



DATE: June 14, 2017  
AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Zachary Dahl, Planning Services Manager – Current Planning  
**SUBJECT:** 17-V-05 – 26 Pasa Robles Avenue

**RECOMMENDATION:**

Approve variance application 17-V-05 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

This is a variance application to allow for a reduced left side yard setbacks to be maintained as part of an addition and remodel to an existing one-story house. The project includes a variance to allow a left side yard setback of 2.7 feet to be maintained where five feet is required. The following table summarizes the project’s technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Small Lot  
**ZONING:** R1-10  
**PARCEL SIZE:** 5,829 square feet  
**MATERIALS:** Composition shingle roof, smooth finish stucco and cedar wood siding and aluminum clad wood windows

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	1,909 square feet	2,040 square feet	2,040 square feet
<b>FLOOR AREA:</b>			
Main house	1,334 square feet	1,857 square feet	
Detached garage	532 square feet	183 square feet	
Total	1,866 square feet	2,040 square feet	2,040 square feet
<b>SETBACKS:</b>			
Front	29.7 feet	25.2 feet	25 feet
Rear	44 feet	34.5 feet	25 feet
Right side	12.2 feet	12.2 feet	5 feet
Left side	2.7 feet	2.7 feet	5 feet
<b>HEIGHT:</b>	15 feet	15 feet	20 feet

## **BACKGROUND**

### **Property History**

The subject property was originally created as part of the Los Altos Park Subdivision in the early 1920s. Per County Assessor records, the original house was built in 1923. Over the years, portions of the house have been altered and/or rebuilt, including a significant addition to the right side of the house in 1982. There is also not any evidence to suggest that the house is associated with an architect or local residence with historical significance. Thus, due to these exterior alterations and the lack of any historical associations, the structure does not have the physical integrity or historic significance to be eligible for designation as a Historic Resource and listed on the City's Historic Resources Inventory (HRI).

### **Zoning Compliance**

The property is zoned R1-10 and considered a narrow lot since it is under 80 feet in width. For narrow lots, the required side yard setback is reduced from 10 feet to 10 percent of the lot width, but not less than five feet. In this case, the lot has a width of 47 feet and a required side yard setback of five feet. However, since the existing house has a left side yard setback of 2.7 feet and a bay window with a setback of 1.3 feet, both of which encroach into the required setback, it is considered a nonconforming structure. The existing detached garage in the rear of the property has a right side yard setback of 0.64 feet and is also considered a nonconforming structure. When a structure with an existing nonconforming setback has more than 50 percent of its existing floor area voluntarily eliminated and/or replaced, the structure is required to meet current setback requirements (§14.06.080.H).

## **DISCUSSION**

### **Variance**

The applicant is proposing an addition of 523 square feet at the front and rear of the house and a remodel of the existing house. The project also includes demolition of the existing nonconforming detached garage and construction of a new detached garage that meets current Zoning Code requirements. The original application was submitted as a staff level one-story design review project that sought to maintain over 50 percent of the existing main house. However, staff determined that the scope of the project, which includes significant portions of the roof structure being rebuilt, exceed the 50 percent threshold and required a variance in order to maintain the left side yard setback encroachment. A letter from the applicant 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.

The property was originally subdivided decades before the City was incorporated and is considered a small narrow lot per current Zoning Code requirements and the house has existed in this location since it was originally built in 1923. While the medications to the roof structure are exceeding 50 percent, the existing walls and foundation will be significantly maintained and not need to be rebuilt. Therefore, the project is consistent with the objectives of the Zoning Code to allow the existing setback encroachments to be maintained.

The variance will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity since the structure has existed in this location since 1923 and the project will not be expanding the nonconforming setback.

There is a special circumstance applicable to the property since it is a small, narrow lot with a house that was built before the City was incorporated. Strict application of the R1-10 District setback requirements would require the house to be functionally demolished in order to complete this addition and renovation project. Since the foundation, exterior walls and roof for the portion of the structure that encroach into the left side yard setback will be significantly maintained, staff supports approval of this variance request

### **Design Review**

If the Design Review Commission approves the variance request, staff will administratively review and approve the one-story design review application. The project will result in a new architectural design style for the house, however the surrounding context is considered a Diverse Character Neighborhood and the project does have individual design integrity.

It should be noted that the design of the new detached garage will need to be modified to meet all Zoning Code requirements. The structure needs to have separation of at least 10 feet from the main house and meet the required accessory structure daylight plane along the right side. However, it appears that a revised design can meet these requirements. Since this structure is separate from the variance request, the revised design can be approved administratively and does not require Design Review Commission approval.

