



DATE: March 1, 2017
 AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 16-V-12 and 16-SC-21 – 961 Thatcher Court

RECOMMENDATION:

Approve Variance and Design Review applications 16-V-12 and 16-SC-21 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance application to maintain existing setback encroachments and design review for a two-story addition to an existing one-story single-family house. The project includes variances to allow existing setback encroachments to remain as follows: 1) a right side yard setback of 9.75 feet, where 10 feet is required, 2) a left side yard setback of 9.4 feet, where 10 feet is required, and 3) a rear yard setback of 24.1 feet, where 25 feet is required; and design review for an addition of 503 square feet on the first story and 1,112 square feet on the second story. The following table summarizes the project’s technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 12,155 square feet
MATERIALS: Standing seam metal roof, smooth stucco siding, horizontal cedar siding, metal guardrail and cables, wood doors, and metal and glass garage door

	Existing	Proposed	Allowed/Required
COVERAGE:	2,345 square feet	2,881 square feet	3,647 square feet
FLOOR AREA:			
First Story	2,345 square feet	2,847 square feet	
Second Story		1,112 square feet	
Total	2,345 square feet	3,959 square feet	3,965 square feet
SETBACKS:			
Front	39 feet	33.5 feet	25 feet
Rear	24.2 feet	24.2 feet	25 feet
Right side (1 st /2 nd)	9.75 feet/N-A	9.75 feet/22 feet	10 feet/17.5 feet
Left side (1 st /2 nd)	9.4 feet/ N-A	9.4 feet/18 feet	10 feet/17.5 feet
HEIGHT:	14.6 feet	22.25 feet	27 feet

BACKGROUND

Neighborhood Context

The subject property is located at the end of Thatcher Court, a short cul-de-sac street off of Thatcher Drive. The street, which is comprised of the four properties on the court is considered 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 simple forms and rustic materials. While there is not a distinctive street tree and landscape pattern along Thatcher Court, there are multiple mature trees that frame the cul-du-sac. The Neighborhood Compatibility Worksheet is included in the plan set as sheets NC-1.0 and NC-1.1.

Property History

The house was approved by the City and built in 1959, and the building record shows that the house was built to conform to current setback requirements for the R1-10 District. These minor encroachments are likely due to the house being built on a pie shaped lot without a land survey verifying the exact location of the property lines.

DISCUSSION

Variance

The applicant is requesting a variance to maintain the existing setback encroachments as part of a substantial remodel and second-story addition. When a house has existing nonconforming setbacks and 50 percent or more of the floor area of that structure is voluntarily eliminated or replaced, the entire structure is required to be brought into conformance with current setback requirements. The intent of the non-conforming regulations is to allow for the maintenance of non-conforming structures, but provide for their replacement over time.

In order to properly integrate the second story addition into the existing house, the project would alter or replace more than 50 percent of the existing house. Therefore, a variance is necessary to maintain the nonconforming side and rear yard setbacks. The house is significantly in compliance with the R1-10 District setback regulations with minor encroachments and the side and rear for the house. The front corner encroachments in the side yards are at located at the narrow width of the lot with the side yard increasing in width toward the rear wider portion of the lot. The house encroaches three-inches and seven-inches, respectively, into the right and left side yards. The rear corner of the house encroaches 10 inches in the rear yard setback.

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 maintain the existing side and rear yard setbacks of the house would be consistent with the objectives of the zoning plan because the house was constructed with the intent to meet the required side and rear setbacks and has existed in its current location since 1959.

The variance would not be detrimental to the health, safety or welfare of surrounding properties, because it would be maintaining existing encroachments that have existed on the property since 1959.

There is a special circumstance applicable to the property since it is an asymmetrical shaped lot with minor encroachments at three corners of the house that have existed in the current location since 1959. The minor encroachments do not result in a special privilege as the encroachments are approximately the width of the wall and do not result in additional floor area. Strict application of the Zoning Code would require that the encroachments be removed.

Staff is in support of the variance because it will allow a first- and second-story addition at the center of the of the structure, while maintaining the front corners and northeast rear corner of the house where no work is proposed.

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. The goal in designing a house remodel or addition should be a home that looks as if the original house design included the addition.

