



DATE: April 5, 2017

AGENDA ITEM # 3

TO: Design Review Commission

FROM: Zachary Dahl, Planning Services Manager – Current Planning

SUBJECT: 16-V-09 and 16-SC-40 – 911 and 921 Matts Court

RECOMMENDATION:

Approve variance application 16-V-09 and design review application 16-SC-40 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance and design review application to allow for a raised parking deck to be located within a required setback area and for the expansion of balconies on an existing two-story house at 911 Matts Court. The project includes a variance to allow for the expansion of an existing parking deck to be located within the left side yard setback area of 911 Matts Court and within the right side yard setback area of 921 Matts Court. The project also includes design review for the expansion of existing balconies at the main and lower levels of the house at 911 Matts Court that face toward South El Monte Avenue.

The parcels at 911 and 921 Matts Court are designated as Single-Family Residential (2 du/acre) in the General Plan, zoned R1-H (Single-Family Hillside), and are 12,197 square feet and 10,019 square feet in size, respectively. However, since both parcels are less than 15,000 square feet in size, the Code specifies that the R1-10 District site standards for setbacks and lot coverage apply.

BACKGROUND

Property History

The subject properties were originally created as part of a six-lot subdivision that was approved by the County of Santa Clara in 1964 and subsequently annexed into the City in 1965. Matts Court, a narrow dead-end street off of Summerhill Avenue, is a privately maintained street that provides access to the properties in the subdivision. In 1977, the City approved variances to allow new houses on both properties to have reduced second story side yard setbacks. The house at 911 Matts Court was constructed in 1977 and the house at 921 Matts Court was constructed in 1983.

The property at 911 Matts Court was also developed with a raised parking deck to provide a vehicle turnaround area at the end of the private street. This raised parking deck is located in both side yard setback areas with approximately three feet of the deck located on the property at 921 Matts Court. There is no evidence that the City required a variance when this structure was approved.

In July of 2016, the City issued a stop work notice for non-permitted construction at 911 Matts Court. The construction, which was mostly completed by the time the City was made aware of the activity, included an expansion of the existing parking deck and the rebuilding and expansion of the balconies

on both levels of the house that face toward El Monte Avenue. The expansion of the parking deck resulted in a significant portion of the new structure being located across a property line and on 921 Matts Court. Since these structures do not meet the required setbacks and the balcony expansions constitute a second story addition, variance and design review approvals are required before the City can consider a building permit to legalize this non-permitted construction.

DISCUSSION

Parking Deck Variance

The applicant is seeking a variance to allow for the expansion of the existing raised parking deck to be located within the required side yard setback areas at 911 and 921 Matts Court. Due to the steeply sloping topography of the lots and the narrow width of the private street, there is very limited area for vehicles to turn around and to park outside of each property's garage and carport. The project will extend the depth of the parking deck by 12 feet, aligned with the back end of the garage and expand the width by nine feet toward the house at 921 Matts Court. This expansion will provide two parking spaces and increased depth for vehicles to turn around. Due to the steep slope of the lot, the height of the deck is up to 19 feet at the rear end of the structure.

Since the Code does not permit structures over six feet in height or raised decks over six inches in height within a side yard setback area, a variance is required. Under normal circumstances, this variance request would have come before the Commission before the work occurred. A letter from the applicant, the owner of 911 Matts Court, which provides additional information about the variance request is included as 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.

When this area was annexed into the City, it was assigned a Zoning designated of R1-H due to its hillside location, however all parcels in the subdivision are under 20,000 square feet and have very limited areas to establish reasonable circulation and parking areas within the main building envelope. Therefore, allowing an expansion of the raised parking deck within the side yard setback areas is consistent with the objectives of the Zoning plan since it would provide the properties with a reasonable circulation and parking area.

The variance will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity since the expanded parking deck is consistent with the height of the elevated houses on both sides and is minimally visible from any adjacent streets or properties.

There is a special circumstance applicable to the properties due to their steeply sloping topography and narrow private street that provides access. Strict application of the R1-H District setback requirements would limit the ability of these properties to develop a reasonably sized parking deck to provide for vehicle circulation and additional on-site parking.

Since the parking deck structure is located across a property line, it is considered a shared structure that is jointly owned by 911 and 921 Matts Court. Staff has included a condition that requires a maintenance and easement agreement be recorded against both properties (No. 5).

Balcony Design Review

The existing house at 911 Matts Court is a two-story structure that is elevated on concrete piers above the sloping hillside. The main level of the house, which includes the kitchen, common areas, master bedroom and garage, is at the same level as Matts Court, but functions as a third story when viewed from the rear property line along South El Monte Avenue. The lower level, which includes additional bedrooms and a family room, functions as a second story when viewed from the rear property line. Both levels have existing balconies that were approved when the house was originally built in 1977.

