



DATE: May 15, 2019

AGENDA ITEM #3

TO: Design Review Commission
FROM: Calandra Niday, Assistant Planner
SUBJECT: V19-0001 – 1798 Wenrick Court

RECOMMENDATION:

Approve variance application V19-0001 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance application to allow for a reduced rear setback for a new one-story house on a property with five sides. The variance is seeking a rear yard setback of 20 feet along the northern property line where a minimum setback of 25 feet is required. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 14,246 square feet
MATERIALS: Standing seam metal roof, allure fiber cement board and trim, board and batten siding, western window systems, Athena garage doors with stainless steel and glass, and metal awnings.

	Existing¹	Proposed	Allowed/Required
COVERAGE:	2,544.17 square feet	4,908.98 square feet	4,986.10 square feet
FLOOR AREA:	2,365.67 square feet	4,172.96 square feet	4174.60 square feet
SETBACKS:			
Front	24.4 feet	25 feet	25 feet
Rear (West)	27.5 feet	25 feet	25 feet
Rear (North)	34.5 feet	20 feet	25 feet
Right side	51.9 feet	10 feet	10 feet
Left side	20.5 feet	10 feet	10 feet
HEIGHT:	15 feet	20 feet	20 feet

¹ Please refer to the staff report for the existing setbacks and height; the existing setbacks and height in the plans provided are incorrect.

BACKGROUND

Neighborhood Context

The subject property is located at the end of Wenrick Court, which is a cul-de-sac street south of Morton Avenue. The neighborhood along Wenrick Court is considered a Consistent Character Neighborhood, as defined in the City's Residential Design Guidelines. The residences have similar horizontal eave lines, hipped or gable roof structures, and share similar exterior siding and roofing materials. The street is wide with a defined curb/gutter and does not have uniform street tree and vegetation patterns.

Zoning Conformance and Parcel History

The subject parcel is designated Single-Family Medium Lot in the General Plan and has a Zoning designation of R1-10 (Single-Family). The property is located on the west side of Wenrick Court at the end of the cul-de-sac street and abuts homes on Austin Avenue to the west and Morton Avenue to the north. The subject lot is an asymmetrical shape with five property line segments - one front yard, two side yards, and two rear yards.

In March 2019, a design review application for a new one-story house was submitted to the City. The proposal identified the northern property line as a side yard and designed the new house to provide a minimum 10-foot side yard setback, as required by the Zoning Code. However, during the initial review of the application, Planning staff made the determination that the north property line was functionally a rear yard rather than a side yard, since it abutted the rear yard of the adjacent property to the north at 1442 Morton Avenue. As such, the minimum setback from this property line needed to be 25 feet, not 10 feet. Due to the reduced size of the building envelope that resulted from the application of a second rear yard setback, the owner and designer decided to seek a variance.

DISCUSSION

Variance

In response to the staff yard space determination, a variance request to allow for a reduced rear yard setback along the north property line was submitted. The request is seeking to respect the rear yard relationship while also allowing for five-foot reduction (25 feet to 20 feet) to expand the building envelope to accommodate a reasonably sized and shaped main house. Two variance justification letters, one from the homeowner (Aman Kothari) and one from the designer (Thanh Vess), that provide additional information to support the request are included in Attachments A.

In order to approve a variance, the Commission must make three positive findings pursuant to Section 14.76.070 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.

The granting of a variance to allow for a 20-foot rear setback at the north property line (five-foot reduction) for the new house would be consistent with the objectives set forth in the Zoning Code because it would guide community growth along sound lines and maintain a harmonious and convenient relationship with the adjacent properties. The proposed setback from the northern property line would preserve a reasonable rear yard relationship with the adjacent property while also allowing for a reasonably sized building envelope to accommodate a single-family house that is proportional for a lot of this size.

The granting of 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 reduced setback would preserve a reasonable rear yard relationship with the adjacent property to the north and maintain an appropriate level of privacy between the surrounding properties and persons living and working in the vicinity.

