



DATE: November 7, 2018

AGENDA ITEM # 3

TO: Design Review Commission
FROM: Zachary Dahl, Planning Services Manager
SUBJECT: 18-V-06 – 714 Arroyo Road

RECOMMENDATION:

Consider variance application 18-V-05 to allow an existing accessory structure to be maintained

PROJECT DESCRIPTION

This is a variance request to allow for increased height, reduced setbacks and a daylight plane encroachment for an existing accessory structure (described as a treehouse by the applicant) located in the rear yard of the property at 714 Arroyo Road. The project includes variances to the City's Accessory Structure Ordinance (Zoning Code Chapter 14.15) to allow a height of 24 feet where the maximum height is 12 feet, side and rear yard setbacks of approximately four feet where a minimum of five feet is required and encroachments into the side and rear yard daylight plane.

BACKGROUND

Accessory Structure Regulations

The City's Zoning Ordinance has regulated the placement of accessory structures on single-family properties dating back to 1969. Over the years, the accessory structure regulations have grown and become more comprehensive to address the needs and concerns of the community. Most recently, in February of 2018, the City Council adopted an amendment to the accessory structure regulations (Ordinance No. 2018-440) that established the current rules for the size and placement of accessory structures on single-family properties. The Accessory Structure Ordinance (Chapter 14.15) and the Community Development Department's handout on accessory structures is attached for reference.

Structure History

The subject accessory structure, which was built by the applicant as a treehouse, was constructed earlier this year. Toward the end of its construction, at the beginning of September, the City was made aware of its existence and issued a Stop-Work notice since there were no Planning approvals or building permits on file. Based on the overall size of the structure and the fact that it had permanent foundational footings in the ground, it was determined by Building and Planning that it is considered an accessory structure per the Zoning Ordinance and is subject to meeting the requirements of the California Building Code. With this determination, the structure needed to either be rebuilt to comply with the Accessory Structure Ordinance or seek a variance to be allowed to remain as constructed.

DISCUSSION

Variance

The applicant is seeking a variance to allow the existing accessory structure to be maintained as constructed. The structure consists of a 105 square-foot raised deck that is approximately nine feet

above the ground, an enclosed area that is approximately 160 square feet in size, and a second story loft that is approximately 50 square feet in size. A letter from the applicant that provides additional information about the variance request is included as Attachment A.

As noted in the applicant's justification letter, they did reach out to Planning staff before construction started and received feedback that play structures, which can include treehouses, are not required to meet Zoning requirements or obtain a building permit. However, as defined in the Accessory Structure Handout (Attachment C), in order to avoid the need for a Planning approval or building permit, the play structure needs to be unenclosed, and under 120 square feet in size. In this case, portions of the structure are enclosed, it is over 120 square feet in size and is constructed as a raised deck, with permanent footings in the ground, that is built around two large redwood trees. If the applicant had provided staff with a set of plans that outlined the scope of the proposed structure, it would have been determined that it exceeded the size and scope of an unenclosed play structure that is exempt from the Zoning Ordinance and Building Code.

In addition, staff has received correspondence from the neighbor to the rear of the site that raise objections to the variance request (Attachment D). Their concerns are related to the height of the structure, proximity to the rear property line, potential safety issues and potential negative privacy impacts.

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 variance 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.

Due to the unique nature and circumstances of this variance request, staff is not making a recommendation to the Commission. The Commission should consider the applicant's request, the City's rule and regulations as they pertain to this accessory structure and the concerns raised by the neighbor to the rear of the site, to make a decision that can be supported by the required variance findings.

Options

- 1) Approve the variance request

Advantages: This will let the applicant proceed with obtaining a building permit from the City and allow the structure to remain as constructed.

Disadvantages: This could result in negative impacts to the adjacent properties

2) Deny the variance request

Advantages: This will avoid any potential negative impacts to the adjacent properties and determine that a structure of this size and scale is required to comply with the City's accessory structure regulations.

Disadvantages: This will require the applicant to remove and/or rebuild the structure to comply with the City's accessory structure regulations.

Environmental Review

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves an accessory structure on a single-family property in a residential zone.

Public Notification

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 85 property owners in Los Altos and Mountain View. The public notification map is included in Attachment B.

Cc: Richard Heley, Applicant and Owner

Attachments:

- A. Application and Justification Letter
- B. Area, Vicinity and Public Notification Maps
- C. Accessory Structure Ordinance and Handout
- D. Public Correspondence

ATTACHMENT A



CITY OF LOS ALTOS
GENERAL APPLICATION

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

Permit # 1108505

<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: 714 Arroyo Rd

Project Proposal/Use: Treehouse Current Use of Property: Single Family

Assessor Parcel Number(s): 18929002 Site Area: 17,500sf

New Sq. Ft.: 260 Altered/Rebuilt Sq. Ft.: 0 Existing Sq. Ft. to Remain: 3683

Total Existing Sq. Ft.: 3683 Total Proposed Sq. Ft. (including basement): _____

Is the site fully accessible for City Staff inspection? yes upon request

Applicant's Name: Richard Heley

Telephone No.: 9256391321 Email Address: richheley@yahoo.com

Mailing Address: 714 Arroyo Rd

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

Property Owner's Name: Richard Heley

Telephone No.: 9256391321 Email Address: richheley@yahoo.com

Mailing Address: _____

City/State/Zip Code: _____

Architect/Designer's Name: _____

Telephone No.: _____ Email Address: _____

Mailing Address: _____

City/State/Zip Code: _____

** 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)

11/02/2018

DESIGN REVIEW COMMISSION

LOS ALTOS CITY HALL
1 N. SAN ANTONIO RD
LOS ALTOS, CA 94022

Attached please find our general application for a variance. We are requesting a variance for our tree house, which we've been building in a tree, in our backyard. We live at 714 Arroyo Road in Los Altos.

Per the instructions on the variance application, we understand that we are supposed to describe the special circumstances, applicable to our property, which justify a variance. In a nutshell, our special circumstance is that we were misled by the City of Los Altos Planning Department, regarding the permit requirements for tree houses and we have now nearly completed construction of our tree house. Specifically, David Kornfield (Advance Planning Manager for Los Altos) communicated, via email in August 2017, that "there is no Planning or Building permit necessary and no zoning or building code" applies to tree houses. Please see the attached email for your reference. Additionally, a very similar message was verbally communicated when we approached the Planning Department window and spoke with an employee regarding any procedures or permits necessary for tree houses in August 2017. With two separate confirmations that no permits were required, we began to design our tree house in September 2017. Prior to finalizing the design, we spent a significant amount of time discussing the project with our next door neighbors (Keith and Kirsten Mello, 722 Arroyo Road) as our tree house is easily viewed from their rear yard and we did not want to build something that would be obtrusive. The Mello Family were excited about this project and enthusiastically supported it. Feeling confident that we'd covered all the necessary bases, we finalized the design and started construction in March 2018.

We are now nearly finished with the construction of the tree house but we recently received a stop work notice on the project in August 2018. Our rear neighbor, who resides on Marilyn Avenue in Mountain View, apparently did not notice the treehouse during the past 6 months (possibly because it is obscured from her view by trees and shrubbery), but is now very upset that it is located in a tree, close to her rear property line. She is demanding that it be removed and is taking an aggressive approach to achieve her desired outcome, placing multiple calls to the City of Los Altos. In response to her calls, the City of Los Altos sent Greg Anderson (building inspector) to our house in August 2018. Greg immediately issued a stop work notice without inspecting the tree house, declined to speak with us about the circumstances surrounding the stop work notice and shouted "I need to get back to real construction. I don't have time for tree houses." when we attempted to discuss the situation with him. Moments after his departure, Police Captain Scott McCrossin visited our tree house, as a representative of Code Enforcement, and attempted to defuse the situation, as Greg's visit to our house was quite aggressive. Capt. McCrossin was very professional, took some photos of our tree house, reviewed David Kornfield's email and seemed sympathetic to our situation. Ultimately, we fully agreed with Greg's sentiment, but were left very confused as to our next steps for our tree house project. After Greg and Capt. McCrossin's visits, we met with Jon Biggs and Zach Dahl. During that meeting, both Jon and Zach fully acknowledged that we had received incorrect guidance from David and also from the planning window employee regarding tree houses and they informed us that we would need to apply for a variance and building permit for our tree house. As a point of information, and as illustrated by the accompanying photos, we did not reach out to our rear neighbors regarding the tree house project as the tree house does

not face their property and is barely visible from their yard. The rear wall of the tree house, which is intentionally windowless and designed to blend in with the tree, is the only part of the tree house that faces their lot. They did inform us that their primary concern was that our children would be playing in the tree house and would be making noise.

