



DATE: March 4, 2015

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Zachary Dahl, Senior Planner
SUBJECT: Modification to 12-SC-26 – 5770 Arboretum Drive

RECOMMENDATION:

Approve modification to design review application 12-SC-26 subject to the findings

BACKGROUND

On December 19, 2012, the Design Review Commission held a public hearing to consider a variance and design review application for a new two-story, single-family house. The project included a new house with 3,239 square feet on the first story and 1,731 square feet on the second story. The variances allowed for a reduced front yard setback, reduced side yard setbacks on both sides and an encroachment into the left side daylight plane based on the narrow width and topographic constraints of the lot. The Commission unanimously approved the project. The meeting minutes and conditions of approval for the new house are attached for reference (Attachments C and D).

A building permit for this project was issued on June 19, 2013. The house is currently under construction. On May 14, 2014, staff approved a detailed landscape plan for the front yard that included new hardscape improvements (driveway and pathways), new low retaining walls and nine new trees. As part of this landscape plan, the Oak tree directly adjacent to the garage (tree no. 5) was administratively approved to be removed.

DISCUSSION

The applicant is requesting an increase in the size of the rear facing deck off of the first story. As originally approved, the deck was articulated and varied in size from one side to the other. The modification seeks to fill in the middle area of the deck to create a uniform rectangular shaped space that is more usable. A letter from the applicant that provides additional information to support the request, along with photos of the approved deck, is included in Attachment A.

The new house is located on a steeply sloping lot that drops down from the street. In order to create some usable outdoor space adjacent to the common areas (family room, dining room and kitchen), a deck facing the rear yard was included. To provide privacy screening along the deck, three evergreen trees (Podocarpus) were included along the left side property line in the original approval. These screening trees, along with the existing Oak trees, addressed any potential privacy impacts to the left side property. These trees, along with all front yard landscaping, are required to be installed prior to final occupancy of the new house.

Based on the fact that the deck will not be getting any closer to the left side property line and the existing and proposed evergreen trees will provide reasonable privacy screening, staff recommends approval of the proposed deck modification.

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 house.

Cc: Steve Decker, Applicant and Owner
Daryl Fazekas, Architect

Attachments

- A. Application and Owner Letter
- B. Maps
- C. Design Review Commission Meeting Minutes, December 19, 2012
- D. Conditions of Approval

FINDINGS

12-SC-26 – 5770 Arboretum Drive

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

- A. The proposed project complies with all provision of this chapter;
- B. The height, elevations, and placement on the site of the proposed project, 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 project 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 project has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

ATTACHMENT A



CITY OF LOS ALTOS
GENERAL APPLICATION

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

Permit # 1106504

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

Project Address/Location: 5770 ARBORETUM
 Project Proposal/Use: MODIFICATION OF DECK IN BACKYARD
 Current Use of Property: RESIDENTIAL
 Assessor Parcel Number(s) 342-04-017.00 Site Area: 72196
 New Sq. Ft.: _____ Remodeled Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____
 Total Existing Sq. Ft.: _____ Total Proposed Sq. Ft. (including basement): _____

Applicant's Name: STEVE DECKER
 Home Telephone #: (408) 263-6516 Business Telephone #: (408) 428-9665
 Mailing Address: 5770 ARBORETUM
 City/State/Zip Code: LOS ALTOS, CA 94024

Property Owner's Name: STEVE DECKER
 Home Telephone #: (408) 703-~~6516~~6516 Business Telephone #: (408) 428-9665
 Mailing Address: 5770 ARBORETUM
 City/State/Zip Code: LOS ALTOS, CA 94024