Based on information provided by the owner, the balconies on both levels were in poor condition and needed to be rebuilt. Rebuilding and repairing existing balconies does not require design review approval, but it does require a building permit. However, the work included an expansion of the upper balcony by approximately 125 square feet and an expansion of the lower balcony by approximately 150 square feet, which triggered the need for a design review approval before a building permit application could be submitted.

Due to the sloping nature of the site, these balconies provide the primary usable outdoor space for the house. The additions would expand the balcony space adjacent to the living room on the upper level creating a new space that is approximately 19 feet wide by 8 feet deep that projects closer to the rear property line. The addition to the lower level balcony increases the depth of the entire balcony to approximately seven feet. Both balconies have a setback of approximately 50 feet to the rear property line which is adjacent to El Monte Avenue.

The upper balcony has a height of up to 27 feet and the lower balcony has a height of up to 19 feet above the sloping grade below. However, the sloping topography of the surrounding area and the adjacency to a wide thoroughfare street results in very limited views toward any nearby residential properties from the balcony spaces. In addition, the balconies are screened from view by many existing mature trees that are located below the house. Therefore, the expanded balconies do not create any unreasonable privacy impacts.

Alternatives

If the Commission cannot make the findings to approve the application, it could vote to continue the application with specific direction or vote to deny the application with negative findings. A vote to deny the variance and/or the design review would result in the owner being required to remove the structures that were constructed without permits.

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 property for the April 5, 2017 Design Review Commission meeting. The mailed notice included 68 property owners in Los Altos and Los Altos Hills.

Cc: Reza Yazdani, Applicant and Owner of 911 Matts Court
Vijay Anne, Owner of 921 Matts Court
Peter Purificacion, Designer

Attachments:

- A. Application
- B. Cover Letter
- C. Area, Vicinity and Public Notification Maps

FINDINGS

16-V-09 and 16-SC-40 – 911 and 921 Matts Court

1. With regard to approving the side yard setback variance for the new parking deck at 911 and 921 Matts Court, the Design Review Commission finds the following in accord with Section 14.82.050 of the Municipal Code:
 - a. The granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 because raised parking deck would provide the properties with a reasonable circulation and parking area;
 - b. 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 parking deck is consistent with the height of the raised houses on both sides and is minimally visible from any adjacent streets or properties; and
 - c. There is a special circumstance applicable to the properties due to their steeply sloping topography and narrow private street access. Strict application of the R1-H District setback requirements would limit the ability of these properties to develop a reasonably sized parking deck to provide for vehicle turning movements and additional on-site parking.

2. With regard to the expansion of the existing balconies at 911 Matts Court, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
 - a. The proposed balcony expansion complies with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the balcony expansion, 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 balcony expansion 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 balcony expansion has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

16-V-09 and 16-SC-40 – 911 and 921 Matts Court

GENERAL

1. Approved Plans

This approval is based on the plans received on February 17, 2017, and the written application materials provided by the applicant, except as may be modified by these conditions.

2. Encroachment Permit

Obtain an encroach permit issued from the Engineering Division prior to doing any work within the public street right-of-way.

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.

PRIOR TO BUILDING PERMIT SUBMITTAL

4. Conditions of Approval

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

5. Maintenance and Easement Agreement

The property owners of 911 and 921 Matts Court shall execute a maintenance and easement agreement that is recorded against both properties to establish the long-term use and maintenance of the shared parking structure. The agreement shall be reviewed and approved by the Community Development Director prior to recordation.

6. 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.).

7. Building Division Requirements

Construction plans and documents shall address the following items:

- a. This is a hillside parking structure built without approved design, plans or permits allowing for heavy concentrated commercial and private vehicle access. Vehicle barriers, guard rails and "Heavy Vehicle Loads" shall follow the 2016 CBC Section 1607.7, 1607.8.3, 1607.9 and other associated required structural engineering design. Since this Elevated Open Parking Structure is without roof or wall enclosures not limiting the size of vehicles; and it is outside at the end of a private narrow street, it may be used for some delivery, moving and commercial loaded trucks more than ten thousand pounds. Design loads shall be incorporated as well as

the lateral forces integral with the R-3 residence lateral and uplift loads. This vehicle structure shall be considered a “U” Occupancy Classification under the 2016 CBC.