It has always been our intent to build a tree house that complies with the rules and requirements of the City of Los Altos. That is precisely why we reached out, both verbally and in writing, to city staff before starting this project. The tree house construction is now 90% complete and our sons, ages 4 & 6, are counting down the days until they are allowed to play in it. We respectfully ask that you approve our request for a variance so that we may complete our project. With regards to our rear neighbor, we are more than happy to install any additional screening that she may feel is necessary for noise or privacy concerns.

Thank you for considering our request.
Rich, Katie, Hudson & August Heley
714 Arroyo Road

From: **Katie Heley** <cemurphy80@gmail.com>
Date: Thu, Aug 24, 2017 at 5:21 PM
Subject: Re: Tree Houses
To: David Kornfield <DKornfield@losaltosca.gov>

Hello David,

Thank you very much for the clarification and very prompt response! Our boys will be very excited and we do plan to work with our neighbor (only one would be impacted) to come up with something that's not intrusive to their privacy.

Thanks again,
Katie

On Thu, Aug 24, 2017 at 5:13 PM, David Kornfield <DKornfield@losaltosca.gov> wrote:

Dear Mrs. Heley:

The City Council's policy is to not regulate play structures (e.g., tree houses, forts, basketball hoops, jungle gyms, swing sets, et cetera) so long as they are located on residential properties. Therefore, there is no Planning or Building permit necessary and no zoning or building code to apply.

We suggest, however, to be mindful of potential privacy impacts from such structures (i.e., noise, line of sight) and locate them accordingly. It's great that you've already reached out to your neighbors to understand if there are any concerns.

Thanks for checking in with us. We appreciate the opportunity to answer the questions.

David

David Kornfield

Planning Services Manager – Advance Planning

650-947-2632

City of Los Altos

1 North San Antonio Road

Los Altos, CA 94022

NEW! Sign-up to receive City of Los Altos news delivered right to your inbox! www.losaltosca.gov/enotify

From: Planning Division (FAX)
Sent: Thursday, August 24, 2017 3:43 PM
To: David Kornfield <DKornfield@losaltosca.gov>
Subject: FW: Tree Houses
Importance: High

Please respond. Thanks!

From: Katie Heley [<mailto:cemurphy80@gmail.com>]
Sent: Thursday, August 24, 2017 1:39 PM
To: Planning Service <planning@losaltosca.gov>
Subject: Tree Houses

Hello,

My husband and sons are interested in building a tree house in our backyard. I stopped by the planning department earlier this week to inquire about any necessary permits for a treehouse. The lady that I spoke with said that a treehouse would not require a permit as long as it was truly a treehouse, intended for our kids use and play.

Before we move any further with the treehouse plan, I'd like to confirm that there aren't permits or other permission/forms that we would need from your office. Do I have the right? Additionally, is there a height limit on the treehouse and does the day-light plane calculation come into play?

We have already reached out to our neighbors and are hoping to build something that doesn't upset anyone (and that doesn't violate any Los Altos building rules). Thank you for providing clarification on this topic.

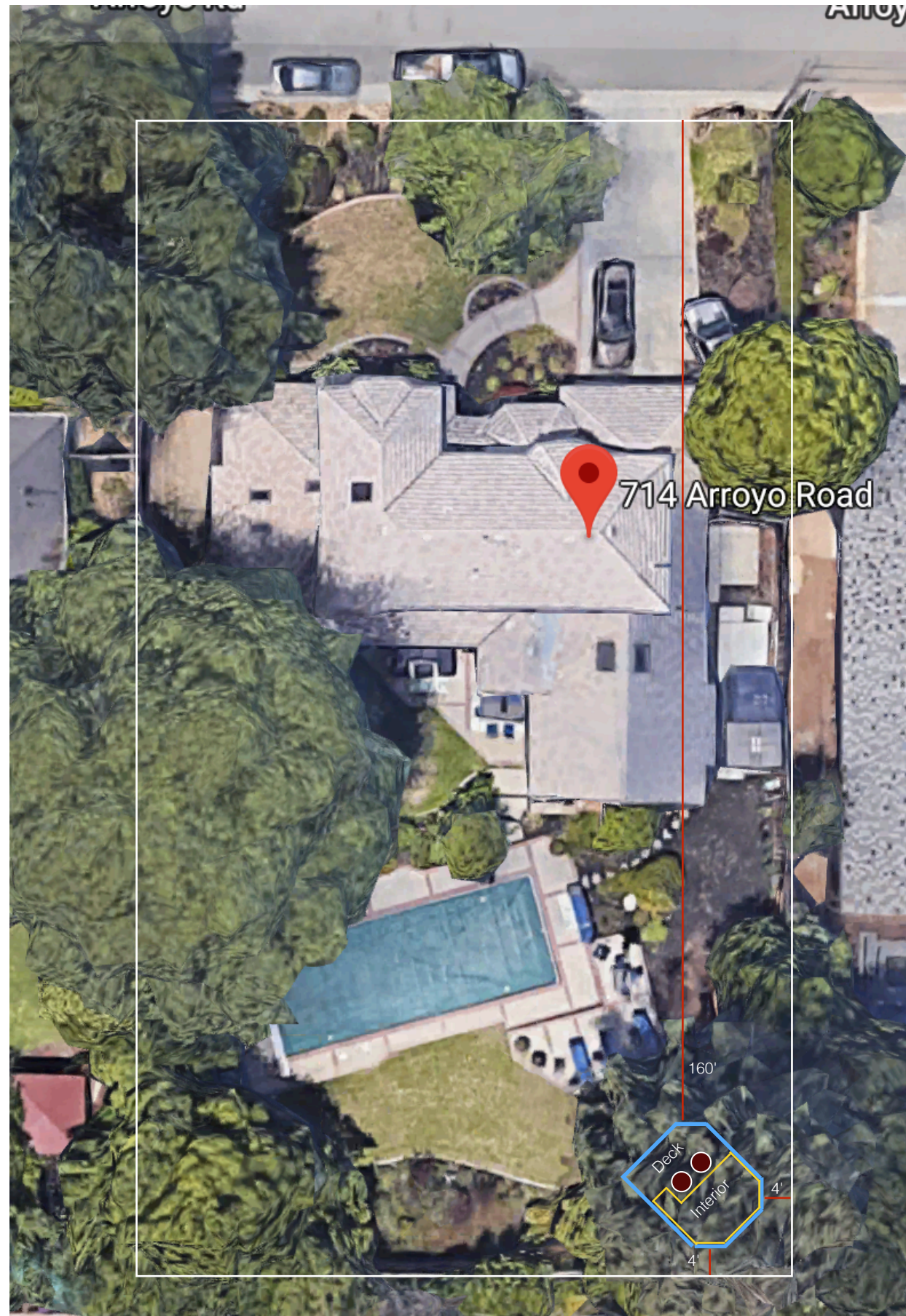
Thank you very much for your insights!