The proposed project is a Modern style addition and facade remodel that departs from the consistent Ranch style houses in the context. Although the style of the house departs from the consistent style in the context, the proposed setbacks, low scale design and massing, and use of some rustic materials are compatible with the neighborhood context.

The addition to the first-story includes new floor area next to the existing garage and fills in the entry alcove located between two hipped roof forms at the front corners of the house. The design includes a new covered entry that extends toward the front and is in line with the face of the garage. The addition toward the rear along the right side yard is a modern element with a flat roof, for a new bathroom and closet. The second-story addition is centered at the front of the house and located over the first-story addition. The second-story addition also includes a new front facing balcony.

The first-story wall plate height of eight feet will be maintained at the addition at the front with a nine-foot plate height at the side addition with a parapet wall. The second-story wall plate height is nine feet; however, since the second-story is set into the roofline of the existing house, the bulk and mass of the second story is reduced. The design incorporates two shed roof forms at the second-story that slope down toward the sides of the house. The taller walls of the shed roof elements are oriented toward the interior of the property and adjacent to the flat roof portion of the second-story. The low overall height of the structure at 22 feet also helps to reduce the perception of bulk and mass as viewed from the street.

The project design includes high quality materials, such as a standing seam metal roof, smooth stucco siding, horizontal cedar siding, metal guardrail and cables, wood doors, and a metal and glass garage door. The varying materials at the first- and second-story also help to minimize the perception of bulk by breaking up the architectural forms and stucco material with horizontal cedar siding. The wood elements and the textures of the materials help to relate a more modern design to the more rustic materials used on houses in the neighborhood context. Overall, the project design has architectural integrity and the design and materials are compatible within the consistent character neighborhood. The project is consistent with the Residential Design Guidelines, required design findings and neighborhood context; therefore, staff is in support of the proposed house design.

Privacy

There are two, second-story windows on the left side elevation with sill heights of approximately three feet. The window located toward the front of the house and has views over the adjacent property's roof. The window in the master bathroom is located behind a toilet with a sill height of three feet. The placement of the window behind a toilet would make walking up to the window to view out and down into the neighboring property difficult. Although the two windows would not result in an unreasonable privacy concern, the windows are not required for egress, and should be reduced in size and the sills be raised to at least four feet, six inches to maintain privacy (Condition No. 2).

The two windows on the right side elevation would not result in an unreasonable privacy concern because the window toward the front of the house has views of the adjacent front yard and the window located toward the rear has a privacy sill height of five feet. The right side elevation also includes an "L" shaped balcony with a door and a window facing the right side property line. The balcony has a depth of eight-feet adjacent to the master bedroom and six-feet adjacent to bedroom No. 4. The depth exceeds four-feet in width and would be considered an active balcony space. However, based the location the balcony at the front of the house, with views directed toward the street and adjacent front yard spaces, it would not result in an unreasonable privacy concern.

There are four, second-story windows at the rear with sill heights of four feet, eight inches. These windows would not create an unreasonable privacy concern because the sill height exceeds 4 feet, six inches to preserve privacy.

Landscaping

The property contains three trees and a mixture of mature landscaping species. There is a mature

tree located in the public right-of-way to the left of the existing driveway. All trees are proposed to be maintained, as well as the existing front and rear yard landscaping. Tree protection fencing will be required around existing trees during construction (Condition No. 4) to ensure they are not impaired. Since the project is an addition/remodel and with less than 2,500 square feet of new or replaced landscaping, it is not subject to the City's Water Efficient Landscape Regulations.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves the construction of a single-family house.

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 property for the March 1, 2017 Design Review Commission hearing. The mailed notice included 61 property owners.

Cc: Ari Backholm, Applicant and Property Owner
Farnaz Khadiv, Khadiv Design

Attachments:

- A. Application
- B. Area Map and Vicinity Map
- C. Materials Board

FINDINGS

16-V-12 and 16-SC-21 – 961 Thatcher Court

1. With regard to the side and rear yard setback variances, the Design Review Commission finds the following in accord with Section 14.82.050 of the Municipal Code:
 - a. The granting of the variance to maintain the existing side and rear yard setbacks of the house would be consistent with the objectives of the zoning plan because the house was constructed with the intent to meet the required side and rear setbacks and has existed in its current location since 1959.
 - b. The variance would not be detrimental to the health, safety or welfare of surrounding properties, because it would be maintaining existing encroachments that have existing on the property since 1959.
 - c. There is a special circumstance applicable to the property since it is an asymmetrical shaped lot with minor encroachments at three corners of the house that have existed in the current location since 1959. The minor encroachments do not result in a special privilege as the encroachments are approximately the width of the wall and do not result in additional floor area. Strict application of the Zoning Code would require that the encroachments be removed.
2. With regard to design review for a first and second story addition, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
 - a. The proposed structure complies with all provision of this chapter;
 - 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
 - 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 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.