- b. All portions of this structure inclusive and within five feet of any property lines shall have rated one-hour construction. Design for one hour construction methods and compliance shall be submitted if approved
- c. Due to the resident building and vehicle deck constructed under the same concurrent post and beam construction, the resident building and deck shall be designed to withstand all lateral, vertical, and heavy vehicle live and dead loads.
- d. This entire structure was constructed without the benefit of permits and inspections. If allowed to remain, extensive GRPS (Ground Radar Penetration System) reports with concrete scanning, pot holing, special inspection reports, high strength bolt pull tests, concrete core testing, nailing and framing verification by exposure, shall be required, and submitted to prove methods of construction meet today’s applicable design standards.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1107386

<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: 911 & 921 Matts Ct., Los Altos, Ca. 94024

Project Proposal/Use: Extension on deck Current Use of Property: Home of two family

Assessor Parcel Number(s): 33614-021 / -020 Site Area: 17,700

New Sq. Ft.: — Altered/Rebuilt Sq. Ft.: — Existing Sq. Ft. to Remain: 2,426

Total Existing Sq. Ft.: 3,284 Total Proposed Sq. Ft. (including basement): —

Is the site fully accessible for City Staff inspection? YES

Applicant's Name: Reza Yazdani *underscore*

Telephone No.: 650-814-2592 Email Address: reza.yazdani@yahoo.com

Mailing Address: 911 Matts Ct. Los Altos, Ca. 94024

City/State/Zip Code: Calif - 94024

Property Owner's Name: Reza Yazdani & Vijay Anne (921 Matts Ct)

Telephone No.: 650-814-2592 Email Address: yazdani_reza@yahoo.com

Mailing Address: 911 Matts Ct.

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

Architect/Designer's Name: PETER RUIFICACION

Telephone No.: 510 589 4761 Email Address: PRIMESTUDIOPC@GMAIL.COM

Mailing Address: 2545 W. AVE 130TH

City/State/Zip Code: SAN LEANDRO, CA 94577

* 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)

16-SC-40 and 16-V-09



To whom it may concerns,

My family and I, Dr. Reza Yazdani, have been living at 911 Matts Ct. since 1988. It is located at the **end** of the Matts Ct. Matts is connected to Summer Hill which is the main road forking from S El Monte.

911 Matts and 921 Matts have big traffic and parking issues. These hoses have limitations for fire trucks reaching them and protecting them from fire, as is described here.

Matts Ct. is a narrow private road with 5 houses with following parking characteristics:

- 1) Only one car can pass through Matts in any direction.
- 2) If two cars travel in opposite directions, one should back up to make space for the other car to pass.
- 3) There are 5 houses on the Matts Ct with the following parking characteristics.
 - 951, has a three car garage, but is filled with furniture. They rent rooms in this house, and garage is used for tenants' storage. At least 5 cars are parked in front of the house that make the narrow Matts even harder to pass.
 - 941, has a two car garage, but they have 4 cars. Two are in the garage and two parked in the front. There is bypass place in front of their house that they have parked an old car for several years to make sure 951 tenants do not parks there.
 - 931, has a two car garage two cars are park in the garage. One car parks outside. A homeless man, a relative of them, lives in his car parked in front of their house for several years. This car has been stationary in that location plus lots of his belongings on the road.
 - 921, does not have a garage but a carport, If cars park in front of their carport, they cannot pass through and they cannot get out their carport.
 - 911 (my house), is at the end of the road. It has a two-car garage and we share a small parking with 921 house. Presumably this small parking was built for fire truck turn around in 1970's, when fire trucks were much smaller.

We park in the garage and others park in front of the garage.

- 4) There is no fire truck turn around on Matts Ct.

Handwritten signature and date: A 2/17/17

5) 911 Matts Ct. and 921 Matts Ct. have big parking and fire issues:

- Visitor to my house usually park in front of our garage. If others already take those spots, they have to park about quarter of a mile away on Summer Hill and walk to the house. This is particularly dangerous at night especially for elderly, women and children walking at night.

- As there is no turn around possibility on Matts, parked vehicles have already occupy them, cars have to back up all the way to Summer Hill a quarter of miles away day and night. Accidents are common and have happened often specially by older people. At night when people backup their cars on the summer Hill they hit parked cars around the roads. There is no light on narrow Matts and backup is very dangerous.

- As there is no fire-truck turn around, huge fire trucks must back up on narrow Matts to Summer Hill. This has happened before and the fire truck driver had to ask cars to be moved around Matts in order to move. As our houses are at the end of the court, there is more possibility of congestion happening and the fire truck cannot get on time to 921 and 911 Matts. The same issue exists for big deliver trucks.