Katie Heley

Ph: 917-655-2967

=== Subscribe to [City Manager Weekly Updates](#), and more! ===

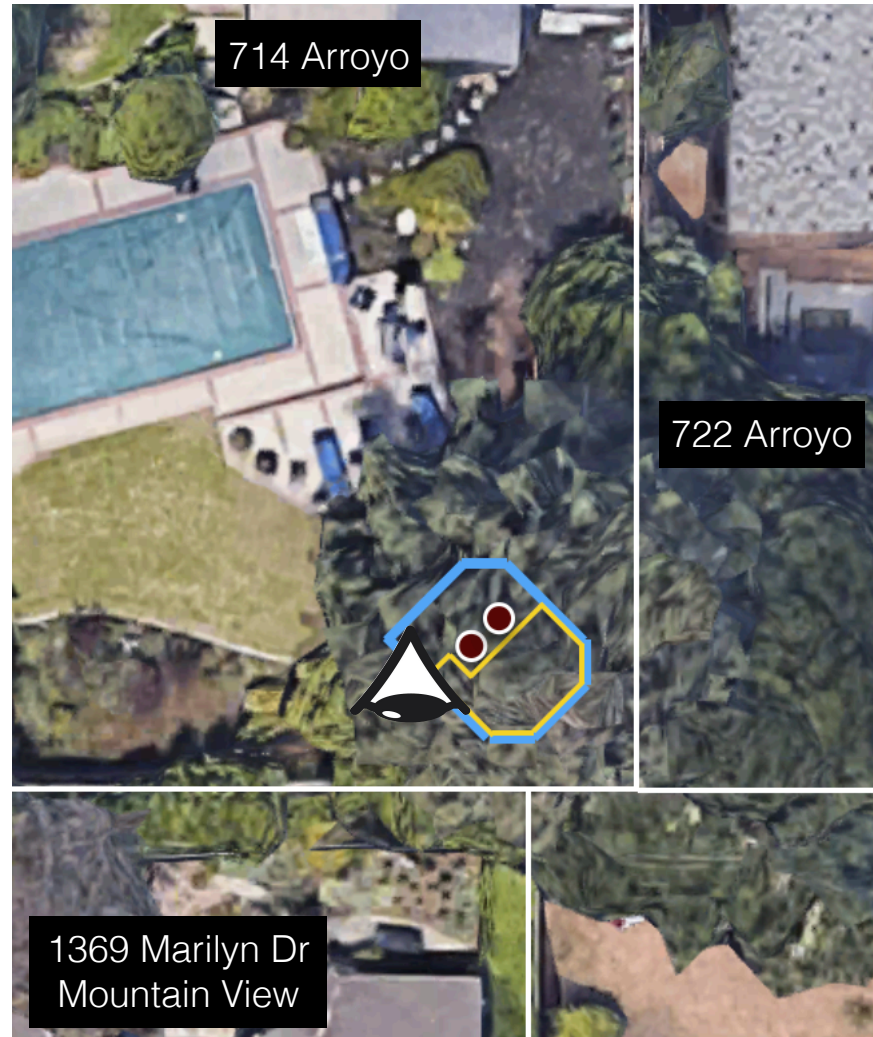
Site Plan with Treehouse Location and Setbacks



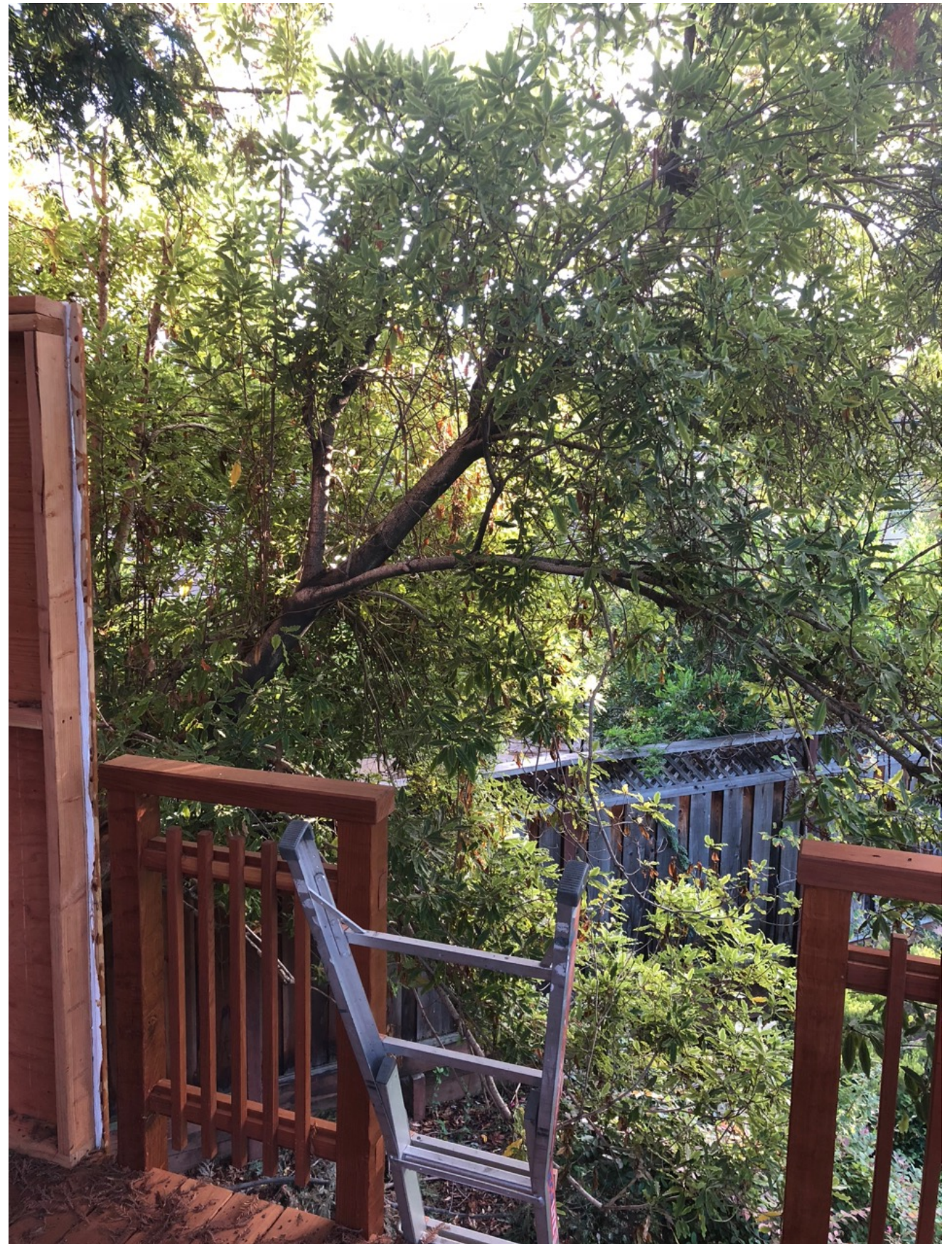
Surrounding Properties



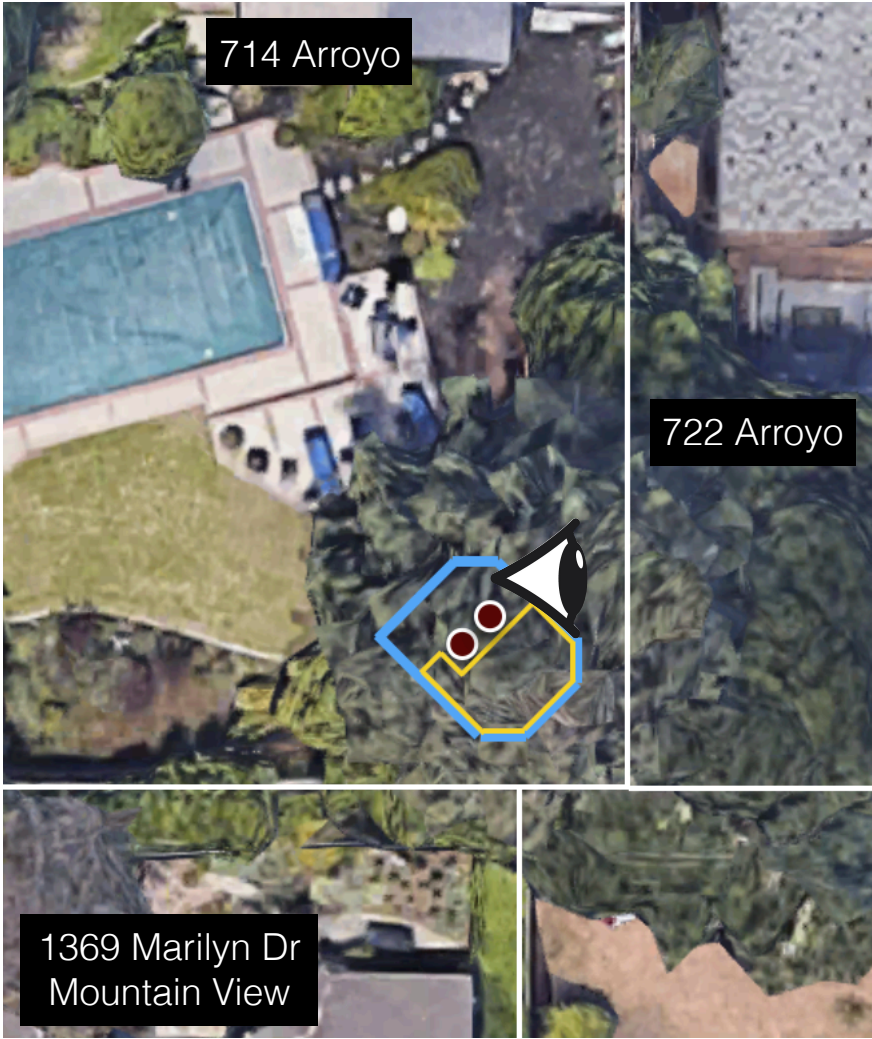
View from Treehouse towards 1369 Marilyn



