



DATE: March 19, 2014

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Assistant Planner
SUBJECT: 14-V-02 and 14-SC-01 – 741 Westminster Lane

RECOMMENDATION:

Approval of variance 14-V-02 and design review application 14-SC-01 subject to the findings and conditions of approval

PROJECT DESCRIPTION

This is a variance and design review application for a two-story addition to an existing two-story house. The project will remodel the existing house, add 373 square feet to the first story and add 468 square feet to the second story. The application includes a variance to maintain a front (west) yard setback of 24 feet, five inches where twenty-five feet is required. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 11,384 square feet (net)
MATERIALS: Shingle siding, wood doors, wood windows, wood trim, wood porch column and composition shingles

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	2,197 square feet	2,596 square feet	3,415 square feet
FLOOR AREA:			
First floor	2,038 square feet	2,411 square feet	
Second floor	1,008	1,476 square feet	
Total	3,046 square feet	3,887 square feet	3,888 square feet
SETBACKS:			
Front	24 feet 7 inches	24 feet 7 inches	25 feet
Rear	28 feet	28 feet	25 feet
Right side	65 feet / 65 feet	65 feet / 65 feet	10 feet / 17.5 feet
Left side	10 feet / 32 feet	10 feet / 18 feet	10 feet / 17.5 feet
HEIGHT:	24 feet	24 feet	27 feet

BACKGROUND

The subject property is located in a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines. The subject property is located near the end of the cul-de-sac on an irregular shaped lot. The irregularly shaped lot results in a narrowing of the lot, which is inconsistent with other lots in the area. The houses in this neighborhood are a mixture of one- and two-story houses that have been designed using simple forms and rustic materials. The landscape along Westminster Lane is varied with no distinct street tree pattern.

The existing structure has a non-conforming front yard setback of 24 feet, seven inches, where 25-foot setback is required.

DISCUSSION

According to the Design Guidelines, in Consistent Character Neighborhoods, good neighbor design has design elements, materials and scale found within the neighborhood and sizes that are not significantly larger than other homes in the neighborhood. This requires a project to fit in and lessen abrupt changes.

Design Review

The proposed residence has an architectural design that relates well to the immediate vicinity. The proposed first and second story addition updates the existing structure with a traditional style that uses design elements and materials that are compatible with the existing house and neighborhood. The proposed low-pitch roof, gable and hipped roof forms, two-car garage, and porch are common to the existing design and area. The project's simple massing and materials, such as composition roofing, wood shingle siding, wood windows, wood trim details, and stone veneer wainscoting are high quality materials and appropriate for the character of the area.

The project is in keeping with the scale of structures found in the neighborhood, and will be one of four, two-story residences on the subject block of Westminster Lane. The first floor wall plate height is nine-feet, and the second floor wall plate height is eight-feet, which is consistent with the eight-foot to nine-foot plate heights of existing residences in the neighborhood. The structure has a projecting porch element, which is a new element in the immediate area. The large porch provides a strong single story relationship with the adjacent structure and reduces the appearance of the second story when viewed from the street. These elements combined with the usage of wood shingle siding minimizes the scale and bulk of the structure. Overall, the two-story design does not create an abrupt change and fits into the neighborhood.

Privacy and Landscaping

The left side (north) second story elevation includes two windows in the master bedroom with three-foot sill heights. Staff recommends a condition to plant a medium to fast growing evergreen screening trees along the left and rear property lines to minimize privacy impacts (Condition No. 2). Therefore, as designed and with the recommended conditions, staff finds that the project maintains a reasonable degree of privacy.

The rear (east) second story elevation includes six windows: one window in the master bedroom with a four-foot, six-inch, sill height; one window in the bathroom No. 2 with four-foot, six-inch, sill height; one set of windows in bedroom No. 2 with a three-foot sill height; one set of windows in a vaulted area with a three-foot sill height; one window in the bathroom No. 3 with four-foot, six-inch, sill height and one window in bedroom No. 3 with a three-foot sill height. The master bedroom and bedroom No. 2 windows could create privacy impacts to adjacent properties. The rear facing windows are located approximately 28 feet respectively from the rear property line and 113 feet respectively to the house directly behind the residence. Staff recommends a condition to plant a medium to fast growing evergreen screening trees along the left and rear property lines to minimize privacy impacts (Condition No. 2). Therefore, as designed and with the recommended conditions, staff finds that the project maintains a reasonable degree of privacy.