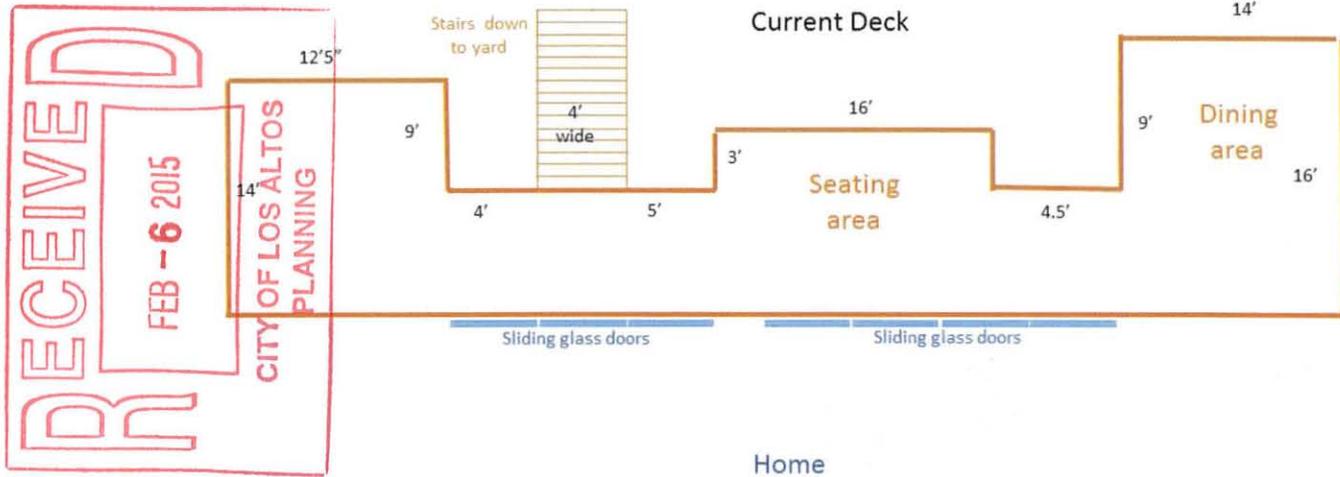
Architect/Designer's Name: DARYL FAZEKAS Telephone #: (408) 395-9400

*** 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. ***

Design Review Commission (DRC)
Community Development Department
City of Los Altos

Regarding: *Modification of back yard deck at 5770 Arboretum*

Members of the Design Review Commission,
The purpose of this letter is to respectfully request we be allowed to modify the deck in our back yard.
When we originally designed the deck the intent was to have three distinct areas:



While this seemed like a neat idea, the indentations impact the usability of the space. Now that the deck is built we can see that simple things like making sure there is enough space for someone to be able to get around a picnic table and another seated guest are going to be problematic.