CONDITIONS

16-V-12 and 16-SC-21 – 961 Thatcher Court

GENERAL

1. Approved Plans

The approval is based on the plans and materials received on January 30, 2017, except as may be modified by these conditions.

2. Window Sill Height

The left side, second story windows shall have a minimum sill height of four-feet, six-inches.

3. Protected Trees

Trees Nos. 1 and 2 shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

4. Encroachment Permit

An encroachment permit shall be obtained from the Engineering Division prior to doing any work within the public right-of-way including the street shoulder. All work within the public street right-of-way shall be in compliance with the City's Shoulder Paving Policy.

5. Fire Sprinklers

Fire sprinklers shall be required pursuant to Section 12.10 of the Municipal Code.

6. Underground Utilities

Any new utility service drops shall be located underground from the nearest convenient existing pole pursuant to Chapter 12.68 of the Municipal Code.

7. 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.

PRIOR TO BUILDING PERMIT SUBMITTAL

8. Conditions of Approval

Incorporate the conditions of approval into the title page of the plans.

9. Tree Protection Note

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."

10. Green Building Standards

Provide verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.

11. Underground Utility Location

Show the location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches shall avoid the drip-lines of all protected trees unless approved by the project arborist and the Planning Division.

12. Air Conditioner Sound Rating

Show the location of any air conditioning units on the site plan and the manufacturer's specifications showing the sound rating for each unit.

13. Storm Water Management

Show how the project is in compliance 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.).

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

14. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, of trees Nos. 1 -3 as shown on the site plan. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground and shall not be removed until all building construction has been completed unless approved by the Planning Division.

PRIOR TO FINAL INSPECTION

15. Landscaping Installation

All landscaping, street trees and privacy screening trees shall be maintained and/or installed as shown on the approved plans or as required by the Planning Division.

16. Green Building Verification

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

APR 19 2016
CITY OF LOS ALTOS
PLANNING

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1107195

<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: 961 Thatcher Ct

Project Proposal/Use: Remodel/Addition Current Use of Property: Residential

Assessor Parcel Number(s): 193-26-035 Site Area: _____

New Sq. Ft.: 3958.5 Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: 2345

Total Existing Sq. Ft.: 2345 Total Proposed Sq. Ft. (including basement): 3958.5

Is the site fully accessible for City Staff inspection? yes

Applicant's Name: Farnaz Khadiv Farnaz@Khadivdesign.com

Telephone No.: (408) 888-6662 Email Address: Farnaz-K77@shoglobe.com

Mailing Address: 4657 Tampico Way

City/State/Zip Code: San Jose, CA 95118

Property Owner's Name: Ari Backholm

Telephone No.: (650) 483-5983 Email Address: ari@backholm.fi

Mailing Address: 961 Thatcher Ct.

