



DATE: February 6, 2019

AGENDA ITEM # 4

TO: Design Review Commission
FROM: Sean K. Gallegos, Associate Planner
SUBJECT: 18-SC-33 – 137 Sylvian Way

RECOMMENDATION:

Deny design review application 18-SC-33 subject to the listed findings

PROJECT DESCRIPTION

This is an appeal of an administrative design review denial for a new one-story house. The project includes the demolition of an existing house and construction of a new 3,954 square-foot one-story house. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 12,054 square feet
MATERIALS: Standing seam metal roof, plaster and fiber cement exterior siding, aluminum clad wood windows, and fiber cement trim details

	Existing	Proposed	Allowed/Required
COVERAGE:	3,150 square feet	4,178 square feet	4,219 square feet
FLOOR AREA:	2,846 square feet	3,954 square feet	3,955 square feet
SETBACKS			
Front (Sylvian Way)	39.9 feet	25 feet	25 feet
Rear	30.3 feet	25.5 feet	25 feet
Exterior side (Cherry Ave)	10 feet	8.25 feet	16 feet ¹
Interior side	5 feet	16.25 feet	8 feet ¹
HEIGHT:	13 feet	19.5 feet	20 feet

¹ Per Zoning Code Section 14.06.080, for narrow lots (less than 80 feet in width), interior side yard setbacks are reduced from 10 feet to 10 percent of the lot width and the minimum width of exterior side yard setbacks are reduced from 20 feet to 20 percent of the lot width.

BACKGROUND

Application History

The City requires design review for all new construction, additions and exterior alterations on single-family properties. For projects that are one-story and under 20 feet in height, design review is processed administratively by Planning staff. In the event that an administrative design review application is denied, the decision may be appealed to the Design Review Commission.

The design review application was submitted on July 12, 2018. During the initial review of the application, staff identified the scale, bulk, and mass of the proposed house as being out of character with the surrounding neighborhood. Over a four-month period, staff worked with the architect and owner representatives to revise the design in order to be consistent with the City's Single-Family Residential Design Guidelines and comply with the required design review findings. However, following multiple conversations and iterations of design plans, which included reducing the primary plate height from 10 feet to 9.5 feet, reducing the family room plate height from 12 feet to 10.6 feet, and reducing the roof slope from 5:12 to 4:12, staff determined that the revised design was not in compliance with the Residential Design Guidelines and was unable to make the positive design review findings. Therefore, on November 29, 2018, the design review application was denied. Following the action taken by the staff to deny the project, an appeal was filed by the applicant.

Neighborhood Context

The subject property is located in a Diverse Character Neighborhood, as defined in the City's Residential Design Guidelines. The subject property is located on the corner of Sylvian Way and Cherry Avenue. The neighborhood context, which includes houses on Sylvian Way, Cherry Avenue and Yerba Buena Avenue. Along Cherry Avenue, the houses tend to have varied front yard setbacks, and different architectural styles and massing. Along Sylvian Way, the houses tend to have varied setbacks and characteristics with different architectural styles. The houses along Yerba Buena have consistent front yard setbacks and architectural styles. Overall, the neighborhood has some similar characteristics such as low-scale massing, low eave lines and the use of rustic materials. In Diverse Character Neighborhoods, a good neighbor design has its own design integrity while incorporating some design elements and materials found in the neighborhood. However, a new house should maintain an appropriate relationship to houses in the neighborhood and not result in an abrupt change.

DISCUSSION

Denial Findings

The administrative design review denial was based on the following design review findings per Section 14.76.050 of the Zoning Ordinance:

- The orientation of the proposed main structure in relation to the immediate neighborhood will NOT minimize the perception of excessive bulk; and
- 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 NOT been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings.

