



DATE: April 5, 2017
AGENDA ITEM # 4

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 17-V-02 – 24849 Summerhill Avenue

RECOMMENDATION:

Approve variance application 17-V-02 subject to the listed findings and conditions

PROJECT DESCRIPTION

This project is a variance to allow for reduced side and rear yard setbacks for a one-story addition to an existing one-story house. The project includes a variance to allow a rear yard setback of 23.4 feet where 50 feet is required and a side yard setback of 15.1 feet where 30 feet is required in the R1-H District. The following table summarizes the project’s technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential (2 du/acre)
ZONING: R1-H
PARCEL SIZE: 16,957 square feet (Net)
MATERIALS: Match existing – asphalt shingle roof, cement plaster siding, brick veneer, vinyl windows

	Existing	Proposed	Allowed/Required
COVERAGE:	2,863 square feet	3,327 square feet	4,239 square feet
FLOOR AREA:	2,307 square feet	3,297 square feet	4,445 square feet
SETBACKS:			
Front	91 feet	91 feet	30 feet
Rear	30 feet	23.4 feet	50 feet
Right side	15.6 feet	15.1 feet	30 feet
Left side	28.4 feet	28.4 feet	30 feet
HEIGHT:	14.6 feet	14.6 feet	20 feet

BACKGROUND

Neighborhood Context

The property is located in a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. The flag lot property is located on Summerhill Avenue on the west end of Summerhill Avenue, and shares a driveway entrance with Matts Court. The houses in the neighborhood are one- and two-story homes on hillside lots, that vary in scale, massing and materials. The street tree pattern is not well defined, however the landscaping along the street includes mature vegetation and large trees.

Property History

The existing house is within the rear and side yard setback areas and considered non-conforming. It was built in 1973 with minimum setback requirements of 25 feet at the front and rear yard, and 10 feet on either side. The R1-H District allows for R1-10 District setbacks to be applied when a lot is under 15,000 square feet and it appears the City may have applied this standard when approving this house in 1973.

The property is encumbered with a 20-foot wide right-of-way easement across the front of the lot to provide for Matts Court, which is a private street. The road is partially located in the easement with a portion located north of the easement on the subject property. The allowable floor area and lot coverage calculations are based on the net site area, which means the portion of gross site area remaining after deducting the area of the private street and access easement. The gross site area is 21,340 square feet, with a net site area of 16,957 square feet. The property slopes up 14 feet from Matt Court access road to a flat building pad and slopes up an additional 12 feet from the building pad to the rear property line.

DISCUSSION

Variance Request

The addition is located at the rear of the house on an existing flat portion of the lot adjacent to the master bedroom. The variance would allow a rear yard setback of 23.4 feet where 50 feet is required, and a side yard setback of 15.1 feet, where 30 feet is required. The right-side property line has a slight curve at the rear which results in the house encroaching six inches closer to the property line than the existing non-conforming wall. Since the project will be maintaining more than 50 percent of the existing house, the existing portions of the house that encroach into the rear and side yard setbacks are allowed to be maintained. Condition No. 2 requires at least 50 percent of the existing house be preserved in order to maintain the non-conforming setbacks.

Any addition to the sides or rear of the existing house would require a further encroachment into setbacks. There is an opportunity to make an addition at the front of the house within the allowable building envelope; however, this would require the floor plan to be substantially altered for a small addition. A letter from the applicant provides additional information about the variance request is included in Attachment B.

Variance Findings

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 and right side yard would be consistent with the objectives of the City's zoning plan because the house was constructed with reduced setbacks that were required in 1973. The proposed addition will substantially maintain the setbacks were approved in 1973. The R1-H District also allows smaller lots to use the R1-10 District standards and this lot is consistent with that intent.

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 addition is adjacent to a flag lot access corridor to the right and an uphill flag lot to the rear with a substantial building setback.

There is a special circumstance applicable to the property due to the topography of the lot and access easement located at the front of the lot that results in a constrained building envelope and limited developable area. Strict application of the R1-H District setback requirements deprives this property of the ability to develop a reasonable addition to the rear of the house. The addition extends the building in a manner that is congruent with the original design concept and maintains a residential character compatible with the immediate neighborhood context.

Procedurally, the Design Review Commission acts on the variance application. If approved, then staff will administratively approve the design since it otherwise meets the required design review findings and Residential Design Guidelines.

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 hearing. The mailed notice included 61 property owners in Los Altos and Los Altos Hills.

Cc: Lillian Kellogg, Property Owner
Brad Cox, Applicant/Architect

Attachments:

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

FINDINGS

17-V-02 – 24849 Summerhill Avenue

With regard to the variance to allow for reduced side and rear yard setbacks, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

1. The granting of the variance to encroach into the rear and right side yard would be consistent with the objectives of the City's zoning plan because the house was constructed with reduced setbacks that were required in 1973. The proposed addition will substantially maintain the setbacks were approved in 1973. The R1-H District also allows smaller lots to use the R1-10 District standards and this lot is consistent with that intent.
2. 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 addition is adjacent to a flag lot access corridor to the right and an uphill flag lot to the rear with a substantial building setback.
3. There is a special circumstance applicable to the property due to the topography of the lot and access easement located at the front of the lot that results in a constrained building envelope and limited developable area. Strict application of the R1-H District setback requirements deprives this property of the ability to develop a reasonable addition to the rear of the house. The addition extends the building in a manner that is congruent with the original design concept and maintains a residential character compatible with the immediate neighborhood context.