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

Architect/Designer's Name: Farnaz Khadiv

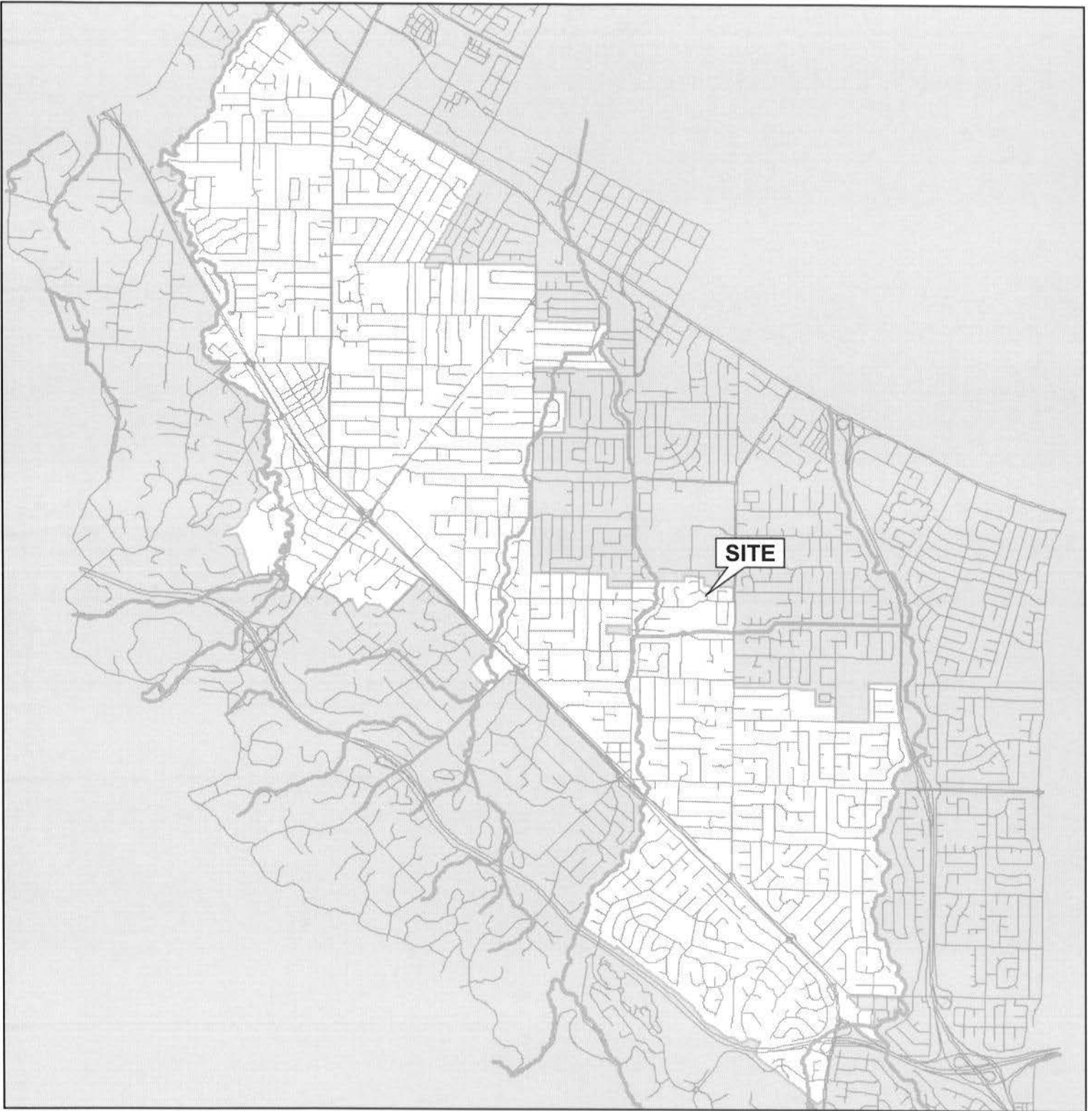
Telephone No.: (408) 888-6662 Email Address: Farnaz@Khadivdesign.com