Dense Foliage Screening
to 1369 Marilyn



View from Treehouse towards 722 Arroyo



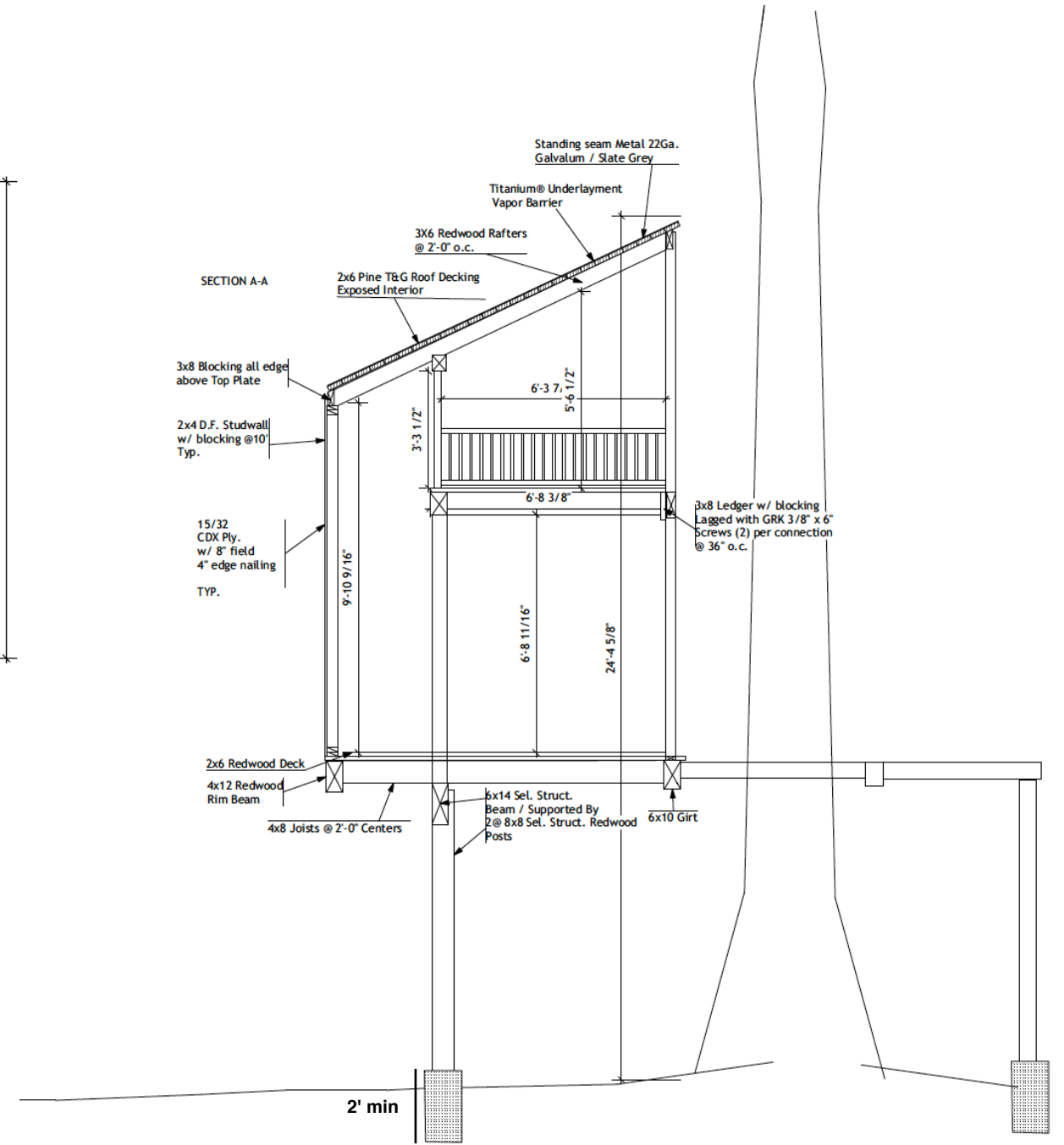
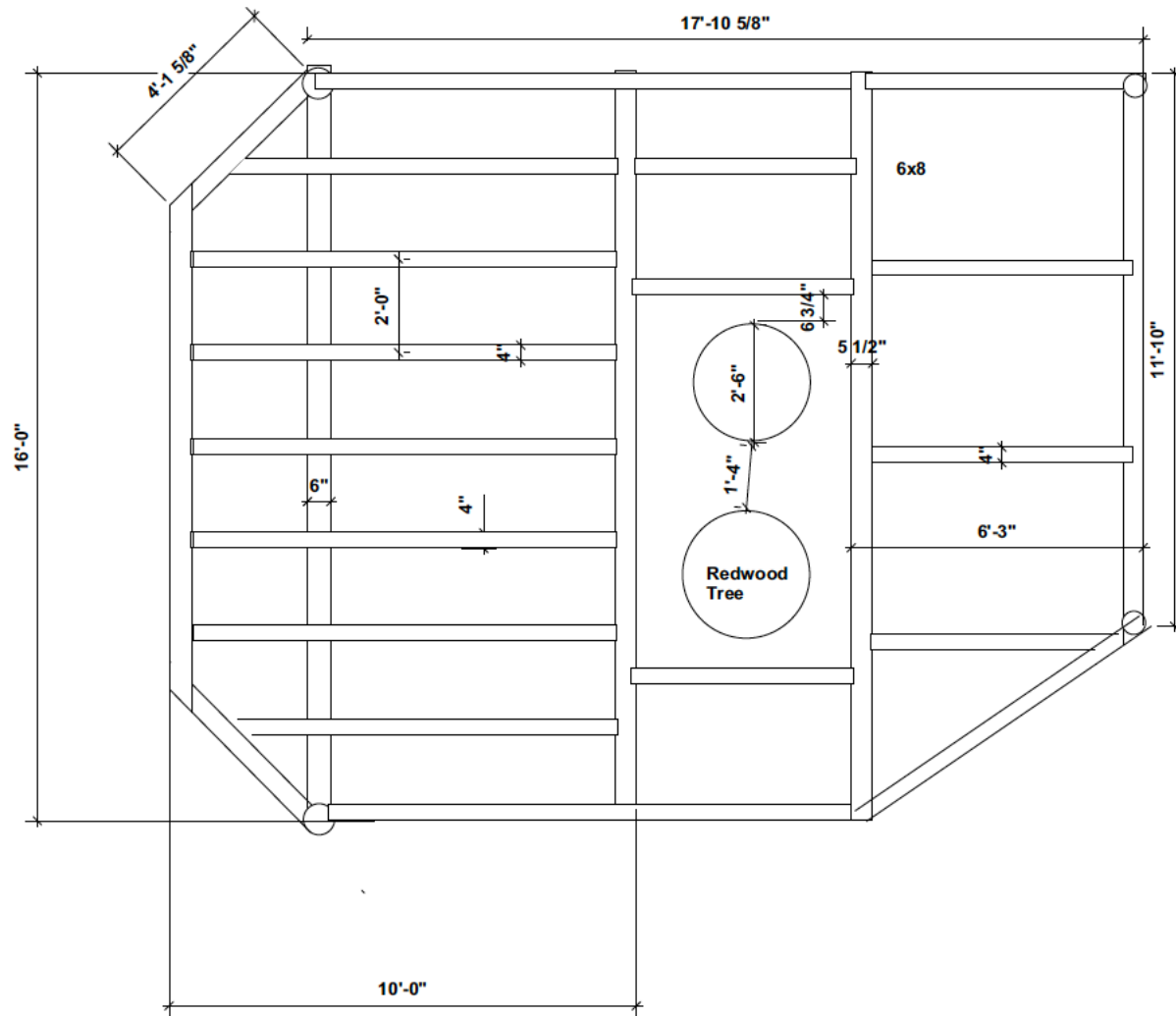
Visible from 722 Arroyo backyard
(see letter of support attached)