There are twenty-five trees on the property. The project is proposing removal of five trees (Nos. T3 and T22-T25) in the front and side yard for economic enjoyment of their property. The applicant has proposed to incorporate bamboo screening plants along the left and rear property line; however, staff recommends a condition to substitute the bamboo with medium to fast-growing evergreen screening trees (Condition No. 2). In addition, a condition is required to provide tree protective fencing for the retained trees on the site (Condition No. 4).

Front Yard Setback Variance

As part of the project, the applicant is requesting a variance to allow the house to maintain the twenty-four foot, five-inch front yard setback along the front (west) property line. The existing two-story house was originally constructed in the late 1960s and the City's building permit records indicate that it was intended to be built with a front yard setback of twenty-five feet. However, most likely due to surveying error, the house was built with a front yard setback of only twenty-four feet, five inches. The owner has included a letter which provides additional information to support the variance request (Attachment A).

The project maintains approximately half of the foundation, approximately half of the first story walls, and a majority of the second story walls. Given the scope of the basement, it is unlikely that the garage will remain. The existing roof will be rebuilt to ensure architectural compatibility with the first and second story addition. However, the project is maintaining the first and second story, where stacked, which retains a substantial portion of the structure. Since the project will be altering more than 50 percent of the existing house, a variance is required in order to maintain the nonconforming front yard setback.

Variance Findings

Staff finds that there are special circumstances applicable to the property due to the curvilinear form the lot within the neighborhood context and the fact that the house was legally constructed in this location results in a more restrictive building envelope. The variance will allow the property to update the existing residence to a structure more in keeping with the neighborhood character. The strict application of the R1-10 District setback requirements would deprive the property owner of the ability to develop a regular shaped structure within the permitted building envelope.

The variance is not injurious to persons or properties in the vicinity. Maintaining the reduced front yard setback will not result in any impacts that would be detrimental to the health, safety or welfare

of persons living or working in the vicinity, or to any single-family residential properties due to the non-conforming setback being adjacent to a right-of way and the structure being setback 69 feet from the side property.

Strict application of the provisions of the zoning ordinance would deprive this property of privileges enjoyed by other properties in the vicinity due to placement of the existing structure and the property being an irregular shaped lot that results in a narrowing building envelope. Therefore, the granting of a variance to allow the front of the house to continue to encroach into the front yard setback would not be considered a special privilege. Staff's support for granting the variance is limited to the proposed scope of the work.

Public Correspondence

The property owners of 751 Westminster Lane, the adjacent property to the north (left side) of the project, submitted a comment letter (Attachment C). The letter raises concerns that the proposed left (north) side windows of the second floor master bedroom windows are oriented toward their rear yard and master bedroom will create significant privacy impacts.

ENVIRONMENTAL REVIEW

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

Cc: Jeremy Freeman, Topos Architects, Applicant and Designer
Andrew Guttow and Mimi Blaudrock, Owner

Attachments:

- A. Application
- B. Neighborhood Compatibility Worksheet
- C. Area Map and Vicinity Map
- D. Neighborhood Letter, 751 Westminster Lane

FINDINGS

14-V-02 and 14-SC-01 - 741 Westminster Lane

1. With regard to the variance for the front (west) yard setback, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
 - a. That the granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
 - b. That the granting of the variance is not 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
 - c. That a special circumstance applicable to the property exists due to the curvilinear form and narrowing of the lot within the neighborhood context and the fact that the house was legally constructed in this location.