The asymmetrical shape of the lot is a special circumstance that results in an unusually shaped and constrained building envelope. Strict application of the R1-10 District setback requirements would deprive this property of the ability to develop a regular shaped structure as compared to other lots of similar size in the general vicinity and under the identical zoning classification; therefore, there is a special circumstance that justifies the granting of a variance to allow for a reduced rear setback of 20 feet on the north property line.

Design Review

If the Design Review Commission approves the variance request, staff will administratively approve the one-story design review application since it otherwise meets the required design review findings and Residential Design Guidelines. The project, which will demolish the existing house and construct a new one-story house with a basement, uses a contemporary farm house design that integrates well within the neighborhood context of a Consistent Character Neighborhood.

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 hearing notice was published in the *Mercury News*, posted on the property and mailed to 95 property owners within 500 feet of the subject property for the May 15, 2019 meeting. The Notification Map is included in Attachment C.

Cc: Thanh Vess, Applicant and Designer
Aman Kothari, Owner

Attachments:

- A. Variance Justification Letters from Owner and Designer
- B. Application
- C. Area, Vicinity and Notification Map

FINDINGS

V19-0001 – 1798 Wenrick Court

Regarding the variance to allow a reduced rear yard setback on the northern property line, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan because it would guide community growth along sound lines and maintain a harmonious and convenient relationship with the adjacent properties. The proposed setback from the northern property line would allow for a reasonably sized building envelope to accommodate a single-family house that is proportional for a lot of this size.
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; the reduced setback will preserve a reasonable rear yard relationship with the adjacent property to the north and maintain an appropriate level of privacy between the surrounding properties and persons living and working in the vicinity.
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 asymmetrical shape of the lot is a special circumstance that results in an unusually shaped and constrained building envelope.

CONDITIONS

V19-0001 – 1798 Wenrick Court

GENERAL

1. **Approved Plans**

This approval is based on the plans received on May 1, 2019 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.

AMAN KOTHARI

206 Hockney Avenue, Mountain View, CA 94041 | +1 (408) 896-3957 | amankothari@yahoo.com

April 26, 2019

Design Review Commission
City of Los Altos Planning Department
1 North San Antonio Road
Los Altos, CA 94022

Re: Application for Variance
1798 Wenrick Court, Los Altos, CA 94024

Introduction/Background

My family and I are the owners of the property at 1798 Wenrick Court. We want to thank the staff of the City of Los Altos and the DRC for taking time to review our application. We hope that it is evident to the City and the DRC as to why our special circumstances warrant the request for variance and that we have proposed a variance that we believe will have negligible impact on the adjacent properties.

At the end of July, 2018, after a long search for a property in the City of Los Altos, my family and I were able to purchase the lot at 1798 Wenrick Court which we believed met our desires in terms of location and size and would enable us to create the family home we have been seeking to build. We are a family of 6, with 4 children in or approaching their teen years.

Lot Shape

The lot shape has some unique characteristics that are not truly apparent until you physically see the site. The front of the property sits on a cul-de-sac, and therefore the street facing part of the lot is curved shape. There is also an approximate 10' deep parcel at the street facing side that is City owned, therefore giving the lot the appearance of being deeper (and larger) than it actually is. Given the actual shape of the land, the deepest point of the Lot is actually on the North Property line. Finally, where the North Property line and the Northeast side yard meet, the shape of the lot is prohibitive in terms of a usable building footprint.

Given the lot shape, as part of our preparation, our designer, Thanh Vess, visited the City of Los Altos Planning Department in October 2018 to confirm the set-backs for the lot at 1798 Wenrick Court, such that we could commence our design process, armed with the parameters established by the City. Based on the feedback from the City, we began the process of designing our house with the understanding the lot would be considered “standard” with 10’ set-backs on each side and 25’ set-backs for the front and rear.