### **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 136 property owners.

Cc: Anat Shmariahu, Applicant and Designer  
Pelle Thierry Anderson, Owner

Attachments:

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

## FINDINGS

17-V-05 – 26 Pasa Robles Avenue

With regard to approving the side yard setback variance, the Design Review Commission finds the following in accord with Section 14.82.050 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 project is maintaining the existing building footprint and is consistent with the intent of the R1-10 District regulations for narrow lots;
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 has existed in this location since 1923 and the project will not be increasing the nonconforming setback; and
3. There is a special circumstance applicable to the property since it is a small, narrow lot with a house that was built before the City was incorporated and the project will be maintaining the foundation, exterior walls and roof for the portion of the structure that encroach into the left side yard setback. Strict application of the R1-10 District setback requirements would require the house to be functionally demolished in order to complete this addition and renovation project.

## CONDITIONS

17-V-05 – 26 Pasa Robles Avenue

### **GENERAL**

**1. Approved Plans**

This approval is based on the plans received on May 16, 2017, and the written application materials provided by the applicant, except as may be modified by these conditions.

**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 # 2017-1107633

<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: 26 Paso Robles Ave Los Altos CA 94022

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

Assessor Parcel Number(s): 167-17-015 Site Area: 5829 sf

New Sq. Ft.: <sup>FA.</sup> 174 sf Altered/Rebuilt Sq. Ft.: 160 sf Existing Sq. Ft. to Remain: 1866

Total Existing Sq. Ft.: <sup>FA</sup> 1866 Total Proposed Sq. Ft. (including basement): <sup>FA.</sup> 2040

Applicant's Name: Anat Shmariahu

Telephone No.: 408-206-5992 Email Address: anat.shmariahu@gmail.com

Mailing Address: 10953 Linda Vista Dr Cupertino 95014 CA

City/State/Zip Code: \_\_\_\_\_

Property Owner's Name: Pelle Thierry Anderson

Telephone No.: 203-308-8379 Email Address: pellethierry@gmail.com

Mailing Address: 26 Paso Robles Ave

City/State/Zip Code: Los Altos CA 94022

Architect/Designer's Name: ANAV Design : Anat Shmariahu

Telephone No.: 408-206-5992 Email Address: anat.shmariahu@gmail.com

Mailing Address: 10953 Linda Vista Dr

City/State/Zip Code: Cupertino CA 95014

\*\*\* 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-05

26 Pasa Robles Ave Los Altos

Owner: Pelle Thierry Anderson

The house was built in 1923 on a narrow lot - 47' wide. The setbacks requirements were planed years after the house was built and this is the reason for the left (East) part of the house being built less than 5' setback as required by the code now.

To fit the 5' setback requirement we would need to demolish 2'-6" of the existing house which basically will trigger building a new house that we want to avoid from economical reason and from environmental reason of a whole house demolition.

**With our design:**

we are keeping the part of the house that sits on the un-conforming area almost untouched – only reinforcing part of the walls there from the interior- see structural plans.

We are not adding foundations or creating new openings in that area.

We are closing two of the existing windows and keeping the rafters in that area.

We are also keeping more than 50% of the existing house, staying with the same heights and a roof slope.

The new coverage is only 2.24% more than the existing coverage.

The new floor area is only 2.98% more than the existing floor area.

We are demolishing the existing bad condition detached garage and storage that were built almost attached to the side and back property line and building a new one-car garage that matches to the main house and in the right setbacks.

