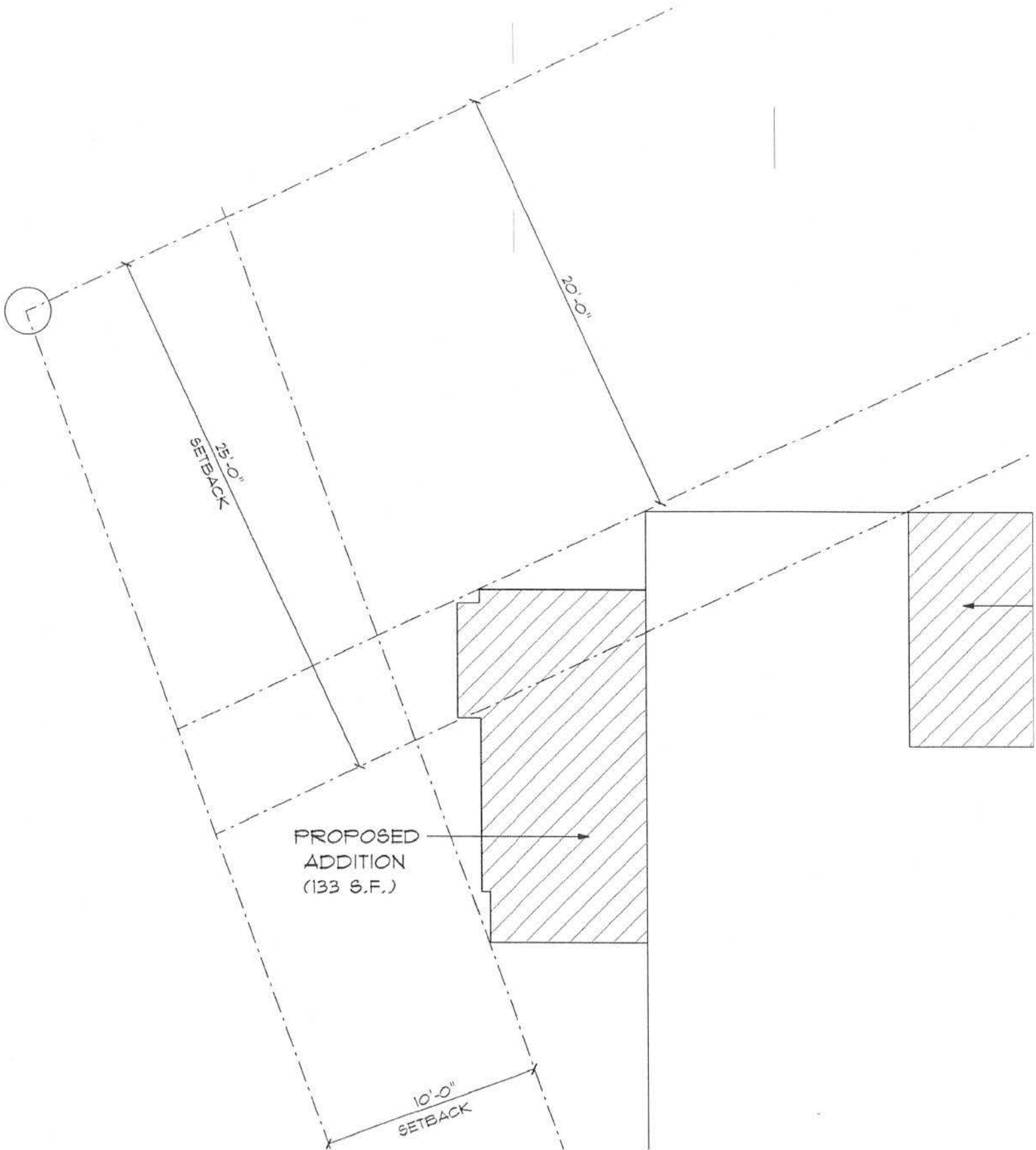
3. The topography and surroundings mitigate the effects of the portion of the addition that extends into the rear setback area. Several trees extend along a portion of the rear property line and the side property line in the vicinity of the addition and shield the addition from neighboring lots.

Date: July 12, 2017



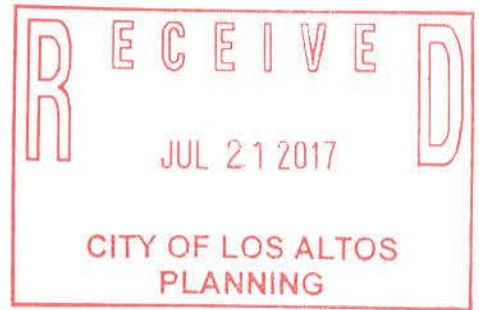
Edward Bachand, Property Owner

Exhibit A



BACKGROUND LETTER

Edward Bachand
1519 Tiptoe Lane
Los Altos, CA 94024



My wife and I purchased this property in 1993, relocating from Oakland to accommodate my job in Palo Alto. My wife was raised in Menlo Park, and I was raised in Oakland. We were attracted to this 1696 square foot home because of the nice-sized lot, large backyard, location on a cul-de-sac and ruralish community.