Our goal was to design a single-story home with a basement, that complied with all the published City requirements (e.g. set-backs, lot coverage, floor coverage etc.) and would provide an aesthetically pleasing look and feel that would, to the degree possible, follow the natural curve of the lot and take advantage of the deepest point of the lot. Throughout our design process, we wanted to make sure we also considered the optimal positioning of the house in consideration of the “privacy” to adjacent properties and the look and feel as you approached the house as you came down the street. As a result, we carefully considered the placement of social areas, bedrooms and the driveway during the design process (e.g. we purposefully put our garage at the North Side of the lot to screen cars parked in the driveway from the road).

Reason for/Request for Variance

In March 2019, we submitted our property design plans to the City. Based on our prior research and dialog, we believed these plans met all the City’s design requirements. We received feedback on our submission on March 18, 2019 and were informed by the City Planning Team that the lot was viewed as “irregular-shaped”. As a result, we were informed that the side set-back on the North side, was now deemed a rear set-back and would be subject to a 25’ set-back, versus the 10’ set back that we had originally been guided to, and had designed to.

Given this determination, we attempted to update our plans within the revised guidance. With our desire to maintain a single-story dwelling that meets our family’s space needs (the principal reason why we had purchased this particular lot), we were unable to modify the plans in such a way that retained the design elements we desired and also met the revised guidance. The shape of the lot (as noted above) and being subject to three 25’ set-backs prohibits our ability to use the lot to the fullest extent we had initially anticipated. We were however able to develop a plan that maintained the critical elements of our original design if we are able to gain variance approval for a 20’ set-back at the North property line (a variance of 5’). We believe that given the Master bedroom and garage are contemplated on the North property line, this variance will have negligible impact on adjacent properties, and indeed, will avoid adding a second-story to the design, which we believe would be less desirable for the adjacent properties.

We also believe the special circumstances leading to this request, fulfil the City’s criteria for approving the variance request:

The granting of the variance(s) will be consistent with the objectives of the Los Altos zoning plan

The design of the house/property meets all the City planning requirements with the exception of the limited variance being requested for the North Property Line set-back.

The granting of the variance(s) 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

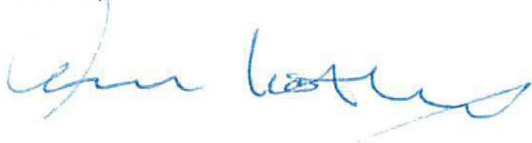
The two adjacent properties on the North Property line don't have any active living areas on the North Property line where the variance is being sought. The North Property line borders the rears of both properties.

The variance(s) 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 the Zoning Ordinance deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

As noted, we believe that the shape of the lot described herein limits the usability of the lot and therefore represents a special circumstance that, without the variance, would deprive us of the ability to design and build the property in a way that wouldn't be inhibited on other similar lots in the neighborhood.

We respectfully request that the City and the DRC consider, and approve, this variance request. We appreciate your time and thank you for your consideration.

Sincerely,



Aman Kothari

Cc: Thanh Vess, Designer

Thanh Vess, D.B.A. T. Vess Interiors
PO Box 1377
Campbell, CA 95009
408.813.9376
t.vess@me.com

4/29/19

City Planner and Staff for Design Review
City of Los Altos Planning
1 North San Antonio Road
Los Altos, CA 94022

RE: Application Letter for Variance at North property line.
Project address: 1798 Wenrick Ct, Los Altos, CA 94022.

Dear City Planner and Staff for Design Review:

We currently have a project in planning for a rebuild of a single story with added basement. We have just been notified that this property has been deemed an "odd shaped" lot. This comes as a surprise to the owners and the designer having already conversed with city planners for given current setbacks (10' at side yards, 25' at rear, and 25' front. Having been deemed an "odd shaped" lot, the property is now subject to an additional 25' rear setback at the north property line. This has reduced the property usage at the current planning and design of the house. We are applying for a reduced 5' rear setback line from 25' to be at 20' feet in order to keep the integrity of the design, as well as, be able to capture the full usage of the lot.

Before planning and design of the house occurred, I had inquired about the lot setbacks at the planning counter. I was told that we did not have an odd shaped lot. The existing home currently is situated on the lot so that the rear set back, side, and front setback naturally followed the shape and orientation of the existing house but not necessarily the shape of the lot. Hence, the typical setback lines of 10' for side yards and 25' at the rear and front yards were expected with myself and the planning counter representative.