Sincerely

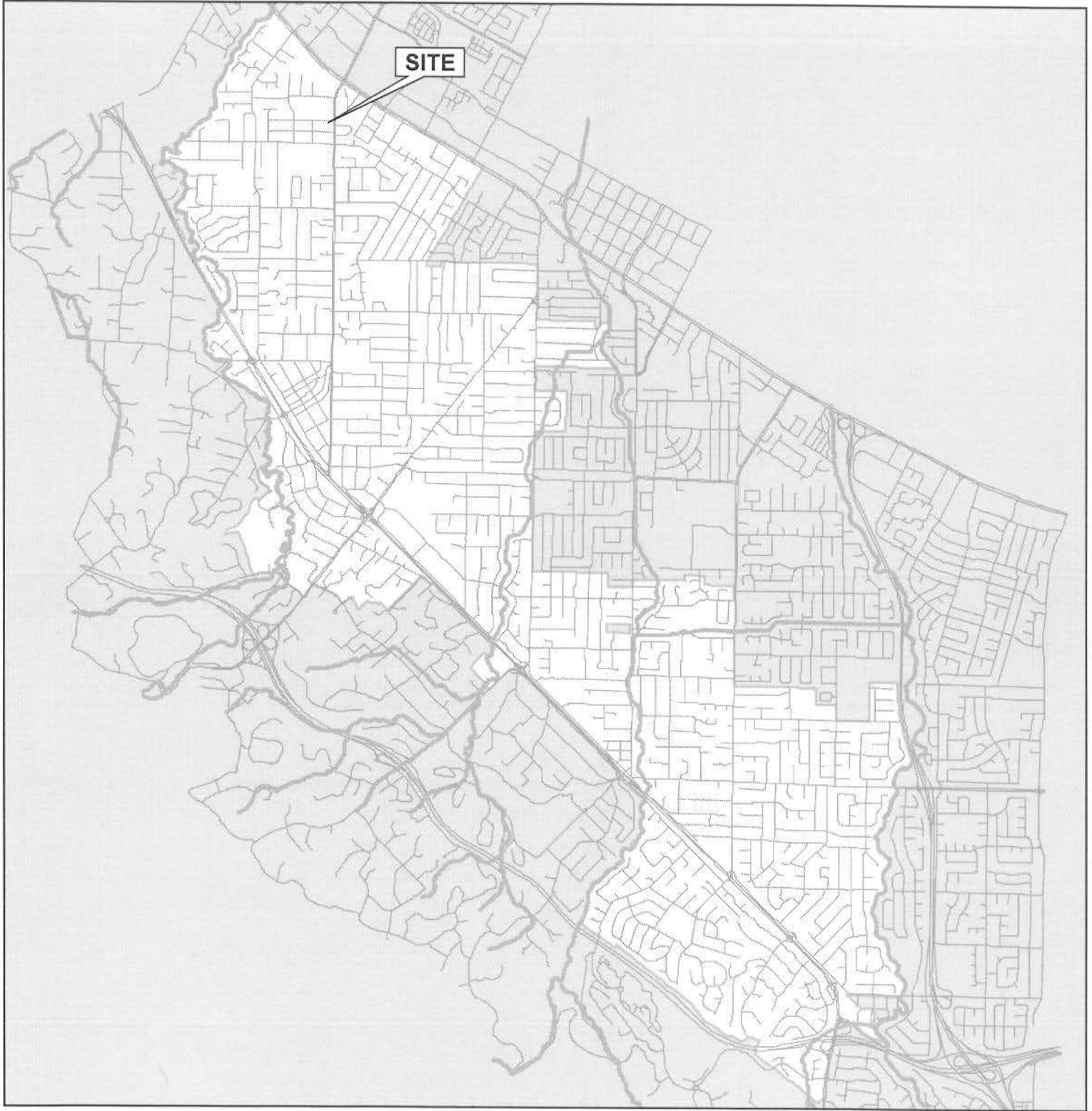
Anat

ANAV Design

408-206-5992



# AREA MAP



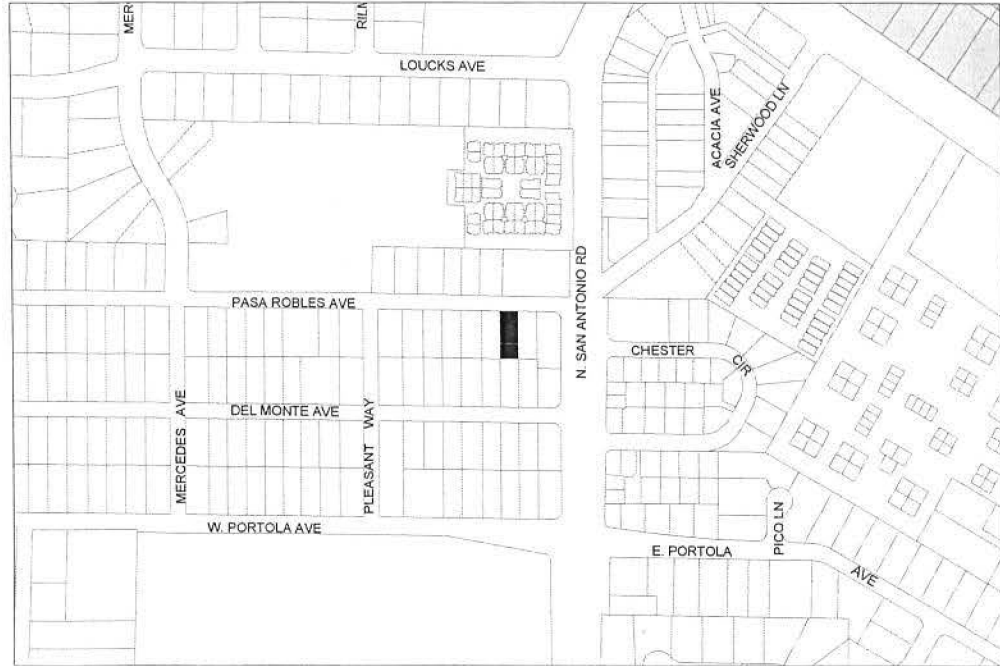
## CITY OF LOS ALTOS

**APPLICATION:** 17-V-05  
**APPLICANT:** A. Shmariahu/ P. Anderson  
**SITE ADDRESS:** 