According to the Residential Design Guidelines, a house should be designed to fit the lot and should not result in a home that stands out in the neighborhood. The proposed one-story house is using a more contemporary design style with tall wall plate heights and low-pitched roof elements. The project proposes nine-foot, six-inch tall plate heights for the overall structure and 11-foot tall plate heights along segments of the right (east) side and rear (north) elevation. In addition, the proposed house has a finish floor elevation that is up to 24 inches above the surrounding natural grade, which is above the recommended finish floor height of 16-22 inches above grade specified in the Design Guidelines. While the proposed structure is one-story, the tall wall plate heights combined with the tall finished floor height gives a taller appearance and scale that does not minimize the perception of excessive bulk. The general architecture of the new house, including its height and proportions, results in a bulky and dominant vertical emphasis that is inconsistent with the low scale of surrounding residences, which appears to be uncharacteristic and sets an extreme in the surrounding neighborhood which is inconsistent with the Design Guidelines.

Appeal

On November 29, 2018, the applicant filed an appeal of the administrative design review denial. The applicant submitted a letter that outlines the basis for why the design of their proposed one-story house complies with the City's Residential Design Guidelines and meets the required design review findings (Attachment A). The owner asserts that the denial should be overturned for the following reasons: 1) staff inconsistently assessed the subject site's neighborhood character; 2) the design's bulk and mass are not uncharacteristic of the neighborhood; and 3) the finished floor height is a maximum of only. Staff's review of the plans continue to reflect that the structure proposes a finished floor up to 24 inches above grade.

Alternatives

This appeal application is *de novo*, which means that the Design Review Commission may consider all aspects of the project and is not limited to the appeal concerns. If the Commission disagrees with the staff action, the Commission could: 1) make positive design review findings and approve the project; or 2) modify the project and/or conditions in order to make positive design review findings. If the Commission votes to approve this project, standard conditions of approval pertaining to the development of the property including but not limited to tree protection, grading and drainage, green building, fire sprinklers, water efficient landscaping and undergrounding utilities would be incorporated.

Miscellaneous

There is a total of 34 trees on the project site consisting of 13 species including acer, camphor, crape myrtle, privet, Japanese maple, olive and camphor trees. The project will maintain 21 trees on the site. An arborist report was prepared by Kielty Arborists which further details the current conditions of the trees, potential impacts, and measures to protect the trees and is included on Sheet AR-1.

The conceptual landscaping plan proposes four new trees of several types and proposes coffeeberry and cream bush as the predominant evergreen screening trees along the side and rear property lines and proposes a variety of other shrubs and groundcover type plants throughout the site. Overall, with the existing and new trees, and proposed landscaping and hardscape, the project complies with the City's landscaping regulations and street tree guidelines. Color photos are provided of all proposed trees and evergreen screening species in attachment D.

Environmental Review

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of a single-family dwelling in a residential zone.

Public Notification

A public meeting notice was posted on the property and mailed to 12 nearby property owners on Sylvian Way, Yerba Buena Avenue and Cherry Avenue. The Notification Map is included in Attachment C.

Cc: Eugene Sakai, Applicant and Architect
Jessie Zheng and Shua Zhong, Property Owners

Attachments:

- A. Application and Appeal Letter
- B. Area, Vicinity and Public Notification Maps
- C. Material Board
- D. Plant Photos

FINDINGS

18-SC-33 – 137 Sylvian Way

With regard to the new one-story house, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

- a. The orientation of the proposed main structure in relation to the immediate neighborhood will NOT minimize the perception of excessive bulk; and
- b. 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 NOT been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings.

ATTACHMENT A



CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1108352

<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 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 checked="" type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Other:

Project Address/Location: 137 SYLVIAN WAY

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

Assessor Parcel Number(s): 167-29-34 Site Area: 12054

New Sq. Ft.: 3528 Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: 0

Total Existing Sq. Ft.: 3528 Total Proposed Sq. Ft. (including basement): 3528

Is the site fully accessible for City Staff inspection? YES

Applicant's Name: EUGENE SAKAI, AIA

Telephone No.: ⁴⁰⁸ 998-0983 Email Address: esakai@studios2arch.com

Mailing Address: 1000 S. WINCHESTER BLVD, SAN JOSE, CA 95128

City/State/Zip Code: SAN JOSE, CA 95128

Property Owner's Name: JESSIE ZHENG & HUA ZITONG

Telephone No.: _____ Email Address: jessie.sourire@gmail.com

Mailing Address: 137 SYLVIAN WY.