CONDITIONS

17-V-02 – 24849 Summerhill Avenue

GENERAL

1. Approved Plans

The approval is based on the plans received on February 28, 2017, 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. 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 # 1107349

<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: 24849 Summerhill Ave. Los Altos, CA 94024

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

Assessor Parcel Number(s): 336-14-012 Site Area: 21,472

New Sq. Ft.: 458 Altered/Rebuilt Sq. Ft.: 333 Existing Sq. Ft. to Remain: 2505

Total Existing Sq. Ft.: 2838 Total Proposed Sq. Ft. (including basement): 3296

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Brad Cox

Telephone No.: 408.838.3667 Email Address: brad@bradcoxarchitect.com

Mailing Address: 1155 Meridian Ave. Suite 208

City/State/Zip Code: San Jose, CA 95125

Property Owner's Name: Lillian Kellogg

Telephone No.: 415-860-5741 Email Address: lkellogg@ena.com

Mailing Address: 218 31st Avenue North

City/State/Zip Code: Nashville, TN 37203

Architect/Designer's Name: Brad Cox

Telephone No.: 408.838.3667 Email Address: brad@bradcoxarchitect.com

Mailing Address: 1155 Meridian Ave. Suite 208

City/State/Zip Code: San Jose, CA 95125

** 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. **

Kellogg Residence

24849 Summerhill Avenue, Los Altos, CA
1/13/17

FORMation

Variance Justification Memorandum

To: City of Los Altos, Planning Department

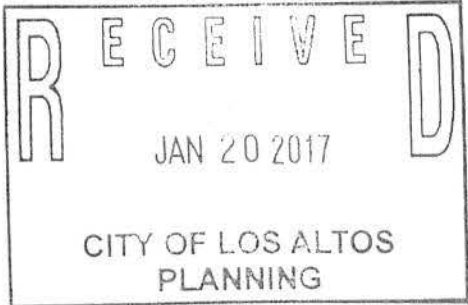
FROM: Brad Cox, Architect, Inc.

REGARDING: Variance Justification Memorandum

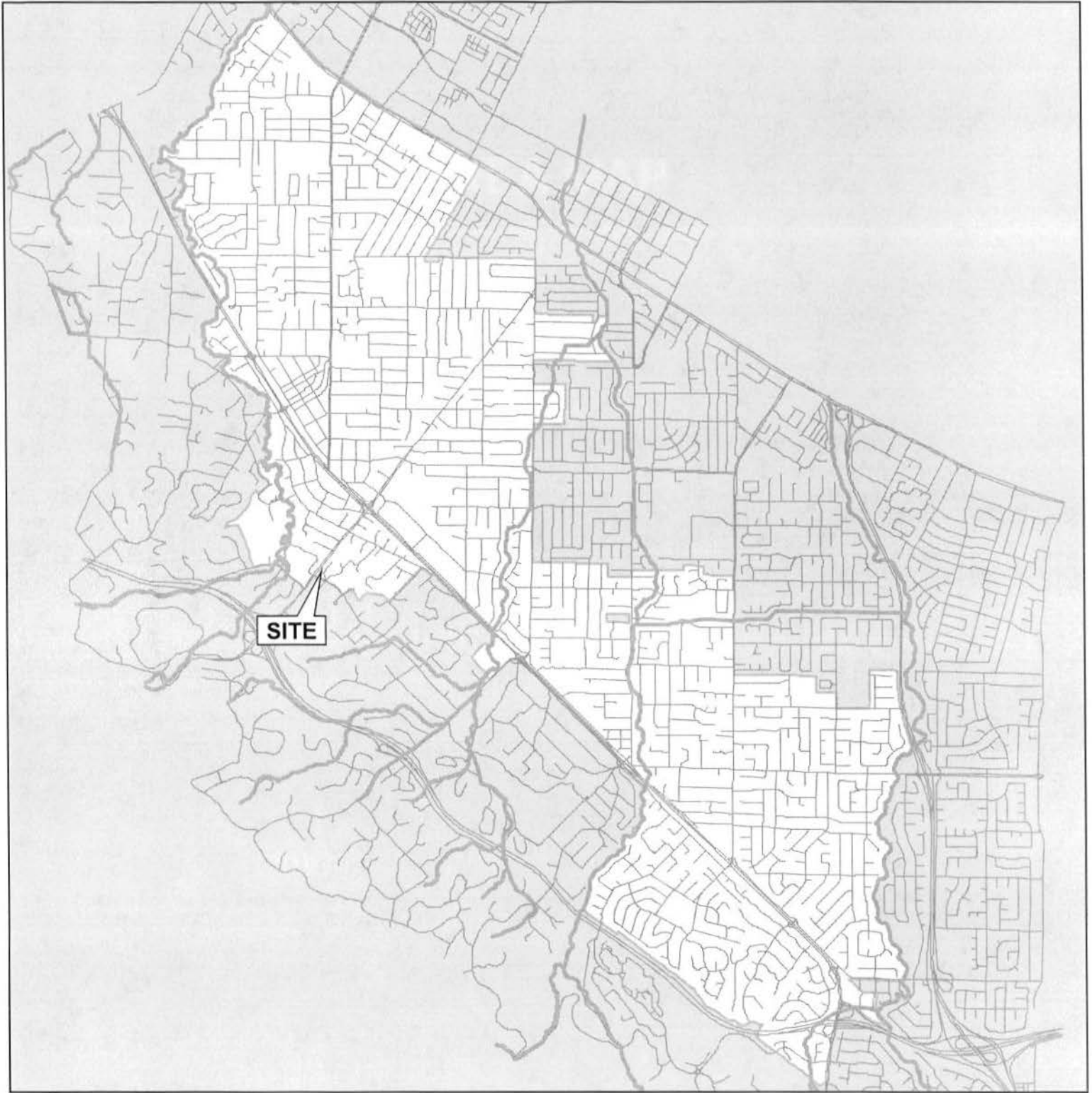
MEMO: TELEPHONE INFORMATION REQUEST QUESTION