26 Pasa Robles Avenue

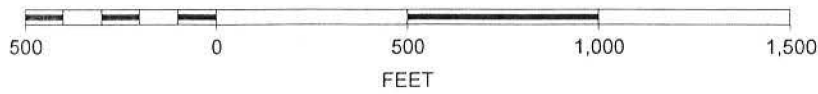


Not to Scale

# VICINITY MAP



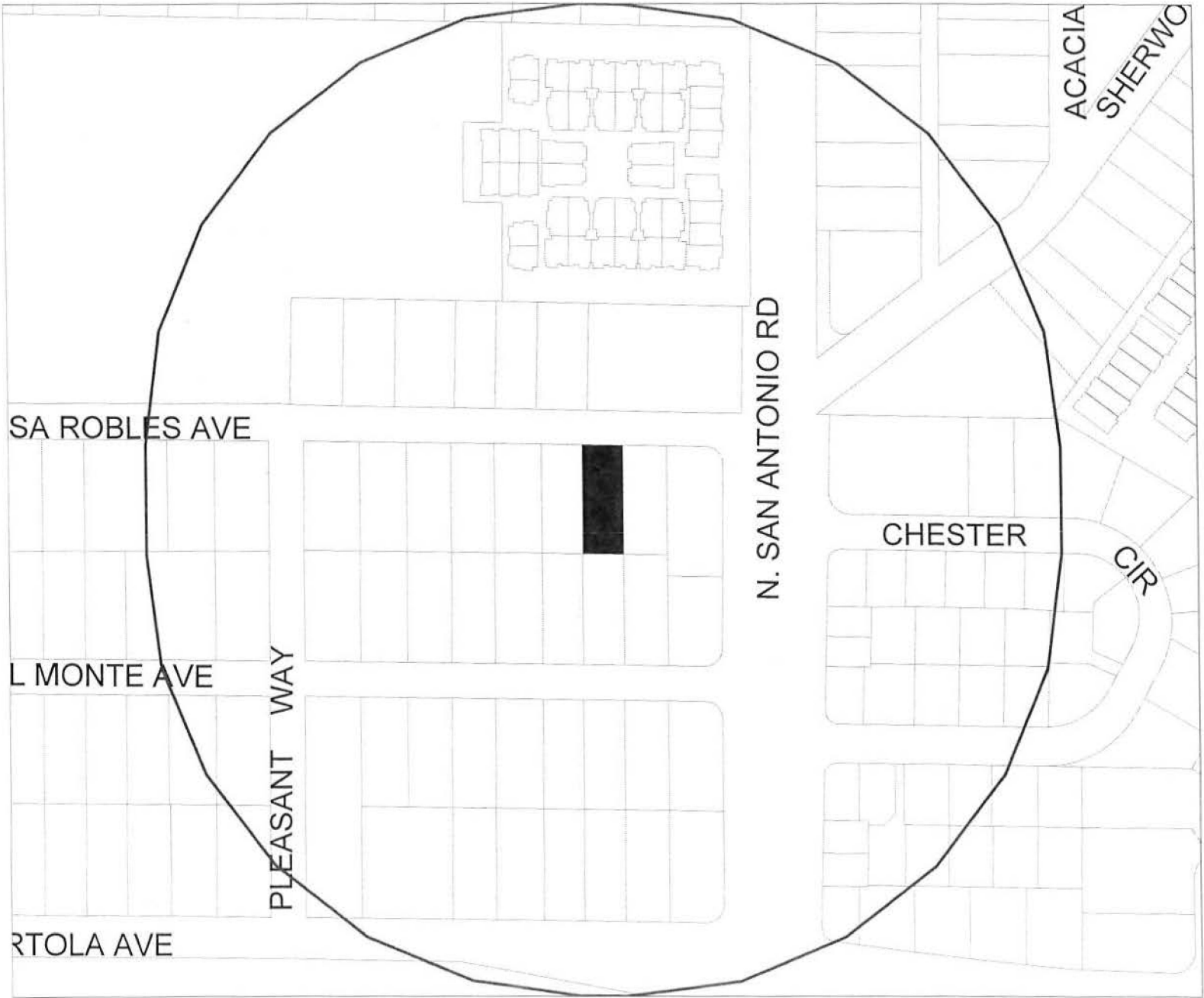
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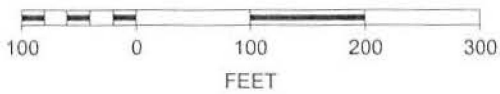
## CITY OF LOS ALTOS