City/State/Zip Code: LOS ALTOS

Architect/Designer's Name: EUGENE SAKAI

Telephone No.: 408-998-0983 Email Address: esakai@studios2arch.com

Mailing Address: 1000 S. WINCHESTER BLVD

City/State/Zip Code: SAN JOSE, CA 95128

* 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. *



STUDIO S SQUARED
ARCHITECTURE

Studio S² Architecture, Inc.
1000 S Winchester Blvd.
San Jose, CA-95128
ph: (408) 998-0983
fax: (408) 404-0144

December 5, 2018

Sean Gallegos, Associate Planner

One North San Antonio Road
Los Altos, 94022

Re: 137 Sylvian Way (Permit No. 1108352)
Studio S Squared Job #17015

Dear Mr. Gallegos:

Thank you for taking the time to review our drawings.

We would like to submit an appeal of your decision of denying the project to the Design Review Commission.

The reasons for the appeal are listed below in the letter written by our clients, Jessie Zheng and Hua Zhong.

Please see below attached letter.

Please do not hesitate to call our office should you have any questions.

Sincerely,

Eugene H. Sakai, AIA, LEED AP
President, Studio S² Architecture, Inc.

Cc: Jessie Zheng and Hua Zhong, property owners
Attachments: Set of Plans, Appeal Letter

Hi Mr Gallegos:

I am writing this letter in response to your formal denial letter on my application to build a one-story single-family house at 137 Sylvian Way, Los Altos. We would like to appeal this decision to the Design Review Commission for the following reasons.

1. Inconsistent Neighborhood Characterization

As you know, for our first submittal dated July 12th 2018, we received an incomplete letter recommending us to reduce the overall height and bulk as it was considered excessive in a "Consistent Character Neighborhood". We followed the recommendations of our architect and re-submitted in September with following changes:

- a. We reduced the typical plate height from 9'-6" to 9'-0";
- b. We reduced the family room plate height from 11'-2" to 10'-8";
- c. We reduced the overall roof slope from 5:12 to 4:12;
- d. The above changes reduced the maximum building height from 120' to 118.4'.

On September 28th we received another incomplete letter requesting further reduction on wall height on the right side.

While researching our response to the September 28th comments, we realized that the "Consistent Character Neighborhood" classification was inconsistent with historical findings. To wit, in researching past applications, we learned that our neighborhood has been consistently characterized as a "Diverse Character Neighborhood" (including your recent staff reports re: both 66 and 170 Sylvian Way). We were worried that your recommendations might be overly conservative due to this mischaracterization of neighborhood character. We raised this question in our face-to-face meeting on October 18th and in subsequent email communications, but to no effect. On October 25, we informed Planning by way of a letter from my architect that we would like to appeal your denial to the Design Review Commission.

We are pleasantly surprised that your latest letter has correctly classified the neighborhood as Diverse, reversing your earlier characterization. However, we are disappointed that this change only came in the final denial letter, and seemingly had no impact on how our application was reviewed.

2. Neighborhood Impact/Support

We believe that a one-story house in a Diverse Character Neighborhood such as Sylvian Way with wall plate heights ranging between 9.5-11' is neither excessive nor impactful. I have reached out to many neighbors to get their feedback on our design (the first submittal dated July 12th). So far, three of my immediate neighbors have responded positively (121 and 136 Sylvian Way, 132 Yerba Buena Ave), and I intend to solicit more neighbor feedback in the weeks to come. I would also like to point out the following further mitigation for any

"excessive bulk" concerns (especially on the 11' wall side, which only occurs in the family room):

- The 11' wall of my family room is facing the garage of my neighbor (121 Sylvian Way). My neighbor told me she was not concerned.
- There is a very tall Ivy wall between us and my rear neighbor (132 Yerba Buena Ave) which completely blocks our views into each other.
- Sylvian Way is heavily populated by trees, so it is unlikely anyone could see those walls from that street.

3. Finish floor height

We would also like to spell out that the finish floor that we are proposing is not higher than 24" from finish grade. The biggest height above finish grade is at the covered patio, a difference of 1.4 feet.