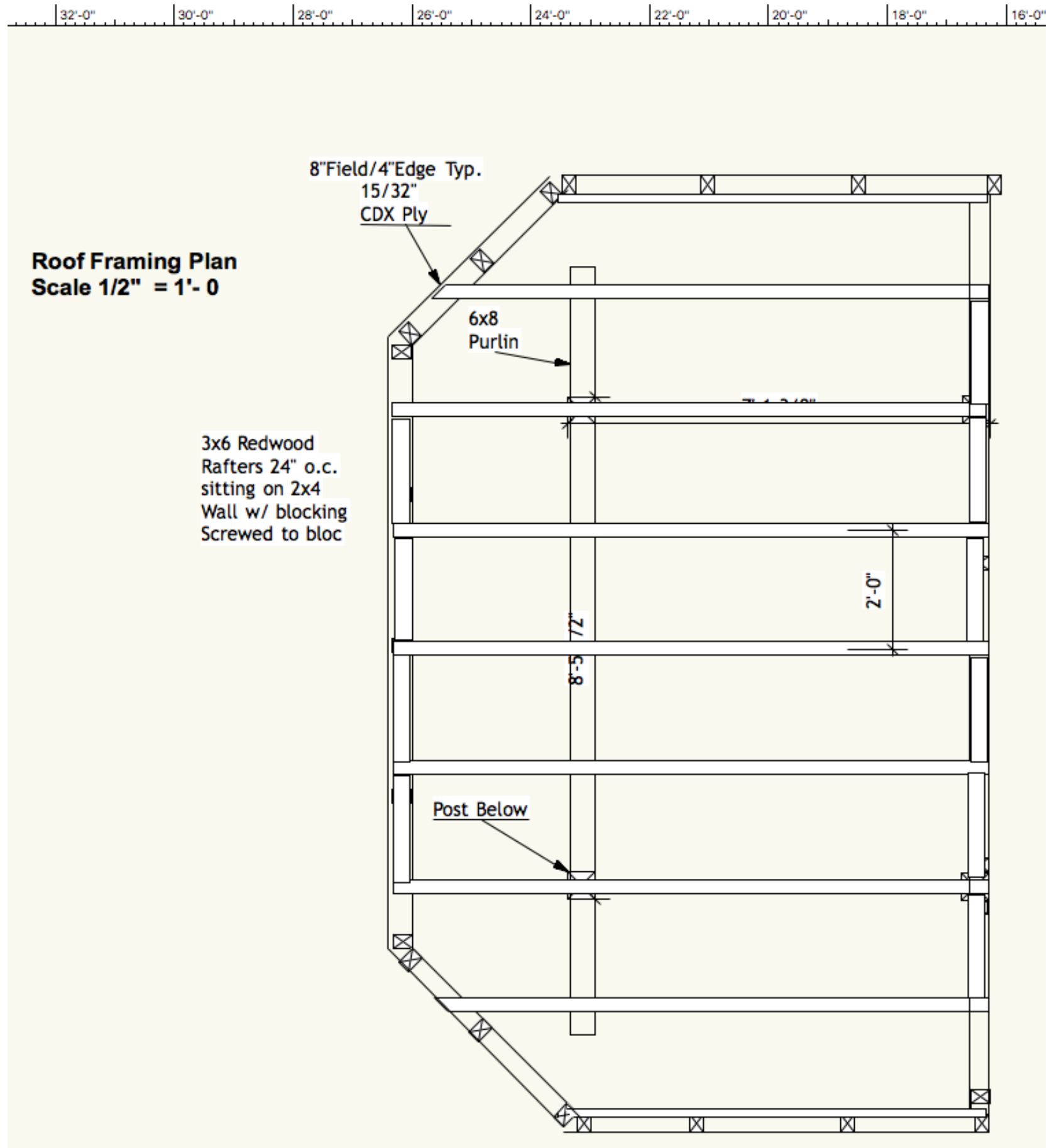
Treehouse Floor Framing and Section

Timber Framed Floor & Deck Framing Plan

SCALE 1/2" = 1'-0"



Treehouse Roof Framing

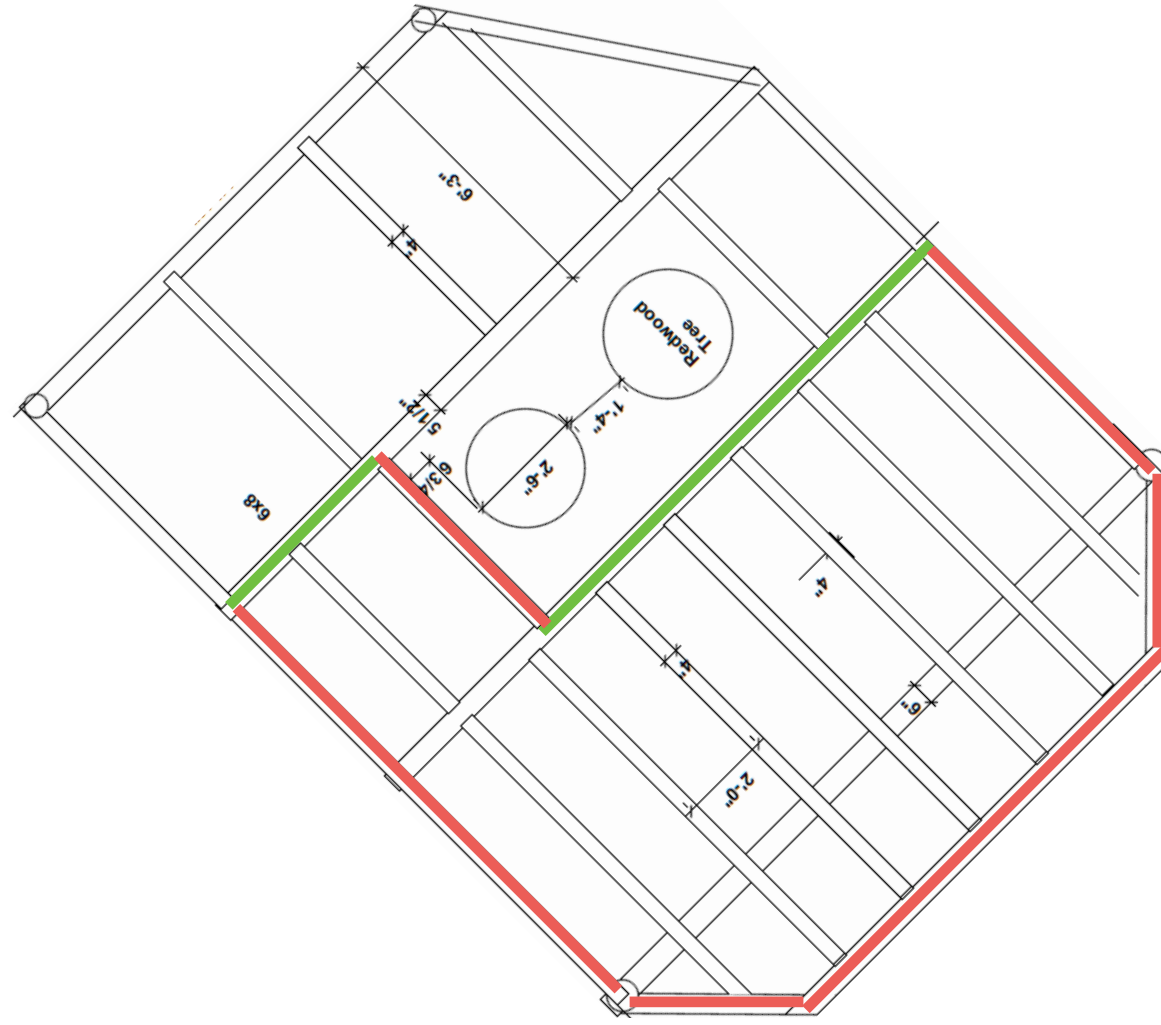


Window Plan

714 Arroyo

722 Arroyo

No windows or penetrations on
Red exterior walls facing
neighboring properties



1369 Marilyn

Treehouse Photo



Planning Department response to specific inquiry about Treehouse permitting, height, and setback requirements before design and construction began