We are applying for a 5' variance at the north property line based on the following items that effect the property and current plans:

1. *The granting of the variance(s) will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 of the Los Altos Municipal Code.*

The owners worked with the designer to incorporate a single story house that would be conducive to their unique family needs. The design of the new structure carefully took in consideration the style, height, mass, and shape of the building to complement the adjacent

homes, as well as, follow the natural shape of the lot. We expect that the current design fits within the parameters of the Los Altos Municipal Code regarding a single story home that is designed below the max height, floor coverage, and lot coverage required by the city.

2. *The granting of the variance(s) 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;*

A). The north side of the house is slated for a master bedroom which should not raise concern for noise disruptions to adjacent neighbors.

B). The two adjacent homes have rear yards at the north property line where the variance is requested.

3. *The variance(s) 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 the Zoning Ordinance deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.*

A). The lot is a curved shaped lot with its deepest point being on the north property line. The house shape was designed to take advantage of the deepest point of the lot as well as complement the natural curve of the lot. The garage was purposely put at the north side of the lot to screen resident's parked cars from the road.

B). Where the North rear setback line and Northeast side yard setback meet, the area is constricting to build any usable building footprint.

C). Deemed an odd shaped lot, there will be restrictions of three 25' setbacks on this property which will deprive the property of the privileges enjoyed by other properties. The front setback also has additional 10' easement required by the city, which actually makes the front setback deeper than the required 25'.

D). There is an adjacent two story home that looks into the property and was approved by the city. This two story home seems obtrusive and requires current design plans to take this into account for additional screening.

The reduction of the additional rear setback line located at the north property line be 20' will allow owners to keep the current house design and to maintain the integrity of the original design. This reduction of 5' will allow the garage space to shift towards the front setback line and allow for minor design changes.

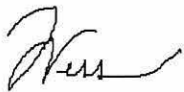
City Planner and Staff for Design Review

4/29/19

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We would like you to take these considerations into account while reviewing our application for a 5' variance at the north property line. This will enable owners to have the full usage of the property and keep the intent of the current house design.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Vess".

Thank Vess

ATTACHMENT B



CITY OF LOS ALTOS
GENERAL APPLICATION

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

Permit # V19-0001

<input checked="" 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: 1798 Wenrick Ct.

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

Assessor Parcel Number(s): 318-11-023 Site Area: 14,246

New Sq. Ft.: 4140.49 Altered/Rebuilt Sq. Ft.: 4140.49 Existing Sq. Ft. to Remain: Ø

Total Existing Sq. Ft.: 1752.27 Total Proposed Sq. Ft. (including basement): 8280.98