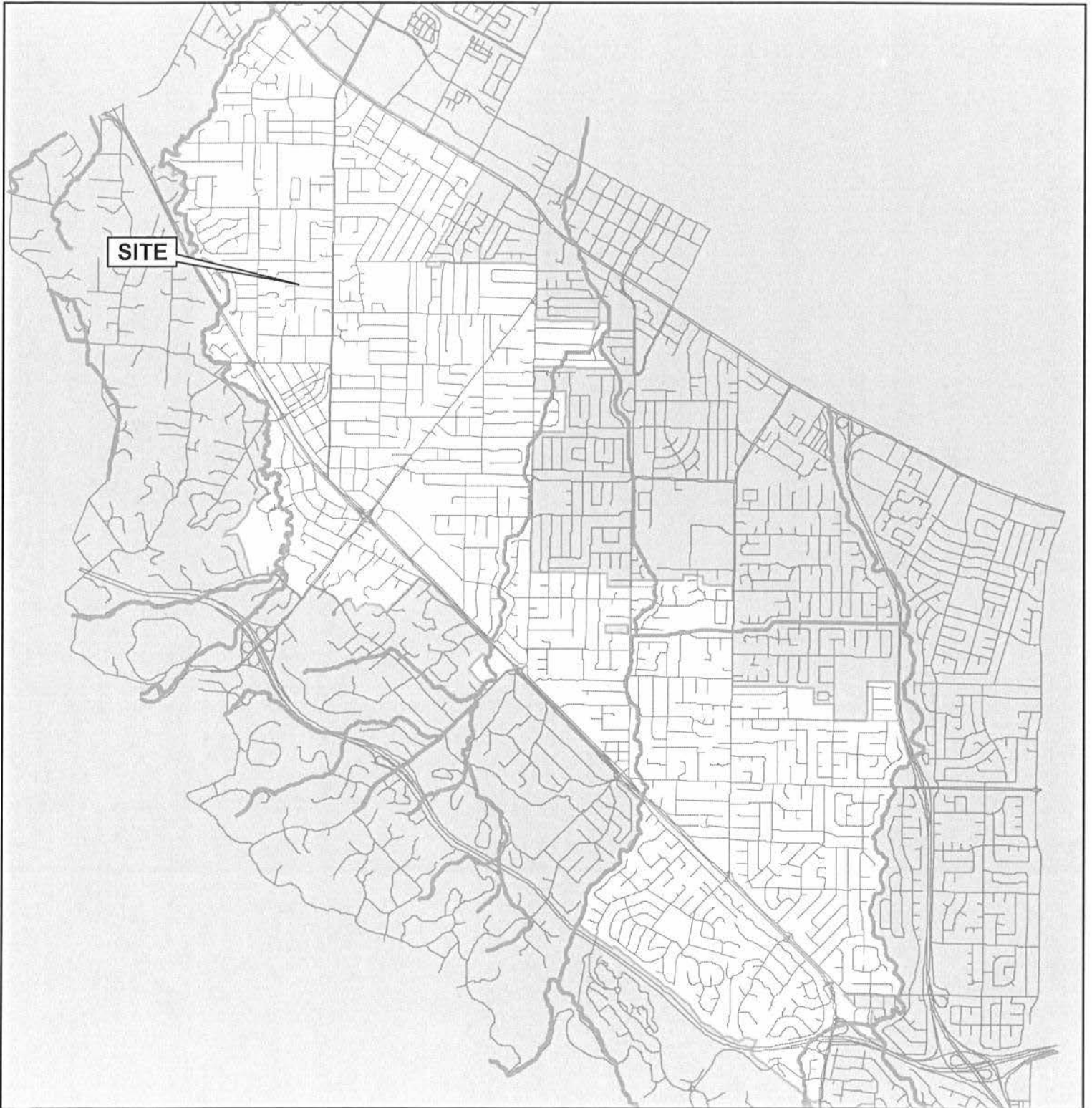
Based on these reasons, we would like to respectfully request the Design Review Commission to consider our appeal of your denial. Thank you for your assistance in this matter.