Our two children were preschoolers at the time of the purchase. They both attended St. Simon School in Los Altos. My son later graduated from Bellarmine in 2006, and my daughter graduated from St. Francis in 2009, before both leaving home for college on the East Coast. My son now works in San Francisco and my daughter is in graduate school in Connecticut. My wife passed away unexpectedly in 2005.

Now that my children are out of the home, and will not be disrupted by any home renovations, I would like to make some improvements to the home. The master bedroom is relatively small, approximately equal in size to each of the guest bedrooms, and the master bathroom is approximately the size of a closet.

My goal is to expand both the master bedroom and bath, and update the guest bathroom, the kitchen, the windows and some of the exterior doors. Since the bedrooms are all located on the left side of the home, separated from the living portion of the home, I would prefer to retain the master bedroom in that location. Other goals are to retain the existing character of the home and minimize expansion into the useable portion of the backyard.

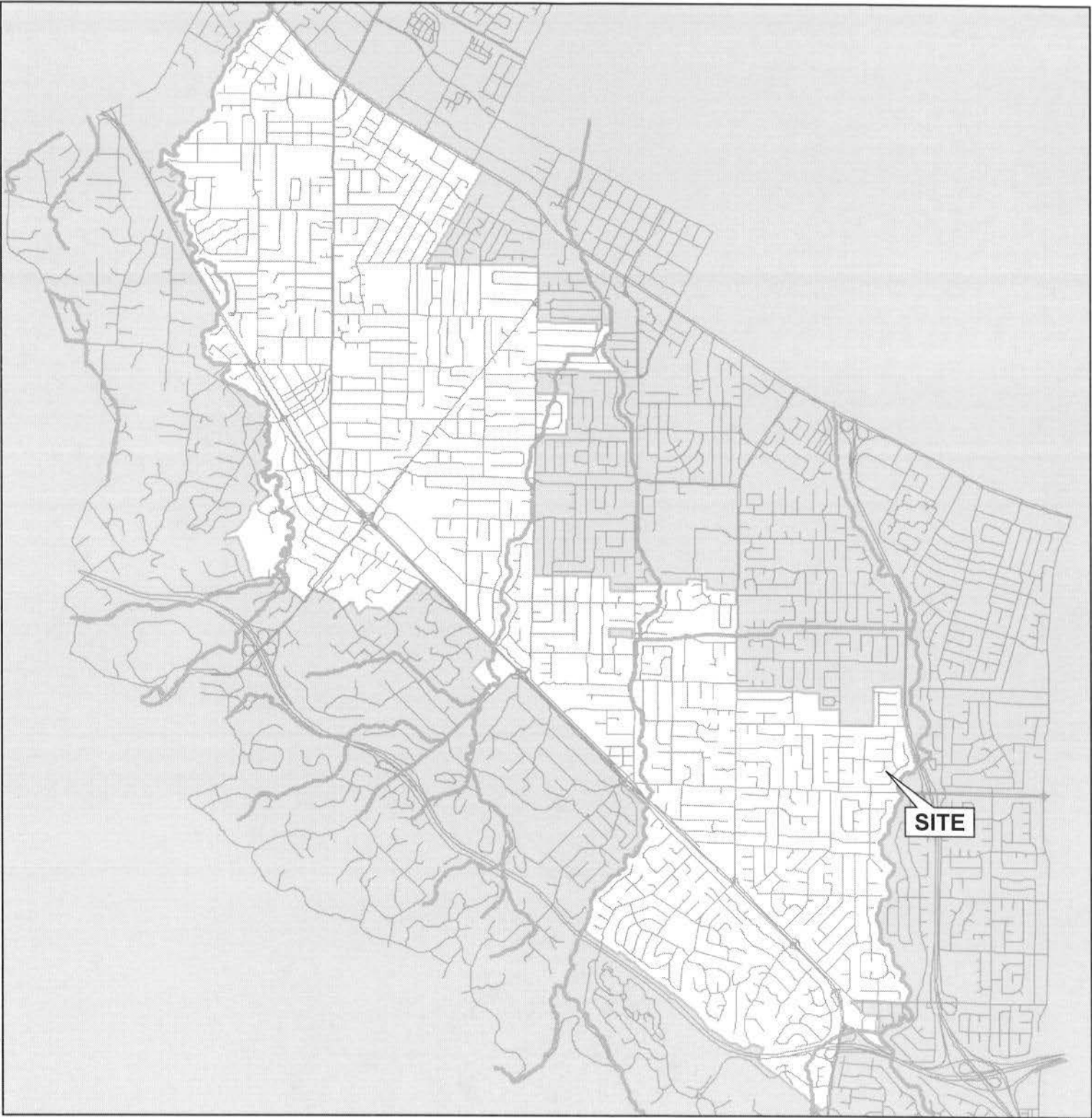
The contemplated addition to the master bedroom is a small expansion into the main backyard, but without obstructing the current windows in the living room or hindering the open area of the backyard. The bedroom would include a sliding glass door opening onto the back patio. The contemplated addition to the master bathroom is an expansion into an unused area at the rear left of the home. The bathroom addition would be secluded from the main backyard area and shielded from neighbors by trees, bushes and high fences.