2. With regard to the two-story addition, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
 - a. The proposed addition complies with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the proposed addition, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy and will consider the topographic and geologic constraints imposed by particular building site conditions;
 - c. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized and will be in keeping with the general appearance of neighboring developed areas;
 - d. The orientation of the proposed addition in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
 - e. 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 been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and
 - f. The proposed addition has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

14-V-02 and 14-SC-01 - 741 Westminster Lane

1. The approval is based on the plans received on February 14, 2014 and the written application materials provided by the applicant, except as may be modified by these conditions. The variance is contingent upon not exceeding the scope of work shown on the project, except the garage may be rebuilt.
2. The landscape plan shall be revised to substitute bamboo with a medium to fast growing evergreen screening species along the left side and rear property line. The species shall be a minimum 15-gallon or 24-inch box size.
3. Obtain an encroach permit issued from the Engineering Division prior to doing any work within the public street right-of-way.
4. **Prior to the issuance of a demolition permit**, install tree protection fencing around the dripline of the tree no. T1, T3-T8, and T18-19. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground.
5. The following trees (nos. T1, T3-T8, T9-T14, T18 and T19) shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.
6. **Prior to submittal for building permits, the plans shall contain/show:**
 - a. The conditions of approval shall be incorporated into the title page of the plans.
 - b. On the grading plan and/or the site plan, show all tree protection fencing and add the following note: **“All tree protection fencing shall be installed prior to issuance of the demolition permit and shall not be removed until all building construction has been completed.”** The tree protection fencing shall be installed prior to issuance of the demolition permit and shall not be removed until all building construction has been completed.
 - c. Verification that the house will comply with the California Green Building Standards pursuant Section 12.26 of the Municipal Code from a Qualified Green Building Professional.
 - d. Fire sprinklers to be installed pursuant to Section 12.10 of the Municipal Code.
 - e. The location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches should avoid the drip-lines of all protected trees.
 - f. The location of any air conditioning equipment on the site plan and the sound rating for such equipment. Please note, the project cannot receive a zoning clearance if this information is not provided.
 - g. Compliance with the New Development and Construction Best Management Practices and Urban Runoff Pollution Prevention program, as adopted by the City for the purposes of

preventing storm water pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.).

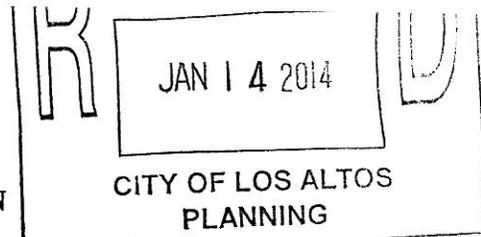
7. Prior to final inspection:

- a. All landscaping in the front yard and privacy screening shall be installed and/or maintained as required by the Planning Division.
- b. Submit verification that the house was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION



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

Permit # 1105968

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Sign Review	<input type="checkbox"/>	Multiple-Family Review
<input checked="" type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance(s)	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	RI-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"/>	Preliminary Project Review	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Subdivision Map Review	<input type="checkbox"/>	Commercial Design Review	<input type="checkbox"/>	Other:

Project Address/Location: 741 WESTMINSTER LANE

Project Proposal/Use: SINGLE FAMILY RESIDENTIAL

Current Use of Property: SINGLE FAMILY RESIDENTIAL

Assessor Parcel Number(s) 167-21-043 Site Area: _____

New Sq. Ft.: 741 Remodeled Sq. Ft.: 3,147 Existing Sq. Ft. to Remain: _____

Total Existing Sq. Ft.: 3,147 Total Proposed Sq. Ft. (including basement): 4,819

Applicant's Name: JEREMY FREEMAN, TOPOS ARCHITECTS

Home Telephone #: _____ Business Telephone #: 650-327-7573

Mailing Address: 450 KIPLING STREET

City/State/Zip Code: PALO ALTO, CA 94301

Property Owner's Name: ANDREW GUTOW & MIMI BLAUROCK

Home Telephone #: _____ Business Telephone #: _____

Mailing Address: 741 WESTMINSTER LANE

City/State/Zip Code: LOS ALTOS, CA 94022

Architect/Designer's Name: PETER BALTAY, TOPOS ARCHITECTS Telephone #: 650-327-7573