Sincerely,

Hua Zhong
Property Owner
137 Sylvian Way
(408)221-5183 (cell)

ATTACHMENT B

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 18-SC-33
APPLICANT: Eugene Sakai, AIA/ Jessie Zheng and Hua Zhong
SITE ADDRESS: 137 Sylvian Way

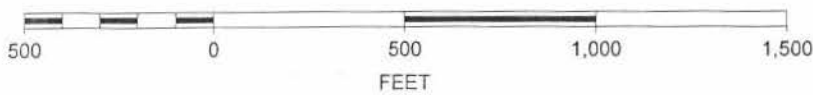


Not to Scale

VICINITY MAP



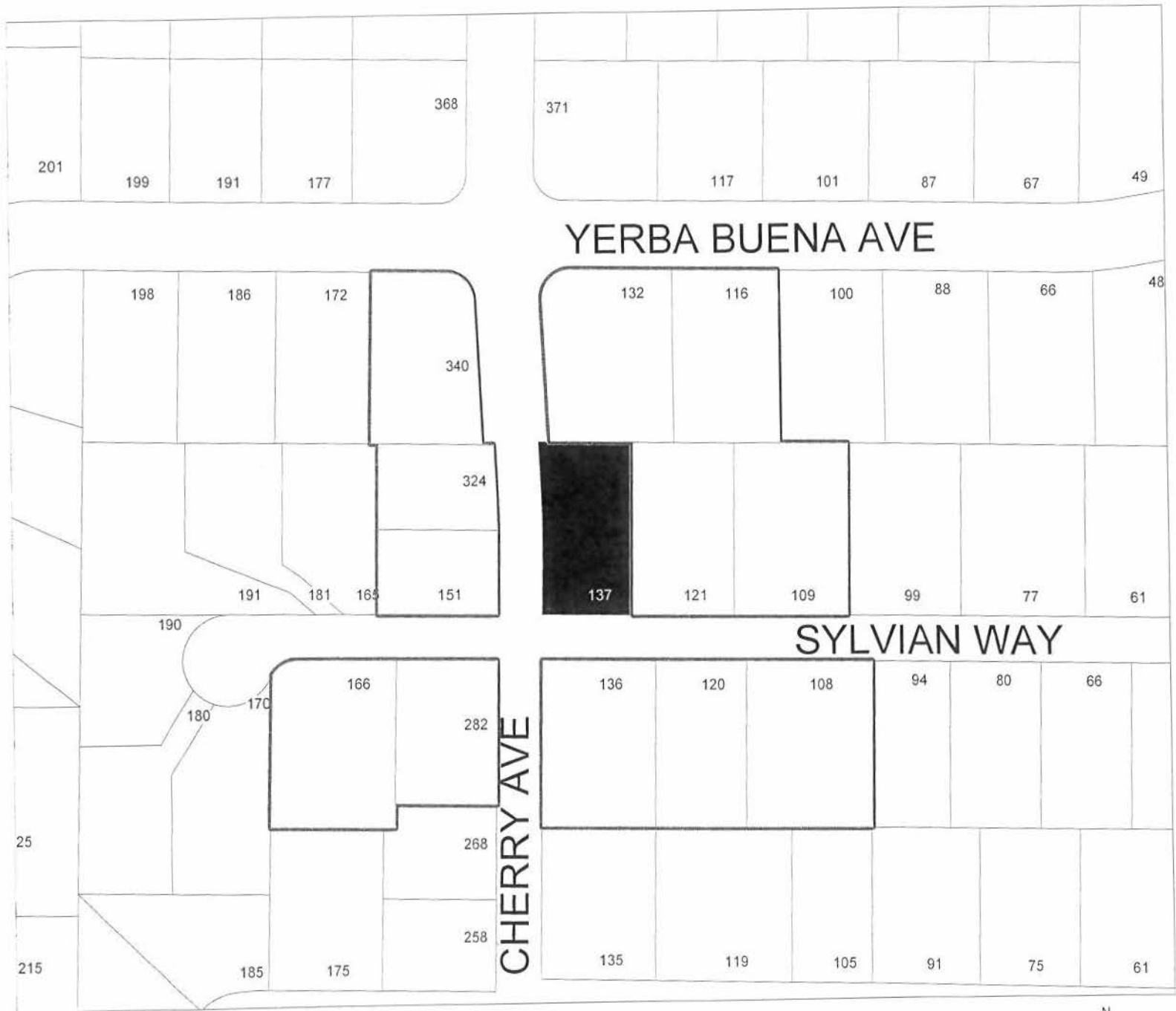
SCALE 1 : 6,000



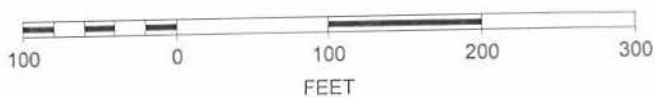
CITY OF LOS ALTOS

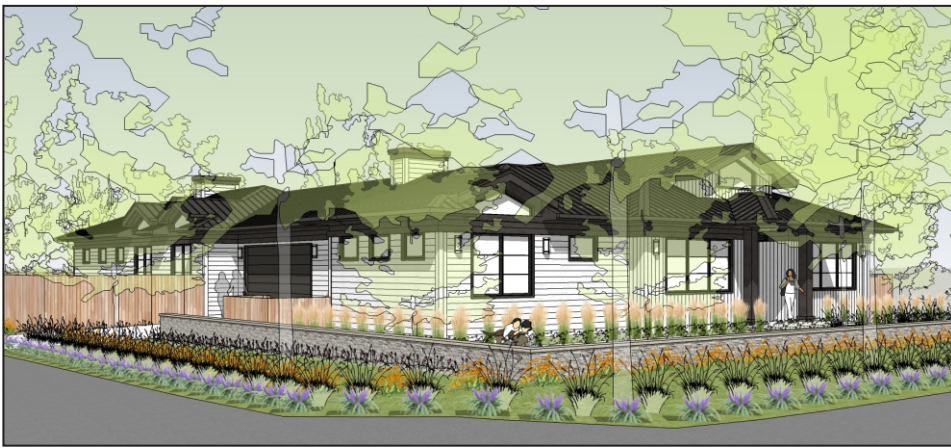
APPLICATION: 18-SC-33
APPLICANT: Eugene Sakai, AIA/ Jessie Zheng and Hua Zhong
SITE ADDRESS: 137 Sylvian Way

137 Sylvian Way Notification Map



SCALE 1 : 1,500





MATERIAL BOARD



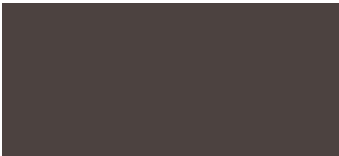
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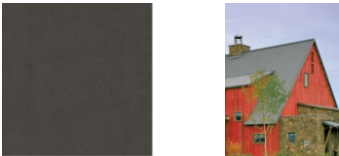
137 SYLVIAN WAY, LOS ALTOS CA ZHENG-ZHONG RESIDENCE



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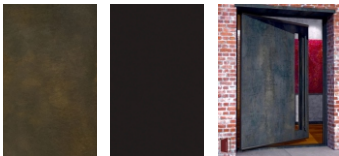
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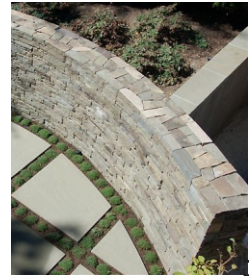


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ATTACHMENT C

1 - *Frangula californica*



10 - *Frangula californica* 'Mound San Bruno'

A large clump of Muhlenbergia rigens grass, characterized by its dense, upright, and arching blades. The grass is a mix of green and golden-brown, indicating it is in its mature stage. It is planted in a garden bed next to a light-colored building with a textured wall. In the background, there are other plants, including a tree and a large rock. The scene is brightly lit, suggesting a sunny day.

11 - *Muhlenbergia rigens*



12 - Ribes viburnifolium



4 - *Philadelphus lewisii*



5 - Woodwardia fimbriata



A - *Alnus rhombifolia*



B - *Prunus ilicifolia* ssp. *lyonii*



C - *Acer circinatum*



D - *Cercis occidentalis*