Date: July 12, 2017



Edward Bachand, Property Owner

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 17-V-06
APPLICANT: M. Perham/ E. Bachand
SITE ADDRESS: 1519 Tiptoe Lane

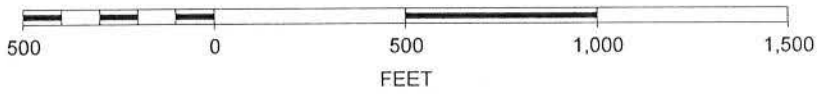


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



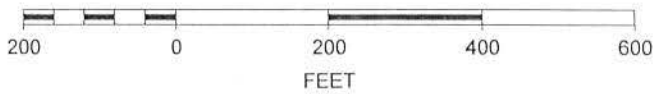
CITY OF LOS ALTOS

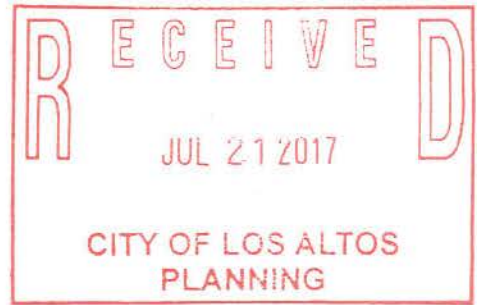
APPLICATION: 17-V-06
APPLICANT: M. Perham/ E. Bachand
SITE ADDRESS: 1519 Tiptoe Lane

1519 Tiptoe Lane 500-foot Notification Map



SCALE 1 : 3,000



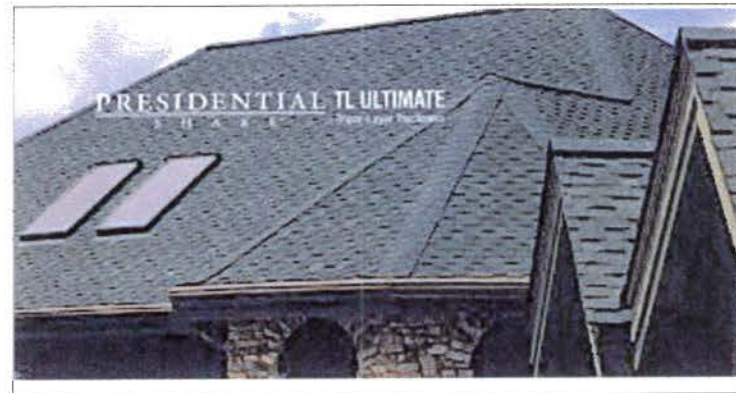


MATERIALS BOARD

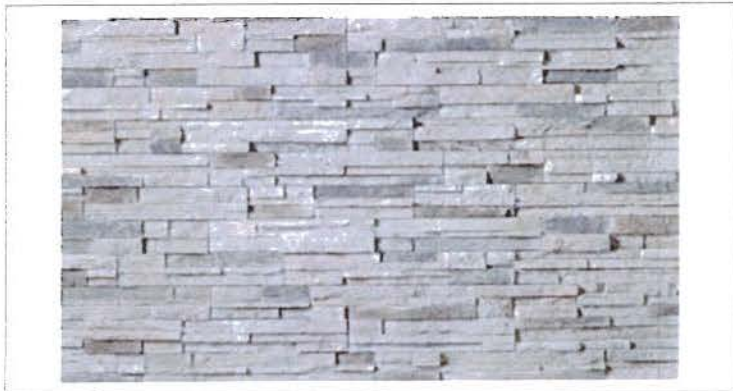
1519 TIPTOE LANE, LOS ALTOS, CA.



STUCCO W/ SMOOTH FINISH



ROOFING MATERIALS



ASHLAR STONE FOR COLUMNS,
FRONT CORNERS, AND FRONT
OF GARAGE



EXISTING HORIZONTAL SHIPLAP
SIDING TO REMAIN AT FRONT

ATTACHMENT D