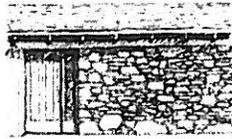
*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)

14-SC-01

14-V-02

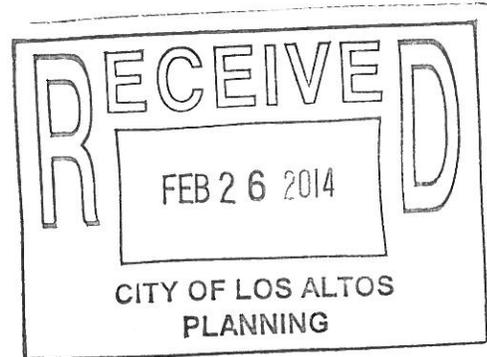
TOPOS



ARCHITECTS

February 26, 2014

Community Development Department
Sean K Gallegos, Assistant Planner
One North San Antonio Road
Los Altos, CA 94022



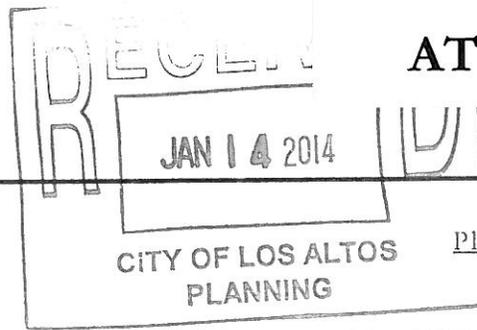
Re: Variance Request
Project: 14-SC-01, 741 Westminster Lane

Dear Mr. Gallegos,

We are applying for a variance for the property located at 741 Westminster Lane, Los Altos in order to bring the existing structure into compliance with the City of Los Altos Zoning Ordinances. There are special circumstances related to the irregular shaped cul-de-sac property that result in a more restrictive buildable area. The strict application of the R1-10 District setback requirements would deprive the property owner of the ability to develop a regular shaped structure within the permitted buildable area, and as a result the existing South-East corner of the property exceeds the front yard setback. Within the neighborhood context on Westminster Lane, the existing structure is compatible with the adjacent houses and all further development on this property shall comply with the R1-10 District setback requirements.

Thank you,

Jeremy Freeman
TOPOS Architects



ATTACHMENT B

CITY OF LOS ALTOS
Planning Division
(650) 947-2750
Planning@losaltosca.gov

NEIGHBORHOOD COMPATIBILITY WORKSHEET

In order for your design review application for single-family residential remodel/addition or new construction to be successful, it is important that you consider your property, the neighborhood's special characteristics that surround that property and the compatibility of your proposal with that neighborhood. **The purpose is to help you understand your neighborhood before you begin the design process with your architect/designer/builder or begin any formal process with the City of Los Altos.** *Please note that this worksheet must be submitted with your 1st application.*

The Residential Design Guidelines encourage neighborhood compatibility without necessarily forsaking individual taste. Various factors contribute to a design that is considered compatible with a surrounding neighborhood. The factors that City officials will be considering in your design could include, but are not limited to: design theme, scale, bulk, size, roof line, lot coverage, slope of lot, setbacks, daylight plane, one or two-story, exterior materials, landscaping et cetera.

It will be helpful to have a site plan to use in conjunction with this worksheet. Your site plan should accurately depict your property boundaries. The best source for this is the legal description in your deed.

Photographs of your property and its relationship to your neighborhood (see below) will be a necessary part of your first submittal. Taking photographs before you start your project will allow you to see and appreciate that your property could be within an area that has a strong neighborhood pattern. The photographs should be taken from across the street with a standard 35mm camera and organized by address, one row for each side of the street. Photographs should also be taken of the properties on either side and behind your property from on your property.

This worksheet/check list is meant to help *you* as well as to help the City planners and Planning Commission understand your proposal. Reasonable guesses to your answers are acceptable. The City is not looking for precise measurements on this worksheet.