Mailing Address: 4657 Tampico Way

City/State/Zip Code: San Jose, CA 95118

* 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. *

AREA MAP



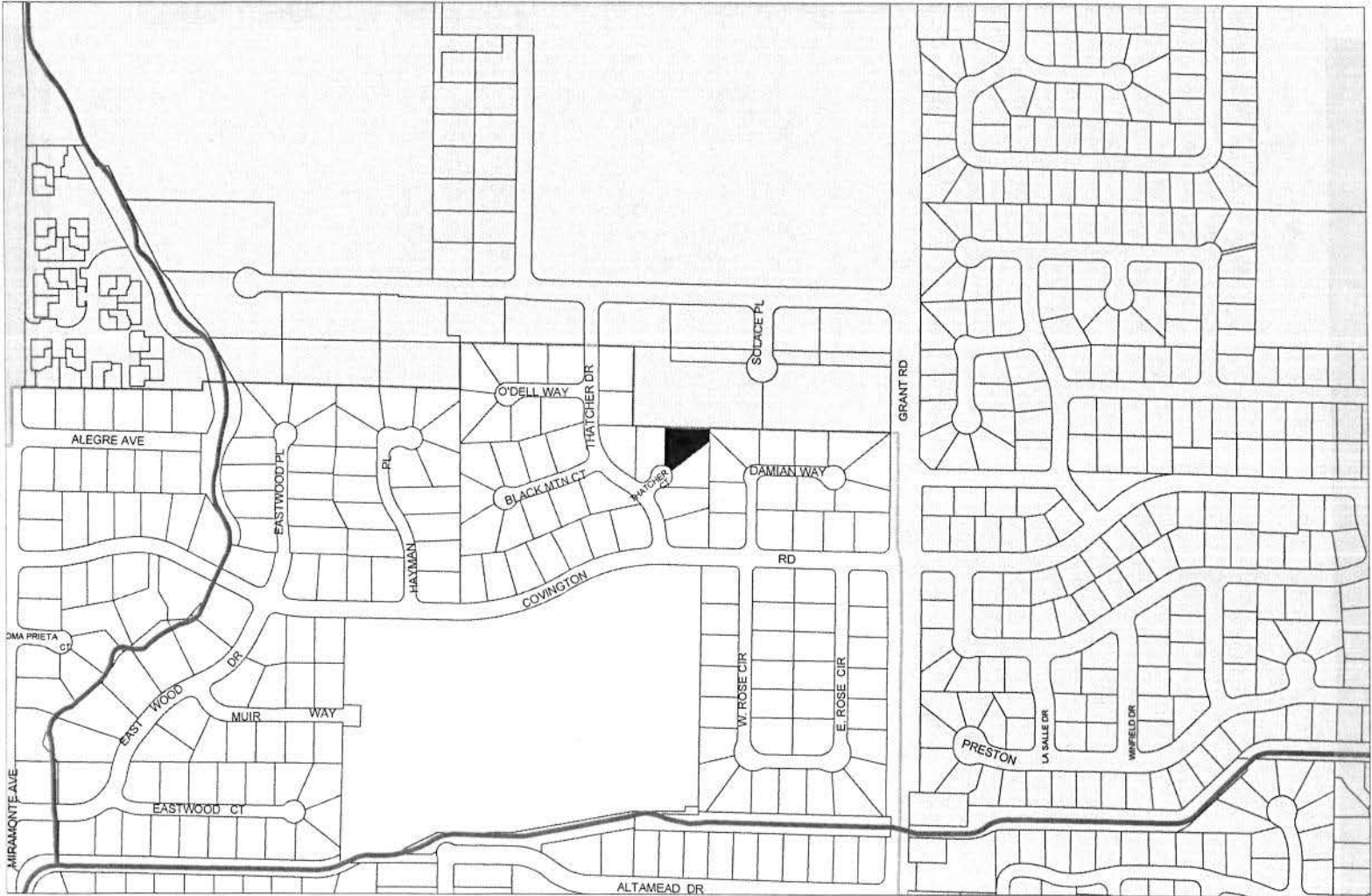
CITY OF LOS ALTOS

APPLICATION: 16-V-12 and 16-SC-21
APPLICANT: F. Khadiv/ A. Backholm
SITE ADDRESS: 961 Thatcher Court