We are proposing to build a 458 sf addition into the rear and side setbacks. The rear setback distance of the new addition is proposed to be approximately 23'-5", not including the fireplace. The east side wall of the new addition is to align with the existing non-conforming wall, and is proposed to be approximately 15'-2" from the east property line. This site is a greatly encumbered flag lot with access and drainage easements. The net site area is 16,537 sf with a gross site area of 21,472 sf.

The topography of the neighborhood is quite hilly, and the existing home is a modest, one-story home, nestled into a hillside, with no elements of the existing or proposed home obstructing any access or view to or from any neighboring property. The proposed addition fills in a notch of flat graded site area that is currently not utilized.



AREA MAP



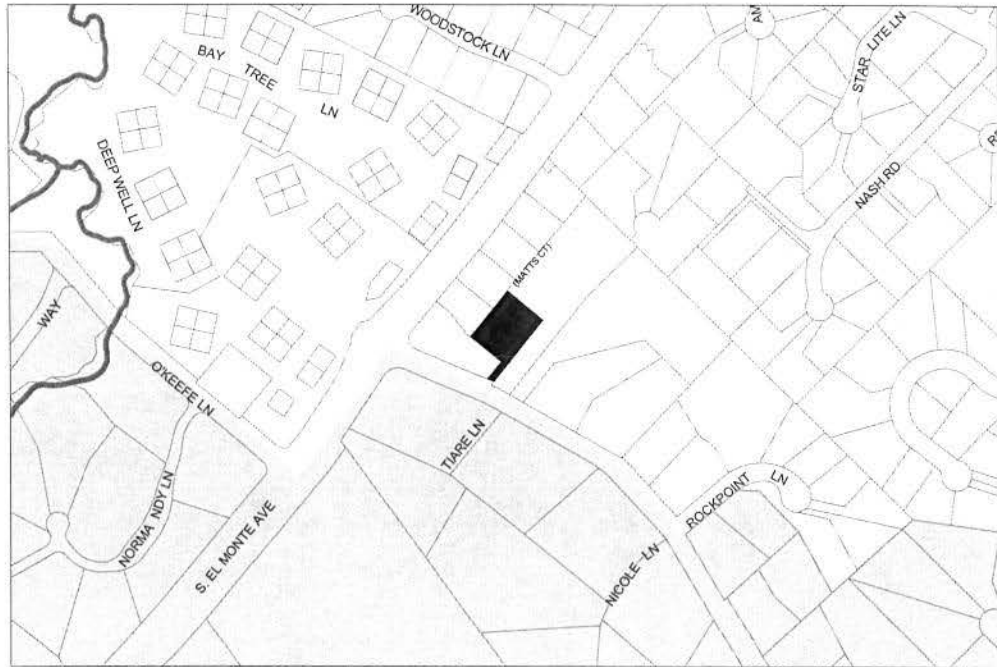
CITY OF LOS ALTOS

APPLICATION: 17-V-02
APPLICANT: B. Cox/ L. Kellogg
SITE ADDRESS: 24849 Summerhill Avenue

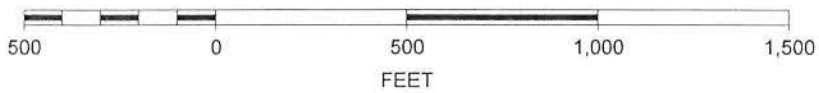


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



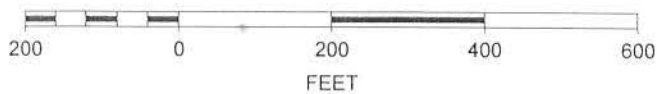
CITY OF LOS ALTOS

APPLICATION: 17-V-02
APPLICANT: B. Cox/ L. Kellogg
SITE ADDRESS: 24849 Summerhill Avenue

24849 Summerhill Avenue 500-foot Notification Map



SCALE 1 : 3,000



N