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Thanh Vess

Telephone No.: 408-813-9376 Email Address: t.vess@me.com

Mailing Address: PO Box 1377

City/State/Zip Code: Campbell, CA 95009

Property Owner's Name: Aman Kothari

Telephone No.: 408 896 3957 Email Address: aman.kothari@yahoo.com

Mailing Address: 206 HOCKNEY AVE

City/State/Zip Code: MOUNTAIN VIEW, CA 94041

Architect/Designer's Name: Thanh Vess

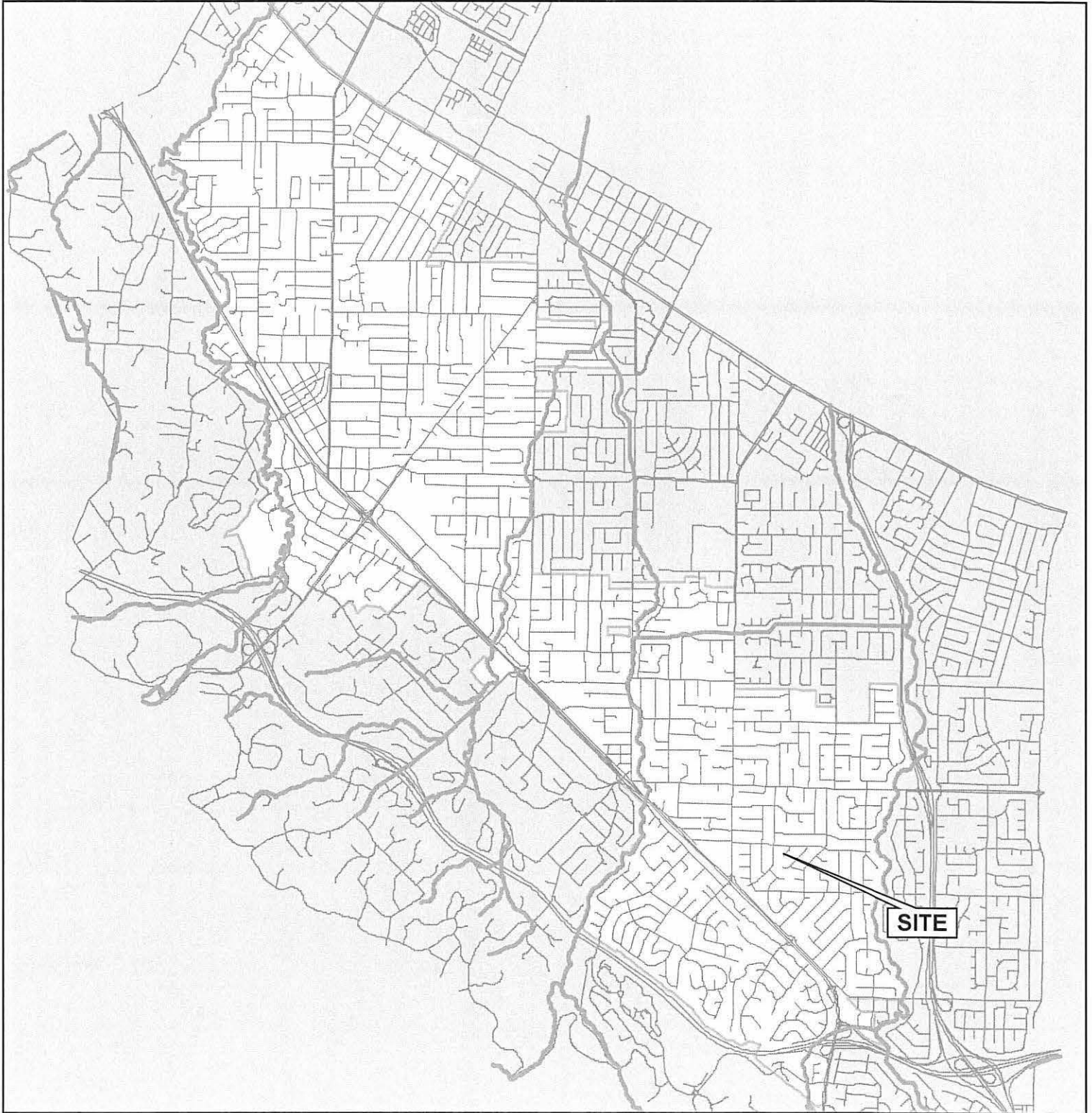
Telephone No.: 408-813-9376 Email Address: t.vess@me.com

Mailing Address: PO Box 1377

City/State/Zip Code: Campbell, CA 95009

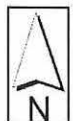
* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. *

AREA MAP



CITY OF LOS ALTOS

APPLICATION: VCMF19-0001
APPLICANT: Thanh Vess
SITE ADDRESS: 1798 Wenrick Court

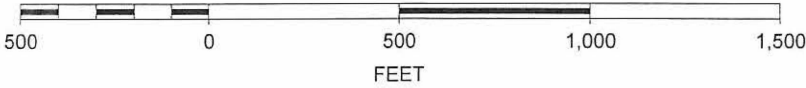


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: VCMF19-0001
APPLICANT: Thanh Vess
SITE ADDRESS: 1798 Wenrick Court

1798 Wenrick Court 500-foot Notification Map



SCALE 1 : 3,000