Conclusion:

To alleviate the above parking problems, I talked to Vijay Ann my 921 Matts Ct. neighbor to use some of the unused land between our houses to build a parking that I and he share and also is large enough that can be used for trucks turn around to make our houses at Matts Ct. safer for us and our visitors. Vijay agreed to provide the unused land on the side of his house, and I agreed to use my land to share and build parking suitable for both of us and also make the truck turning possible.

Best Regards,

Dr. Reza Yazdani

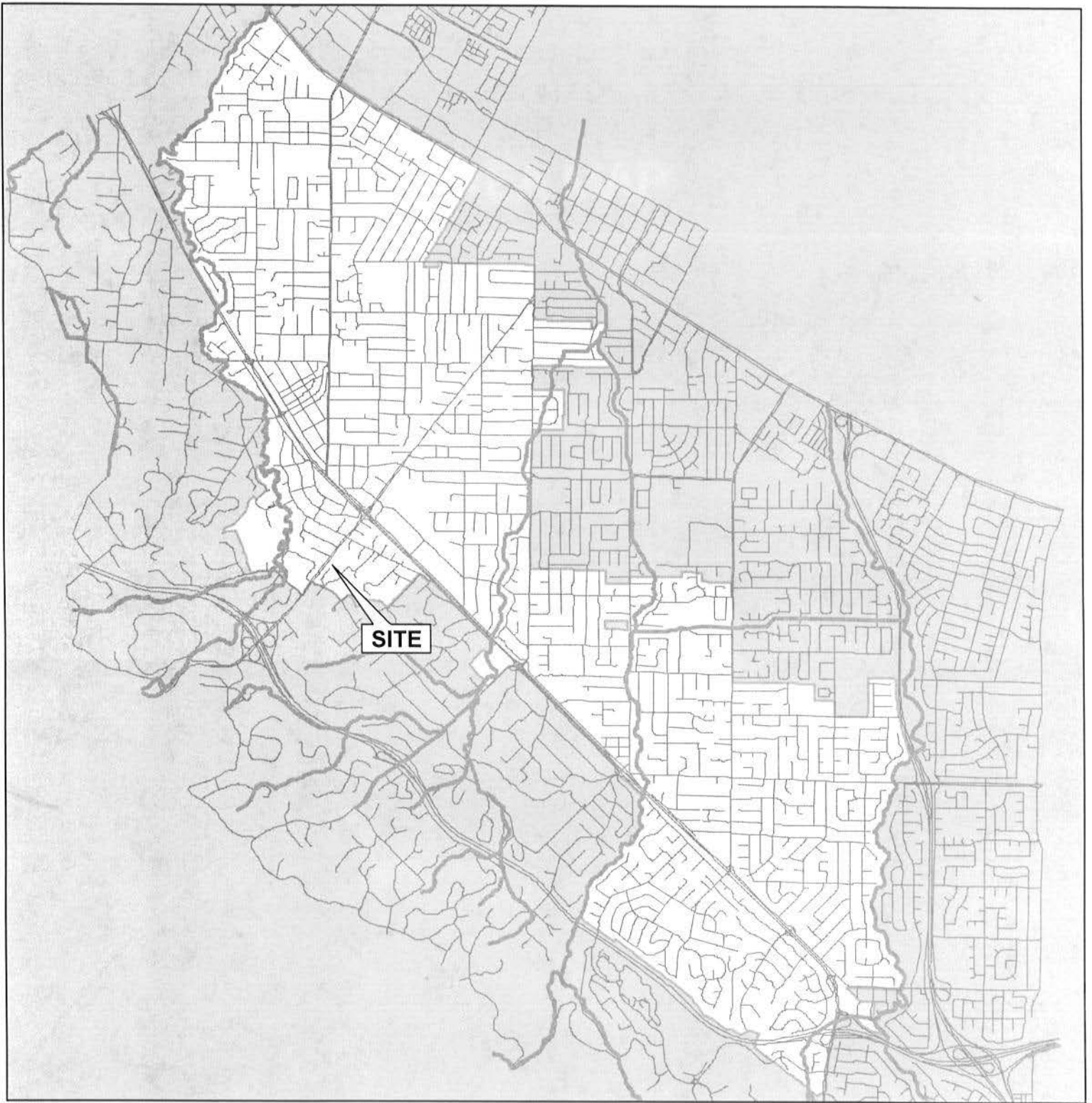
Reza Yazdani
2-17-17

Dr. Vijay Anna

Vijay Anna
2/17/17



AREA MAP



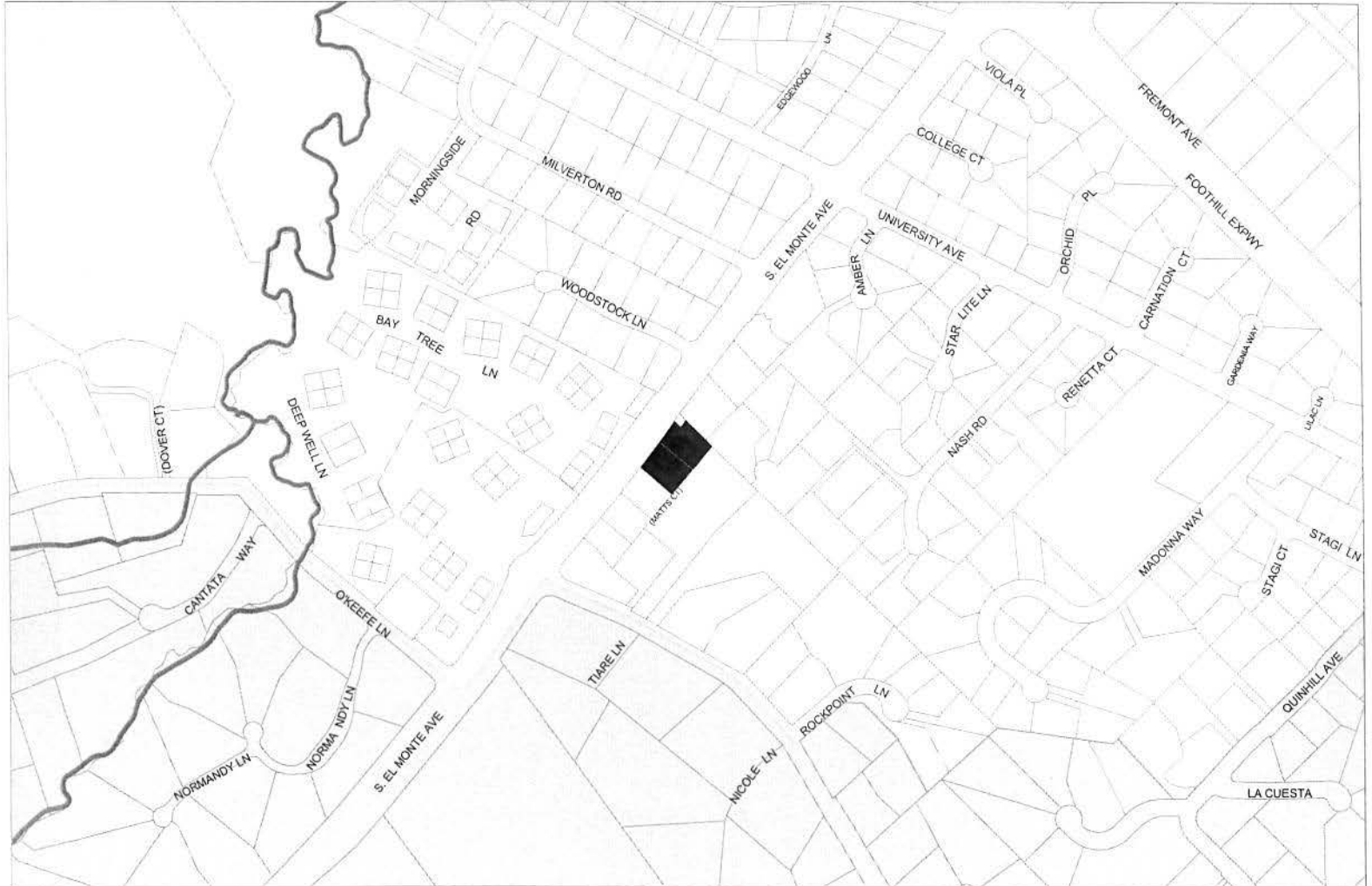
CITY OF LOS ALTOS

APPLICATION: 16-V-09 and 16-SC-40
APPLICANT: R. Yazdani and V. Anne
SITE ADDRESS: 911 and 921 Matts Court

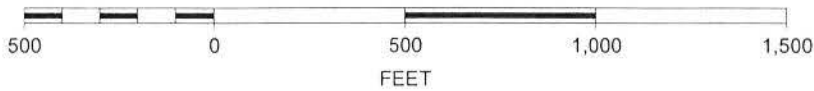


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 16-V-09 and 16-SC-40
APPLICANT: R. Yazdani and V. Anne
SITE ADDRESS: 911 and 921 Matts Court

911-921 Matts Court 500-foot Notification Map



SCALE 1 : 2,000