Project Address 741 Westminster Lane
Scope of Project: Addition or Remodel or New Home
Age of existing home if this project is to be an addition or remodel? 1969
Is the existing house listed on the City's Historic Resources Inventory? No

Address: 741 Westminster Lane
Date: 1/14/14

What constitutes your neighborhood?

There is no clear answer to this question. For the purpose of this worksheet, consider first your street, the two contiguous homes on either side of, and directly behind, your property and the five to six homes directly across the street (eight to nine homes). At the minimum, these are the houses that you should photograph. If there is any question in your mind about your neighborhood boundaries, consider a radius of approximately 200 to 300 feet around your property and consider that your neighborhood.

Streetscape

1. Typical neighborhood lot size*:

Lot area: 9,975 square feet
Lot dimensions: Length 95 feet
Width 105 feet

If your lot is significantly different than those in your neighborhood, then note its: area 11,384, length 94.89, and width 134.79.

2. Setback of homes to front property line: (Pgs. 8-11 Design Guidelines)

Existing front setback if home is a remodel? 25'
What % of the front facing walls of the neighborhood homes are at the front setback 90 %
Existing front setback for house on left 10 ft./on right 10 ft.
Do the front setbacks of adjacent houses line up? yes

3. Garage Location Pattern: (Pg. 19 Design Guidelines)

Indicate the relationship of garage locations in your neighborhood* only on your street (count for each type)

Garage facing front projecting from front of house face X

Garage facing front recessed from front of house face

Garage in back yard

Garage facing the side

Number of 1-car garages ; 2-car garages X; 3-car garages

Address: 741 Westminister Lane
Date: 1/14/14

4. Single or Two-Story Homes:

What % of the homes in your neighborhood* are:

One-story 42

Two-story 58

5. Roof heights and shapes:

Is the overall height of house ridgelines generally the same in your neighborhood*? yes

Are there mostly hip X, gable style , or other style roofs*?

Do the roof forms appear simple X or complex ?

Do the houses share generally the same eave height yes?

6. Exterior Materials: (Pg. 22 Design Guidelines)

What siding materials are frequently used in your neighborhood*?

 wood shingle X stucco board & batten X clapboard

 tile stone X brick X combination of one or more materials

(if so, describe) brick or stone wainscot with wood siding above

What roofing materials (wood shake/shingle, asphalt shingle, flat tile, rounded tile, cement tile, slate) are consistently (about 80%) used?

wood shake & asphalt shingles

If no consistency then explain: _____

7. Architectural Style: (Appendix C, Design Guidelines)

Does your neighborhood* have a consistent identifiable architectural style?

YES NO

Type? X Ranch Shingle Tudor Mediterranean/Spanish

 Contemporary Colonial Bungalow Other

Address: 741 Westminister Lane
Date: 1/14/14

8. Lot Slope: (Pg. 25 Design Guidelines)

Does your property have a noticeable slope? No

What is the direction of your slope? (relative to the street)

Is your slope higher _____ lower _____ same X in relationship to the neighboring properties? Is there a noticeable difference in grade between your property/house and the one across the street or directly behind?

9. Landscaping:

Are there any frequently used or typical landscaping features on your street (i.e. big trees, front lawns, sidewalks, curbs, landscape to street edge, etc.)?

Front lawns, Front yard trees, No sidewalks, roller gutter, Tall landscaping between properties continuing to street

How visible are your house and other houses from the street or back neighbor's property?

very visible

Are there any major existing landscaping features on your property and how is the unimproved public right-of-way developed in front of your property (gravel, dirt, asphalt, landscape)?