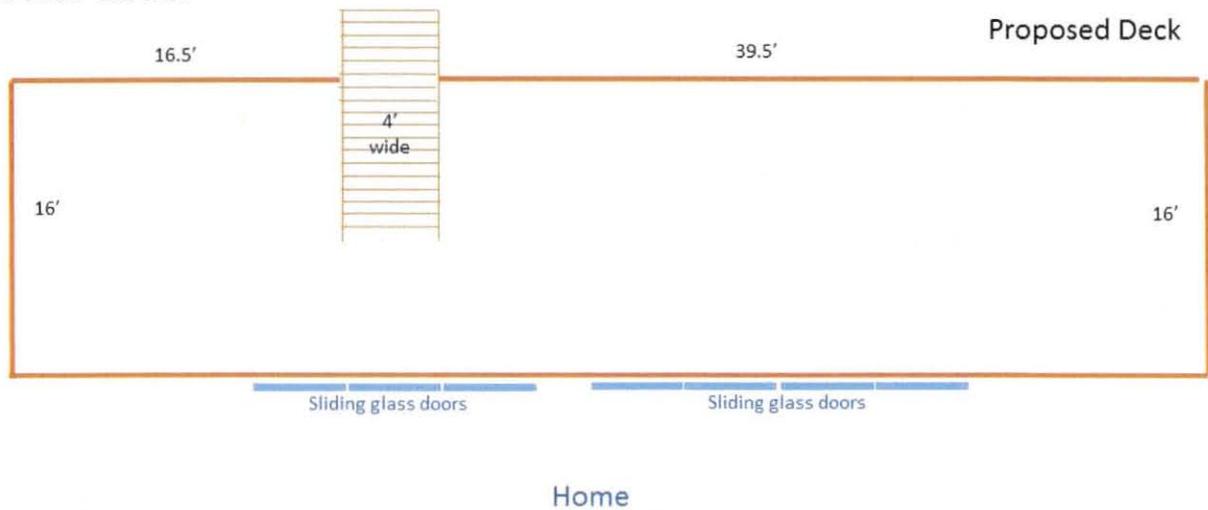




While looked great on paper, when you are standing on it, most of it feels more like a balcony than a deck



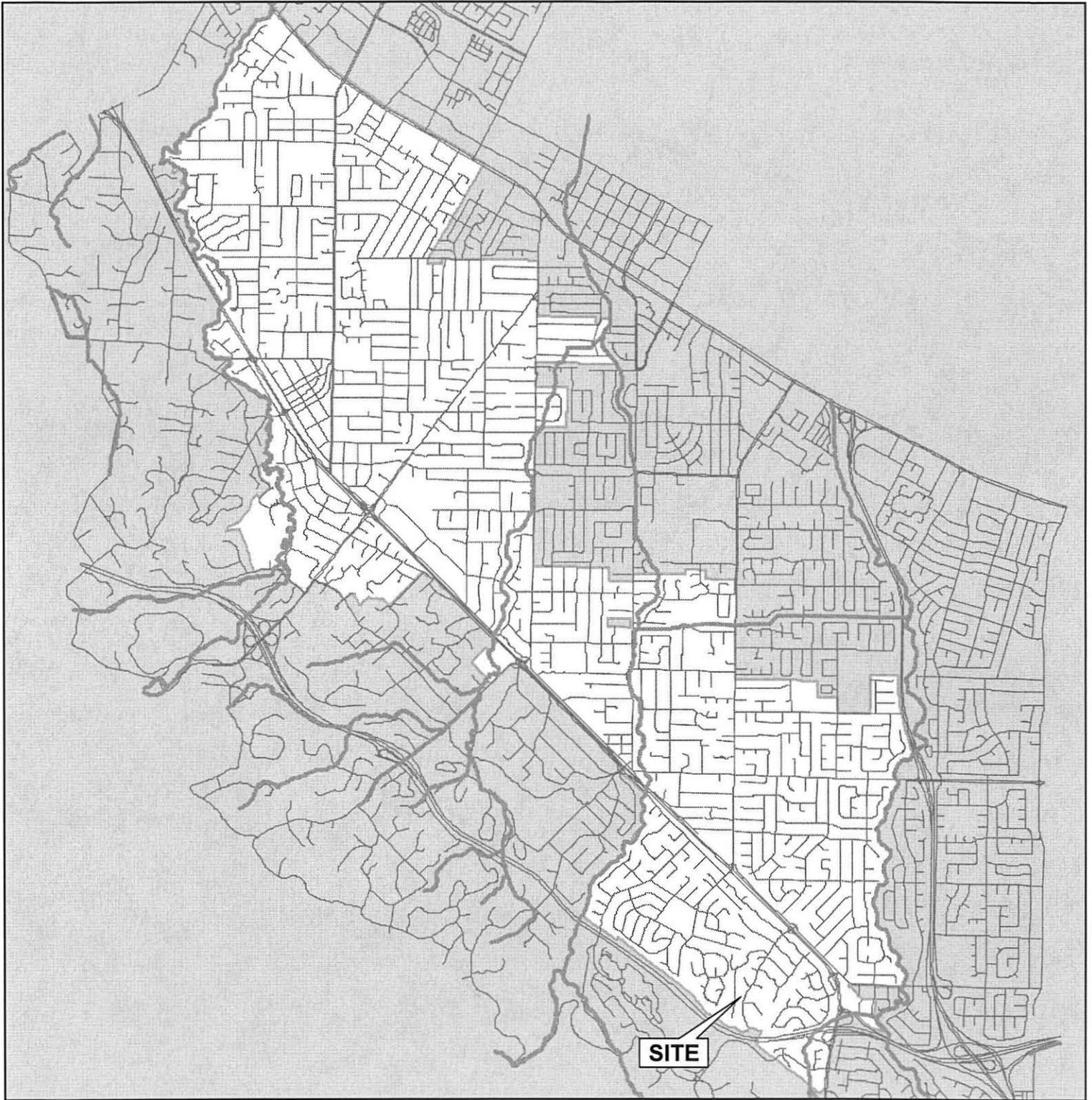
Now that it's built, we've realized that space would be more usable if we modified by the deck by "filling in the voids" like this:



While this does indeed increase the total square footage of the deck, it doesn't increase the width or total depth of the deck – meaning we're not closer to our neighbors, nor does it provide additional views of our neighbors.

Thank you for your time and consideration,
 Kind regards,
 - Steve & Anne Decker

AREA MAP



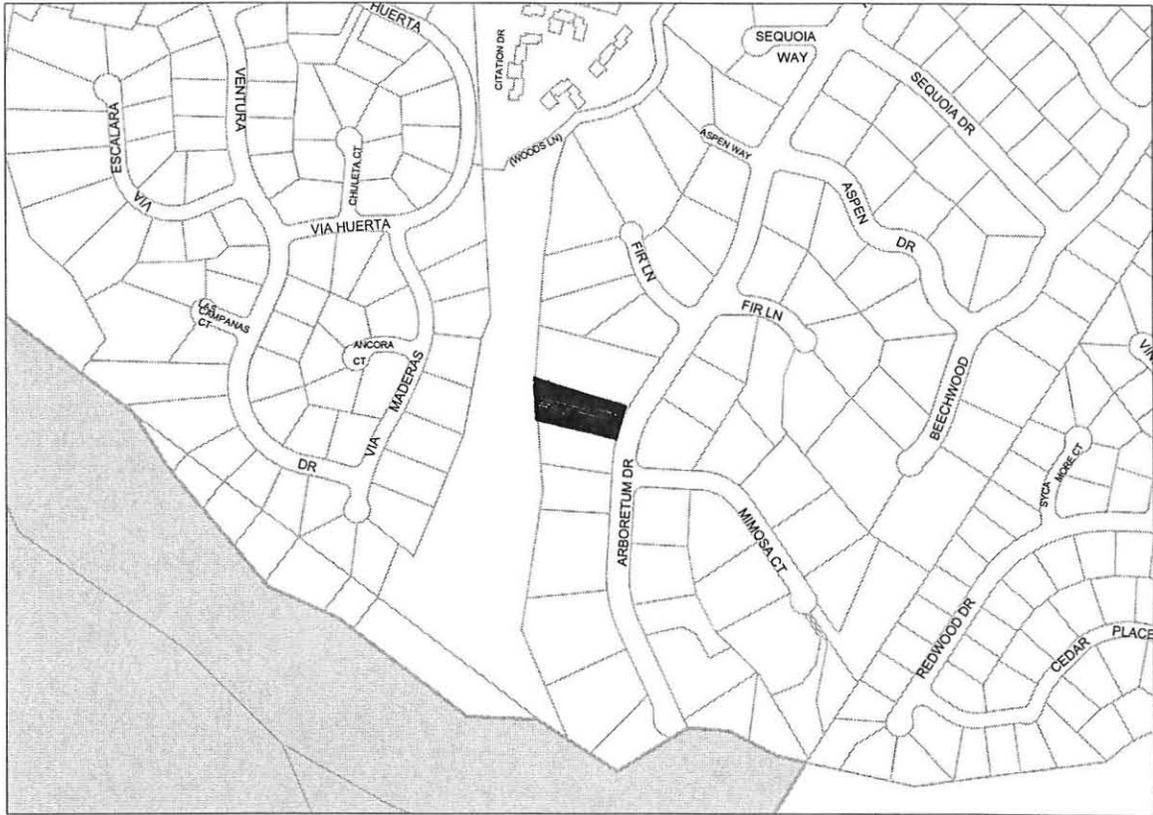
CITY OF LOS ALTOS

APPLICATION: 12-SC-26
APPLICANT: S. Decker
SITE ADDRESS: 5770 Arboretum Drive

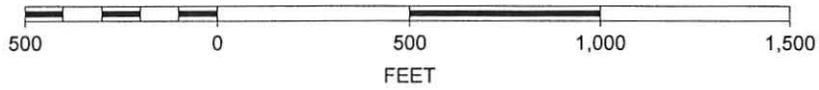


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 12-SC-26
APPLICANT: S. Decker
SITE ADDRESS: 5770 Arboretum Drive



MINUTES DESIGN REVIEW COMMISSION

7:00 P.M., Wednesday, December 19, 2012
Community Chambers, Los Altos City Hall
One North San Antonio Road, Los Altos, California

CALL TO ORDER

Vice-Chair WHEELER called the meeting to order at 7:00 PM.

ROLL CALL

Present: Vice-Chair WHEELER, and Commissioners BLOCKHUS and FARRELL
Absent: Chair MEADOWS and Commissioner ZOUFONOUN
Staff: Planning Services Manager KORNFIELD, Senior Planner DAHL and Assistant Planners LACEY and DAVIS

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Design Review Commission Minutes**
Minutes of the December 5, 2012 regular meeting.

MOTION by Commissioner FARRELL, seconded by Commissioner BLOCKHUS, to approve the minutes of the December 5, 2012 regular meeting as-is.
THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING

2. **12-V-11 and 12-SC-26 – M. Kansky – 5770 Arboretum Drive**
Variance and Design Review applications for a new, two-story house. The variances would allow: a) front yard setback of 17 feet where 30 feet is required; b) right side yard setbacks of 16 feet at the first story and 21 feet at the second story where 20 feet and 25 feet, respectively, are required; c) left side yard setbacks of 15 feet at the first story and 20 feet at the second story where 20 feet and 25 feet, respectively, are required; and d) encroachment into the left side daylight plane. *Project Planner: Dahl*