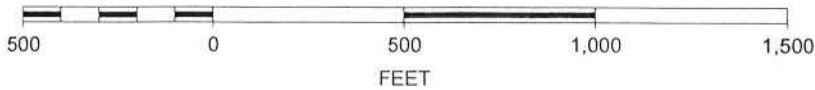


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



N



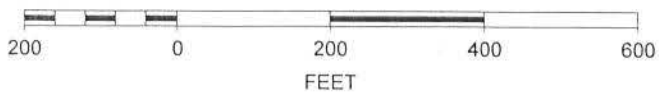
CITY OF LOS ALTOS

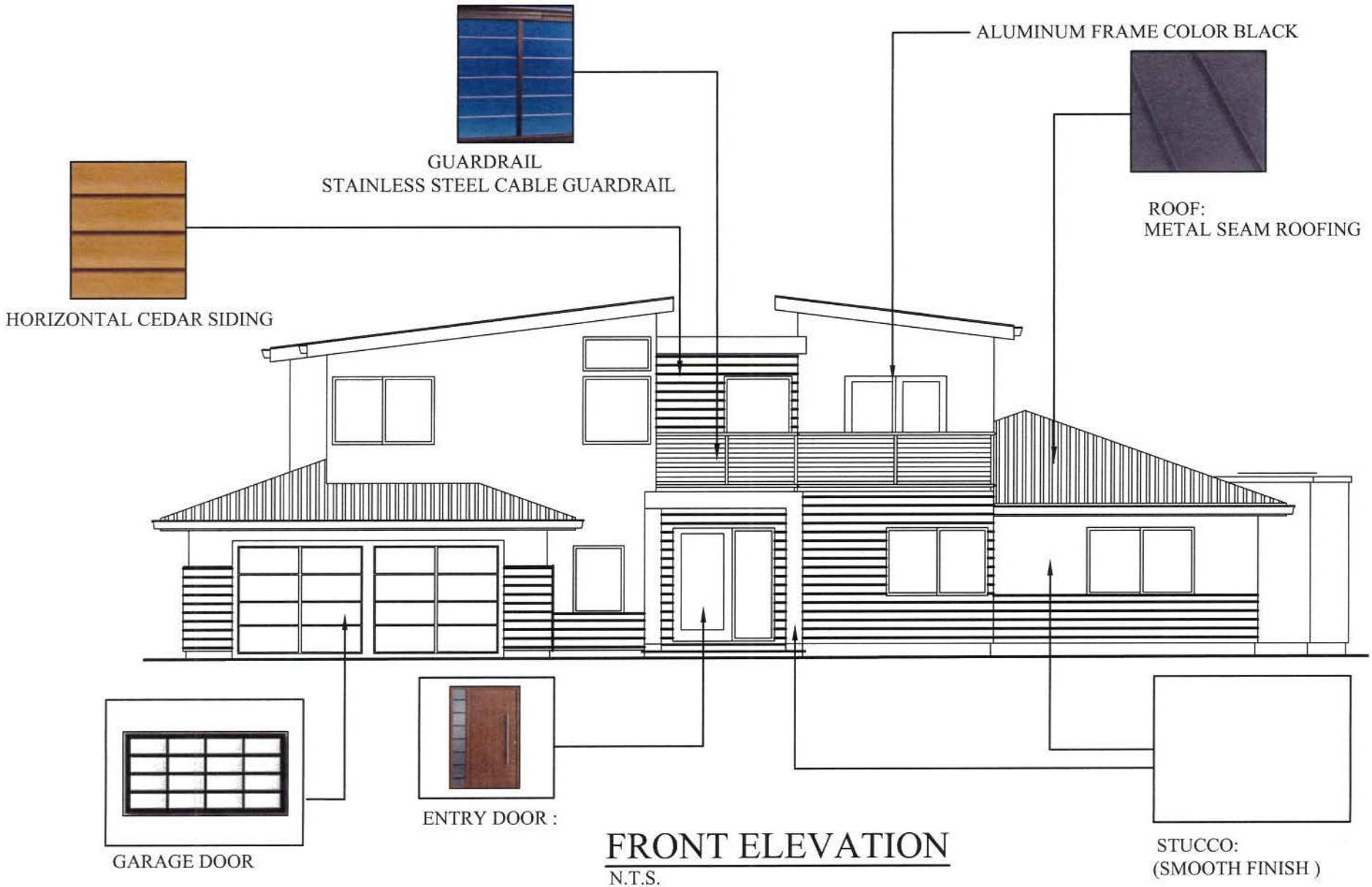
APPLICATION: 16-V-12 and 16-SC-21
APPLICANT: F. Khadiv/ A. Backholm
SITE ADDRESS: 961 Thatcher Court

961 Thatcher Court 500-foot Notification Map

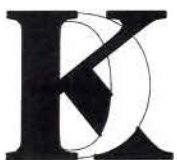


SCALE 1 : 3,000





ATTACHMENT C



KHADIV DESIGN

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Email Address: Khadiv-Design@sboglobal.net

THE BACKHOLM RESIDENCE
961 THATCHER CT
LOS ALTOS CALIFORNIA

SHEET

MB-1