No, landscape

10. Width of Street:

What is the width of the roadway paving on your street in feet? 22'-0"

Is there a parking area on the street or in the shoulder area? yes

Is the shoulder area (unimproved public right-of-way) paved, unpaved, gravel, landscaped, and/or defined with a curb/gutter? _____

Roller gutter to landscaping

Address: 741 Westminster Lane
Date: 1/14/14

11. What characteristics make this neighborhood* cohesive?

Such as roof material and type (hip, gable, flat), siding (board and batten, cement plaster, horizontal wood, brick), deep front yard setbacks, horizontal feel, landscape approach etc.:

Hip roof, wood siding material with brick or
stone wainscot material

General Study

- A. Have major visible streetscape changes occurred in your neighborhood?
 YES NO
- B. Do you think that most (~ 80%) of the homes were originally built at the same time?
 YES NO
- C. Do the lots in your neighborhood appear to be the same size?
 YES NO
- D. Do the lot widths appear to be consistent in the neighborhood?
 YES NO
- E. Are the front setbacks of homes on your street consistent (~80% within 5 feet)?
 YES NO
- F. Do you have active CCR's in your neighborhood? (p.36 Building Guide)
 YES NO
- G. Do the houses appear to be of similar size as viewed from the street?
 YES NO
- H. Does the new exterior remodel or new construction design you are planning relate in most ways to the prevailing style(s) in your existing neighborhood?
 YES NO