From: **David Kornfield** <DKornfield@losaltosca.gov>
Date: Thu, Aug 24, 2017 at 5:13 PM
Subject: RE: Tree Houses
To: "cemurphy80@gmail.com" <cemurphy80@gmail.com>
Cc: "Planning Division (FAX)" <planningfax@losaltosca.gov>

Dear Mrs. Heley:

The City Council's policy is to not regulate play structures (e.g., tree houses, forts, basketball hoops, jungle gyms, swing sets, et cetera) so long as they are located on residential properties. Therefore, there is no Planning or Building permit necessary and no zoning or building code to apply.

We suggest, however, to be mindful of potential privacy impacts from such structures (i.e., noise, line of sight) and locate them accordingly. It's great that you've already reached out to your neighbors to understand if there are any concerns.

Thanks for checking in with us. We appreciate the opportunity to answer the questions.

David

David Kornfield
Planning Services Manager – Advance Planning
[650-947-2632](tel:650-947-2632)

City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022

NEW! Sign-up to receive City of Los Altos news delivered right to your inbox! www.losaltosca.gov/enotify

From: Planning Division (FAX)
Sent: Thursday, August 24, 2017 3:43 PM
To: David Kornfield <DKornfield@losaltosca.gov>
Subject: FW: Tree Houses
Importance: High

Please respond. Thanks!

From: Katie Heley [<mailto:cemurphy80@gmail.com>]
Sent: Thursday, August 24, 2017 1:39 PM
To: Planning Service <planning@losaltosca.gov>
Subject: Tree Houses

Hello,

My husband and sons are interested in building a tree house in our backyard. I stopped by the planning department earlier this week to inquire about any necessary permits for a treehouse. The lady that I spoke with said that a treehouse would not require a permit as long as it was truly a treehouse, intended for our kids use and play.

Before we move any further with the treehouse plan, I'd like to confirm that there aren't permits or other permission/forms that we would need from your office. Do I have the right? Additionally, is there a height limit on the treehouse and does the day-light plane calculation come into play?

We have already reached out to our neighbors and are hoping to build something that doesn't upset anyone (and that doesn't violate any Los Altos building rules). Thank you for providing clarification on this topic.

Thank you very much for your insights!
Katie Heley
Ph: [917-655-2967](tel:917-655-2967)

Letter of support from 722 Arroyo (most impacted neighbor)

October 9, 2018

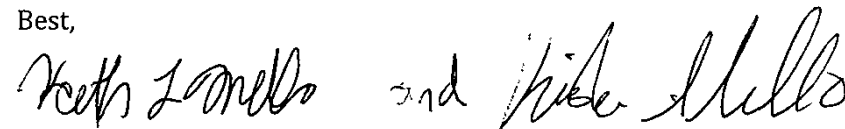
To Whom It May Concern at the City of Los Altos:

Mr. Rich Heley and Mrs. Katie Heley spoke to me and my wife Mrs. Kirsten Mello before embarking on the tree house construction in their backyard. They were excited to construct something for their young sons to enjoy but were concerned about the impact a structure placed in their redwood trees would have on our family. Rich and Katie explained the design of the tree house would only have windows facing into their yard and that the construction of the tree house would be from high quality materials that would be maintained over the years. In addition, they told us that the design of the tree house would be aesthetically pleasing yet blend in well to the redwood area.

All along the construction process Rich and Katie have asked for our input, as our yard is by far the most impacted from a view and privacy standpoint. As the construction of the structure and deck was complete, they have continually offered to construct any screening to minimize any impact of the structure. We appreciate their gesture, but do not believe any screening is necessary. They have told us that if we change our minds, they will construct something to our liking that is effective and aesthetically pleasing.

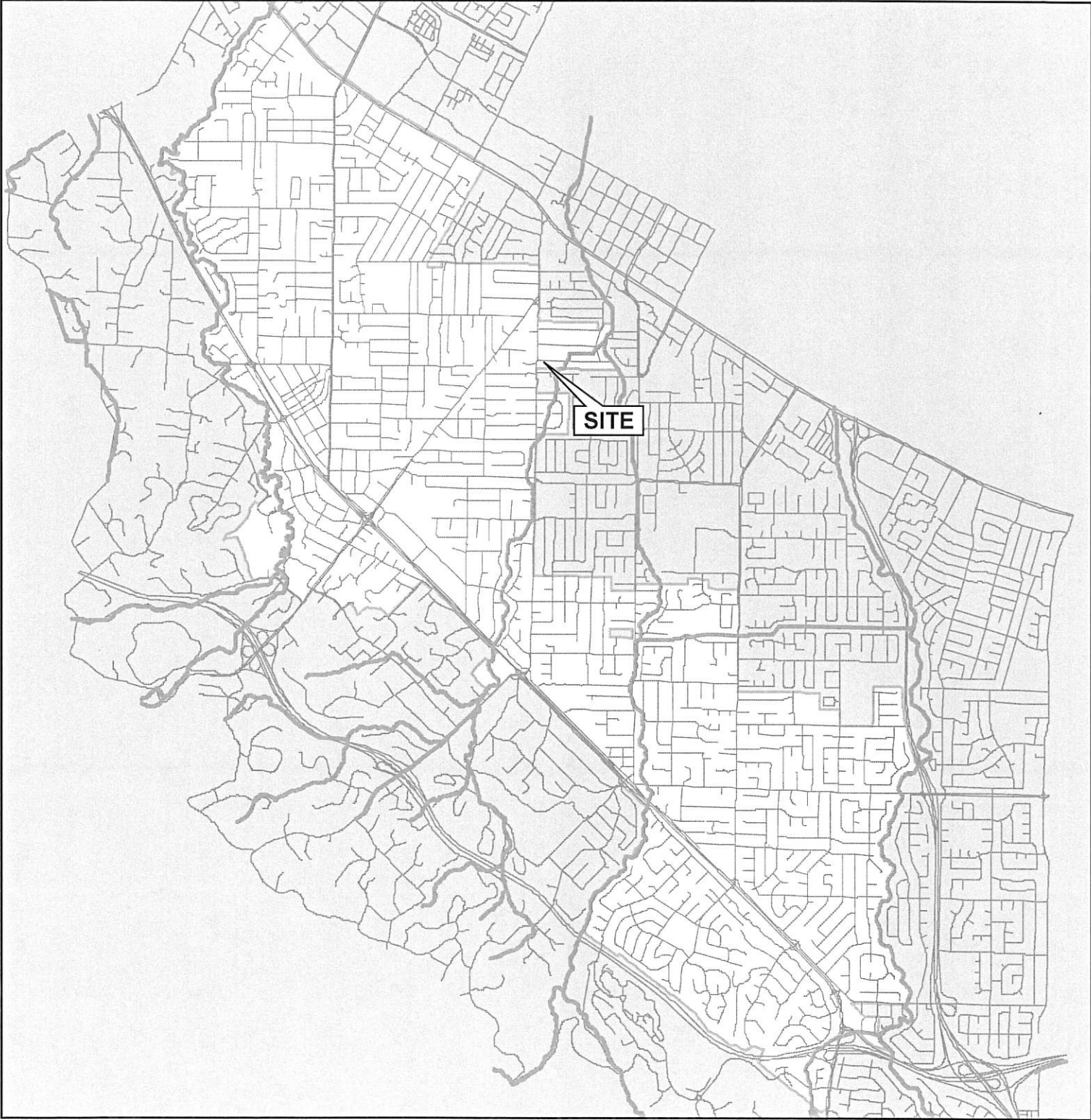
We know that Rich and Katie also went for approval from your offices before embarking on their project. We sincerely hope that you approve their request for a variance, as we believe they did what was necessary and neighborly. The tree house is a wonderful place for their boys and friends to explore the outside and expand their imaginations. As a teacher, I can attest to the fact that way too many kids are plugged in these days. The joy expressed by the young boys when they stood on that deck for the first time was something I will not soon forget.