Senior Planner DAHL presented the staff report, recommending approval of variance application 12-V-11 and design review application 12-SC-26 subject to the listed findings and conditions.

The project applicant explained that the sloping site topography constrained the building envelope and that the design minimized grading and appeared as a one-story house from the street. The project architect noted that only a small area of the house encroached into the daylight plane and that the variance allowed for a smaller house footprint. The property owner also spoke in support of the variance request. There was no other public comment.

The Commission discussed the project and expressed general support for the requested variances. A commissioner noted that the proposed screening along the property line with 5760 Arboretum Drive was appropriate to mitigate any potential privacy impacts.

MOTION by Commissioner BLOCKHUS, seconded by Commissioner FARRELL, to approve variance application 12-V-11 and design review application 12-SC-26 per the staff report findings and conditions. THE MOTION CARRIED UNANIMOUSLY.

3. 12-V-17 and 12-SC-23 – J. Pearlman – 454 Cypress Drive

Variance and Design Review applications for a new, two-story house. The variances would allow for portions of the second story at a side yard setback of 10 feet on the north and south sides, where a minimum setback of 17.5 feet is required. *Project Planner: Davis*

THIS ITEM WAS CONTINUED TO THE JANUARY 16, 2013 DESIGN REVIEW COMMISSION MEETING.

DISCUSSION

4. 12-SC-25 – D. Askari – 1198 Richardson Avenue

Design review for an 800-square-foot second living unit. *Project Planner: Lacey*

Assistant Planner LACEY presented the staff report, recommending approval of design review application 12-SC-25 subject to the recommended findings and conditions and answered questions about ownership/residency requirement for second living units.