**APPLICATION:** 17-V-05  
**APPLICANT:** A. Shmariahu/ P. Anderson  
**SITE ADDRESS:** 26 Pasa Robles Avenue

# 26 Pasa Robles Avenue 500-foot Notification Map



SCALE 1 : 2,000

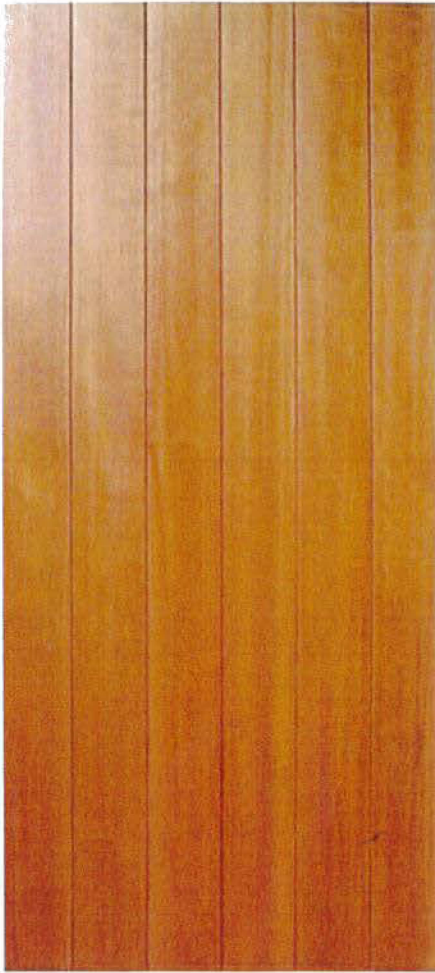


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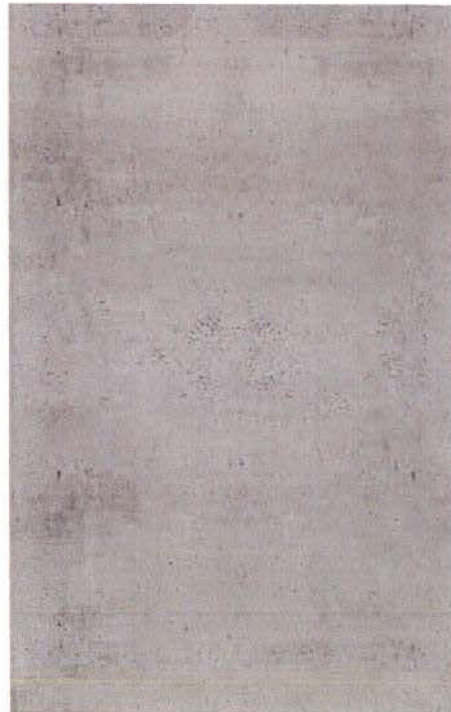
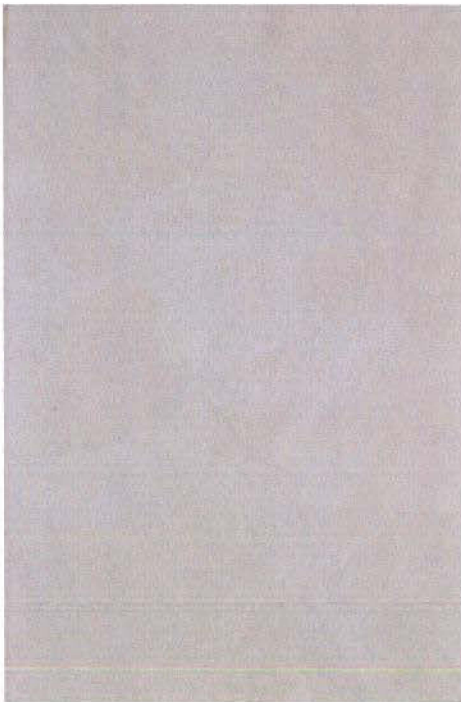
# ATTACHMENT D MATERIALS

CEDAR WOOD SIDING



COMPOSITION SHINGLES

SMOOTH STUCCO



CONCRETE FOR STAIRS  
BENCH AND PATH