Best,

Handwritten signatures of Keith L. Mello and Kirsten Mello in cursive script, with the word "and" written between them.

Keith and Kirsten Mello
722 Arroyo Road Los Altos, CA 94024

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 18-V-06
APPLICANT: Richard Heley
SITE ADDRESS: 714 Arroyo Road

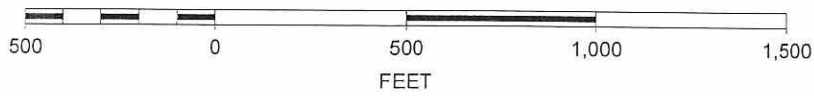


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



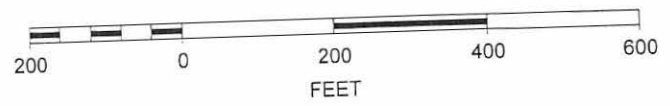
CITY OF LOS ALTOS

APPLICATION: 18-V-06
APPLICANT: Richard Heley
SITE ADDRESS: 714 Arroyo Road

714 Arroyo Road 500-foot Notification Map



SCALE 1 : 3,000



Chapter 14.15

ACCESSORY STRUCTURES IN R DISTRICTS

Sections:

- 14.15.010 Purpose.
- 14.15.020 Size, height and placement.
- 14.15.030 Rear yard coverage.
- 14.15.040 Daylight plane.
- 14.15.050 Distance between structures.
- 14.15.060 Coverage exception for open accessory structures.

14.15.010 Purpose.

The purpose of this chapter is to provide site standards for the placement of detached accessory structures in all R (residential) districts. Both enclosed and unenclosed accessory structures, as defined in Chapter 14.02, are subject to the regulations contained herein. (Ord. No. 2018-440, § 1, 3-13-2018)

14.15.020 Size, height and placement.

A. Accessory structures may not be located in a required front yard setback area, with the exception of a single arbor-style entry element as provided in Chapter 14.72.

B. Accessory structures may be located on other areas of a property as outlined in Table 1:

Location	Maximum Size	Max. Height	Minimum Setback
Required side yard setback area (interior and exterior)	120 square feet	6 feet	None
Required rear yard setback area	800 square feet	12 feet	0 feet when under 6 feet in height
			5 feet when between 6-12 feet in height
			2.5 feet for an eave overhang, or similar projection, when over 6 feet in height

Location	Maximum Size	Max. Height	Minimum Setback
Main structure's building envelope (meets all required setbacks)	No size limit	12 feet	Not applicable

1. When an accessory structure is located in a side yard setback area, it shall be screened from off-site view with solid fencing which is not lower in height than the accessory structure and which is constructed in conformance with the provisions of Chapter 14.72 of this title.

2. When an accessory structure is located in the main structure's building envelope, the height limit may be extended up to eighteen (18) feet if the additional height is necessary to establish architectural compatibility with the main structure. (Ord. No. 2018-440, § 1, 3-13-2018)

14.15.030 Rear yard coverage.

In addition to compliance with the maximum allowable coverage and floor area ratio as provided by the subject zone district, the maximum coverage within the required rear yard setback area for all accessory structures, or portions thereof, that exceed six feet in height shall be thirty-five (35) percent of the total rear yard setback area. (Ord. No. 2018-440, § 1, 3-13-2018)

14.15.040 Daylight plane.

No portion of an accessory structure shall extend above or beyond a daylight plane as follows:

A. The daylight plane starts at a height of six feet at the property line and proceeds inward at a 5:12 slope to a distance of ten (10) feet from the side and rear property lines;

B. All appurtenances, including chimneys, vents and antennas, shall be within the daylight plane;

C. The daylight plane is not applied to a side or rear property line when it abuts a public alley or public street.

(Ord. No. 2018-440, § 1, 3-13-2018)

14.15.050 Distance between structures.

A. When an accessory structure is located in a required side yard setback, a minimum clearance of five feet is required. The clearance may be provided between the accessory structure and the main structure, or between the accessory structure and the property line.

B. When an accessory structure exceeds six feet in height and is located in a required rear yard setback, a minimum clearance of ten (10) feet is required between the accessory structure and the main structure, and a minimum clearance of five feet is required between accessory structures.

C. For the purposes of this section, clearance is measured from outside edge of wall of each structure.

(Ord. No. 2018-440, § 1, 3-13-2018)

14.15.060 Coverage Exception for Open Accessory Structures.

A. Up to five percent of the lot area, but not more than five hundred (500) square feet, may be occupied by a detached accessory structure, such as an arbor (gazebo) or pergola (trellis) structure, that is open on all sides, with such area not being counted as lot coverage in residential zoning districts.

B. No more than two hundred (200) square feet of an open accessory structure which is exempt from lot coverage, as provided in subsection (A) above, may have a solid roof.

C. Accessory structures allowed by this section are subject to the rear yard coverage limitation as proscribed in Section 14.15.030.

(Ord. No. 2018-440, § 1, 3-13-2018)



ACCESSORY STRUCTURES AND SWIMMING POOLS IN SINGLE-FAMILY (R1) ZONE DISTRICTS

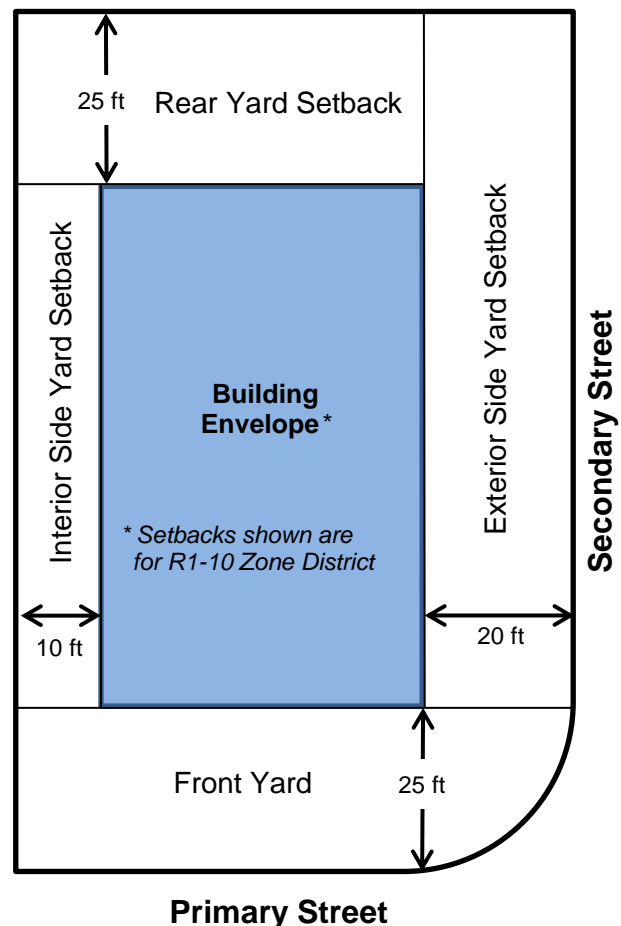
As outlined in the Zoning Code (Chapter 14.15), detached accessory structures and swimming pools are allowed on single-family zoned properties. Accessory structures that exceed six feet in height require a Site Permit to verify Zoning Code compliance. Accessory structures over 120 square feet in floor area require a Building Permit, which includes administrative design review from Planning.