The property owner stated that they wanted to build the SLU (Second Living Unit) first, and then re-build the main house by living in the SLU while building the main house. Four neighbors spoke in opposition to the project stating concerns with property ownership and rentals. There was no other public comment.

The Commission discussed the project and their concerns about the property appearing as a rental and that the existing fencing inappropriately separated the accessory use from the main house. The Commission also discussed the owner's right to rent the property and that it would be inappropriate to impose conditions beyond what is allowed in the code that may relate to a potential future ownership.

MOTION by Commissioner BLOCKHUS, seconded by Commissioner FARRELL, to approve design review application 12-SC-25 per the staff report findings and conditions, with the following change and additional condition:

- Modify condition No. 3 to add "Prior to issuance of a Building Permit"; and
- Provide a landscape plan to mitigate the view of the second living unit and remove the driveway per staff.

THE MOTION CARRIED UNANIMOUSLY.

5. 12-SC-30 – P. Goel – 880 Echo Drive

Design review for a new, two-story house. The project includes 2,275 square feet on the first floor, 1,309 square feet on the second floor and a 2,281 square foot basement. *Project Planner: Davis*

Assistant Planner DAVIS presented the staff report, recommending approval of design review application 12-SC-30 subject to the recommended findings and conditions.



Community Development Department

One North San Antonio Road
Los Altos, California 94022-3087

January 3, 2013

Matt Kansky
P.O. Box 3820
Los Altos, CA 94024

SECTION I

At its December 19, 2012 meeting the Design Review Commission held a public hearing to consider application 12-V-11 and 12-SC-26 from M. Kansky for design review and variances for a new two-story house with 3,239 square feet on the first story and 1,731 square feet on the second story. The project includes the following variances: a) front yard setback of 17 feet where 30 feet is required; b) right side yard setbacks of 16 feet at the first story and 21 feet at the second story where 20 feet and 25 feet, respectively, are required; c) left side yard setbacks of 15 feet at the first story and 20 feet at the second story where 20 feet and 25 feet, respectively, are required; and d) encroachment into the left side daylight plane. The variances required are due to the narrow width and sloping topography of the lot.

Project Address: 5770 Arboretum Drive

SECTION II

Your application was presented to the Design Review Commission on the above date and was:

- ✓ **Approved:** Prior to submittal for Building permits, applicant shall submit to the Planning Division staff four (4) sets of complete construction plans incorporating the Conditions of Approval into the title page.
- ✓ **Conditions:** See Attachment
- ✓ **Other agency comments:** Santa Clara County Fire Department
- ✓ **Enclosures:** Notice of Building Permit Processing, Demolition Permit Materials & Instructions, Green Building Standards Code for All New Buildings and Verification Summary, Submittal Requirements for a Building Permit, and Residential Plan Check Application

CC: Steve and Anne Decker
1622 Marymeade Lane
Los Altos, CA 94024

Daryl Fazekas Architecture
15621 Loma Vista Avenue
Los Gatos, CA 95032

City of Los Altos
Building Division
Engineering Division

Zachary Dahl, AICP
Senior Planner



CONDITIONS

12-V-11 and 12-SC-26 – 5770 Arboretum Drive

CONDITIONS

1. The approval is based on the plans received on November 21, 2012 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. Obtain an encroach permit issued from the Engineering Division prior to doing any work within the public street right-of-way.
3. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in all new construction pursuant to Chapter 12.64 of the Municipal Code.
4. **Prior to the issuance of a demolition permit**, install tree protection fencing around the driplines of the following trees (nos. 2, 3, 5 and 8-17) as shown on the site plan. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground.
5. **Prior to zoning clearance 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 chain link and a minimum of five feet in height with posts driven into the ground. **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. Signed verification that the house will comply with the City’s Green Building Standards (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.
 - g. Show the measures to comply 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.).
6. **Prior to final inspection:**
 - a. All landscaping and privacy screening in the front and side yards 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.