Address: 741 Westminster Lane
 Date: 1/14/14

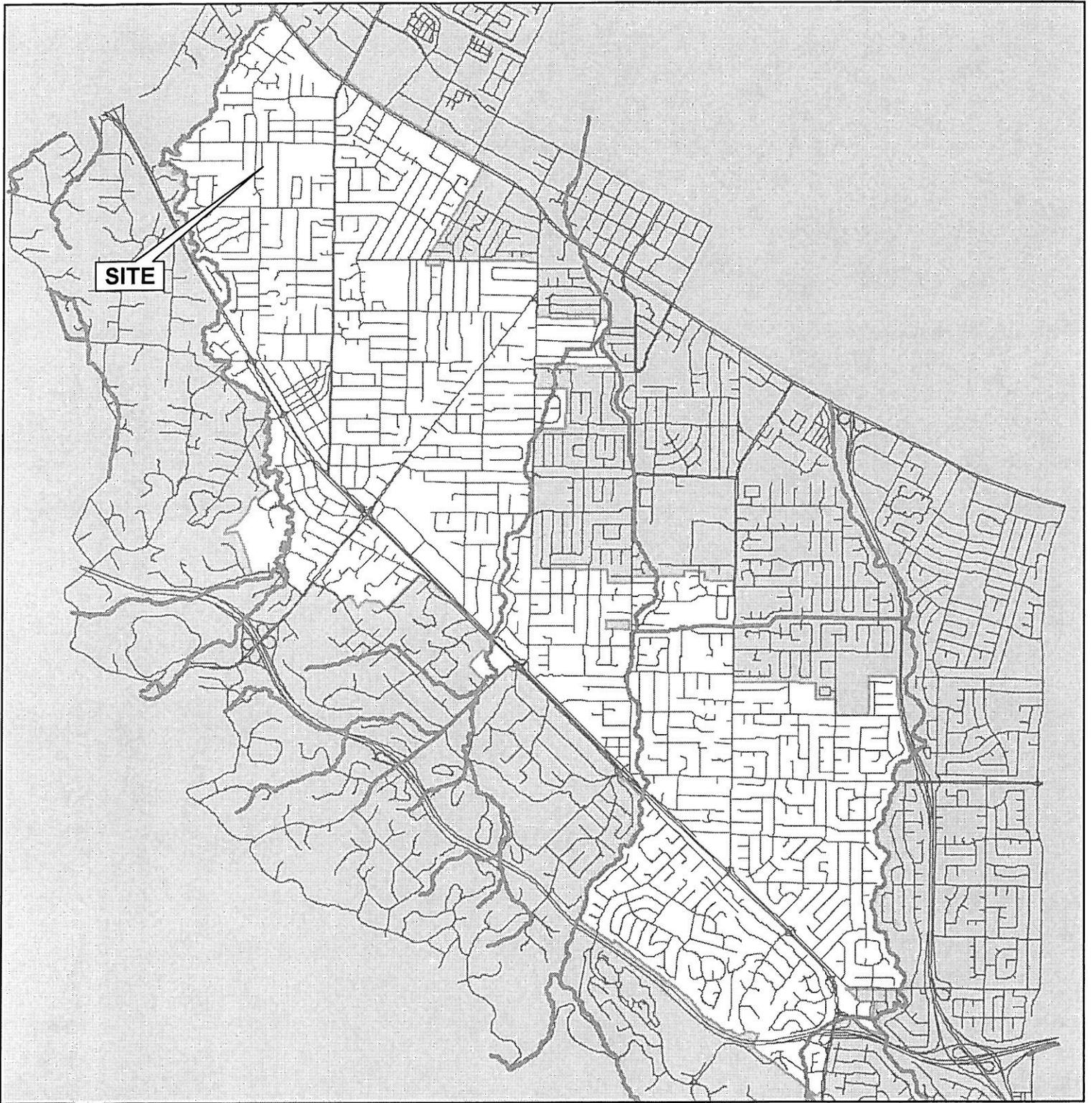
Summary Table

Please use this table to summarize the characteristics of the houses in your immediate neighborhood (two homes on either side, directly behind and the five to six homes directly across the street).

Address	Front setback	Rear setback	Garage location	One or two stories	Height	Materials	Architecture (simple or complex)
731 Westminster (right)	25	24	Front/2car	2 stories	24	horizontal siding asphalt shingles	simple
751 Westminster (left)	25	24	Front/2car	1 story	14	"	"
744 Linden (directly behind)	30	60	side yard	1 story	14	vertical wood siding asphalt shingles	"
731 Los Altos Ave	25	24	Front	1 story	14	Stucco/stone asphalt shingles	simple
739 Los Altos Ave	25	24	Front	1 story	14	wood siding asphalt shingles	simple
747 Los Altos Ave	25	5	back yard garage	1 story	14	stucco & brick asphalt shingles	simple
751 Los Altos Ave	25	24	Front	1 story	14	wood siding/brick asphalt shingles	simple
761 Los Altos Ave	25	24	Front	1 story	14	"	"

AREA MAP

ATTACHMENT C



CITY OF LOS ALTOS

APPLICATION: 14-SC-01 and 14-V-02
APPLICANT: J. Freeman/A. Gutow and M. Blaurock
SITE ADDRESS: 741 Westminster Lane

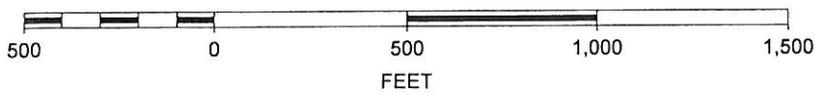


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 14-SC-01 and 14-V-02
APPLICANT: J. Freeman/A. Gutow and M. Blaurock
SITE ADDRESS: 741 Westminister Lane

ATTACHMENT D

March 3, 2014

Mr. Sean Gallegos
1 North San Antonio Road
Los Altos, CA 94022



Dear Mr. Gallegos,

Thank you for taking the time to review the remodel plans of my neighbor's home at 741 Westminster Lane with me today. As we discussed, I have a concern regarding privacy issues which have not been addressed in the plans and that is why I am sending this letter per your advice. The plans proposed will have two large windows on the north back edge up high on the second story which will have a direct view into our first story master bedroom. When our neighbor discussed preliminary plans for their remodel, they told us that they would not be putting north facing windows viewing our master bedroom. Later when we were shown a preliminary drawing, it included the high north facing 2nd story windows. We mentioned these concerns regarding the loss of privacy with the addition of these windows. Our neighbors also want to maintain their privacy as well and understand our current concerns and the impact to any other owners of either property in the future. Although a plan revision was filed, the privacy issue was not adequately addressed in this revision. We also had concerns that any landscaping proposal, high enough to block the second story windows privacy, can also block the daylight/sunlight to my roof which is planned for solar panels. Because we do not have a precise plan we cannot illustrate detail view lines. However, the attached photos showing the current positioning of our backyard in relation to current structure illustrates clearly that a high 2nd story north facing window further back to the rear of the lot will significantly impact privacy. I am requesting that the committee take these concerns under consideration in the design review to help to preserve our privacy.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Karen Golgolab".

Karen Golgolab

751 Westminster Lane
Los Altos, CA 94022