General

- Freestanding, unenclosed play structures, such as jungle gyms, swing sets, slides or other similar unenclosed structures intended for children's play, do not require a Site Permit or Building Permit.
- Unenclosed accessory structures (open to light and air on at least two sides with a solid or semi-open roof) such as trellis', gazebos and pergolas, that exceed 6 feet in height, require a Building Permit.
- Enclosed accessory structures (structures with three or more walls and a solid roof) such as playhouses, storage sheds, and pool houses that are over 6 feet in height, require a Site Permit and/or a Building Permit.
- Accessory structures that exceed 6 feet in height must comply with a property's floor area and lot coverage requirements.

Structures in a Side Yard Setback Area (Interior or Exterior)

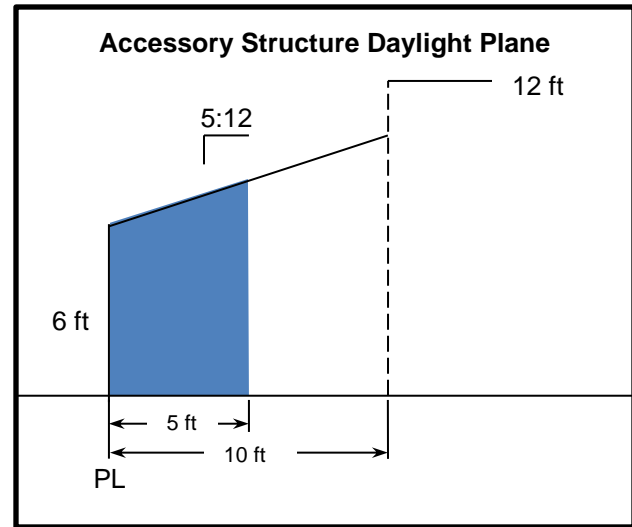
- Maximum Height: 6 feet
- Maximum Size: 120 square feet
- Minimum Setbacks: None
- Separation: Accessory structures must have minimum separation of 5 feet, either between the accessory structure and the main house or the accessory structure and the property line, as measured to the nearest wall(s) or supports.
- Screening: Accessory structures must be screened (as viewed from a public street or adjacent property) with a solid fence that is of equal or greater height.¹
- Accessory structures containing swimming pool equipment **cannot** be located in a required interior side yard setback, but can be located in a required exterior side yard setback.



¹ Per the City's Fence Ordinance (LAMC Chapter 14.72), a solid fence cannot exceed 6 feet in height.

Structures in the Rear Yard Setback Area

- ❑ Maximum Height: 12 feet
- ❑ Maximum Size: 800 square feet
- ❑ Minimum Setbacks:
 - 0 feet when under 6 feet in height
 - 5 feet when between 6-12 feet in height
 - 2.5 feet for an eave overhang, or similar projection, when over 6 feet in height
- ❑ Accessory Structure Daylight Plane: Begins at a height of six feet at the side and rear property lines and slopes into the property at a 5:12 pitch for a distance of 10 feet. All portions of an accessory structure, including roof eaves, chimneys and vents, must be within the daylight plane.
- ❑ Separation: An accessory structure must have a separation of at least 10 feet from the main house and at least 5 feet for another accessory structure, as measured to the nearest wall(s) or supports.
- ❑ Rear Yard Lot Coverage: In addition to compliance with the maximum allowable coverage and floor area ratio as provided by the subject zone district, the maximum coverage within the required rear yard setback area for all accessory structures, or portions thereof, that exceed six feet in height is 35 percent of the total rear yard setback area.



Structures Completely within the Main Building Envelope

- ❑ Maximum Height: 12 feet
 - The height limit may be extended up to 18 feet if the additional height is necessary to establish architectural compatibility with the main structure.
- ❑ Maximum Size: 800 square feet
- ❑ Minimum Setbacks: Must meet all setbacks for property's Zoning designation.
- ❑ Daylight Plane: Must meet the required daylight plane for property's Zoning designation.

Outdoor Barbeques and Fireplaces

- ❑ Outdoor barbeques, fireplaces, sinks and similar structures can be located within the building envelope or rear yard setback area, provided that they have a minimum setback of five feet from any property line. These structures are not allowed within a front yard or side yard setback area.

Hot Tubs and Swimming Pools

- ❑ Hot tubs and swimming pools can be located within the building envelope or rear yard setback area, provided that they have a minimum setback of five feet from any property line to the edge of the pool structure. These structures are not allowed within a front yard or side yard setback area.

'TREEHOUSE' DISCUSSION

MANN SCHMIDT FAMILY

SEPTEMBER 2018

ERIC SCHMIDT

408 391 6534

ERICSCHMIDT87@YAHOO.COM

BACKGROUND

- We have lived here since 1996 and raised 3 boys
- We have enjoyed good relations with all of our neighbors including the previous two owners:
 - Thad and Meg
 - Gina and David, added second story in remodel
- We had a treehouse
 - 3'x5' platform – 7' high
 - Included a ladder over the fence so the neighbor boys could enjoy it too
 - Took it down after 2 years
- We had a play structure: 5'x5' w/12' high canvas 'roof'
 - Took it down when kids outgrew it
- WE ARE GOOD NEIGHBORS, ACTIVE COMMUNITY MEMBERS AND APPRECIATE CHILDREN ' S PLAY

SURPRISED TO FIND THIS HUGE STRUCTURE

- We were not consulted
- Multi-story structure
 - We estimate ~30 ' high
- Only 4' from our fence
- 26' from our bedroom window
- Higher than the 240V wires



THANKFUL

- Natural wood siding
- Still a tree growing in the gap between the fence and the treehouse
- No windows looking into our yard and house

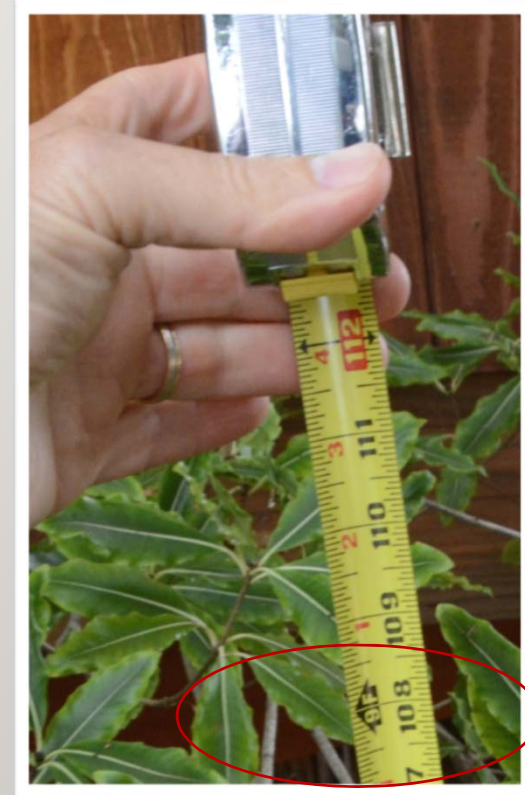


MEASUREMENTS

4' 2" from fence



Base almost 9' off ground



MEASUREMENTS

19' or more (9'+>10') to top of siding



I ESTIMATE BETWEEN 28 AND 35' TO TOP LEVEL



Photo from Marilyn 100' away

Roof at ~ 30'

Siding ~19'

Platform ~9'



Photo from my roof 30' up

CONCERNS

- Safety
 - The huge redwood trees blow and bend in winter storms
 - Does this work weaken the tree or root system? Has an arborist been consulted?
 - If tree dies (as ours did in that corner) then even bigger impact
 - The top of the structure is higher than the 240V wires
 - If this is a temporary playhouse, will it be safe during an earthquake?
- Other
 - Light plane is obstructed
 - Proximity to fence and our house impacts privacy
 - Immense size, proximity and visibility effect resale value of our home
 - Lack of compliance with stated code enforced for such structures

REQUESTS

1. Comply with the code
 1. Build 25' away or limit to 12' high
2. Please plant mature trees between fence and future structure
3. Please thin out redwood tree branches, to reduce wind load in winter storms

If there will be public hearing, please schedule such that we can attend