



June 20, 2023

City of Los Altos
One North San Antonio Road
Los Altos, California 94022

Community Development Department
Attn: Sean Gallegos
Subject: 236 Eleanor Avenue (SC23-0003, V23-001& H23-001)


Dear Mr. Gallegos,

This letter is in response to the Incomplete Letter sent on May 15, 2023, regarding the variance request for 236 Eleanor. Some of the Planning Division Feedback is erroneous and cannot be applied to this project.

There is no request being made for a third-floor variance. We will be requesting a second-floor variance for the Historical structure, a floor-level variance for the addition (which will allow for a basement), and a front-yard variance for a detached garage.

Please include our variance request letter in the submission to the Planning Commission. We understand that the staff's report may include different findings and interpretations of the zoning code, however, that should not hold up our application.

Sincerely,


Walter Chapman

May 23, 2023

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To: City of Los Altos Planning Commissioners
Subject: 236 Eleanor Avenue (SC23-0003, V23-001& H23-001

Dear Commissioners,

This letter is to explain the variances being requested for the property located at 236 Eleanor Avenue. This property is listed as a Historical Resource in the City of Los Altos. The plans that you will be reviewing have been approved by the Historical Commission with the full support of the Commission and the recommendation was made that the proposed variances be supported by the city.

Variances Requested:

1. Basement: Variance to the finish floor level above grade from 2' to 2.5' for the basement to not qualify as a floor. *Design Guidelines - 5.13 Basements*
2. Second-floor: Variance to expand an existing second floor by 326 square feet on a flag lot where only single-story structures are allowed. The height of the addition would be 26.2 ft. which surpasses the 20 ft. maximum limit on a flag lot. *Section 14.06.09 Height of structures (flag lots).*
3. The placement of an accessory structure (garage) in a required front yard where such structures are not permitted. *Section 14.15.120 Size, height and placement of accessory structures.*

The basis for these variances can be found in the Los Altos Municipal Code Chapter 14.02 specifically:

Subsection (F) - To protect and enhance real property values within the city.

Subsection (G) - To conserve the City's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.

Subsection (G) is particularly relevant in how it relates to a non-conforming Historical resource which is clearly a part of the distinctive character of Los Altos. Whereas a strict application of zoning rules would impose limitations on development options that are needed to uphold the property's historical significance.

The granting of these variances will not impact the health, safety, or welfare of the community. The second-floor addition will not increase the overall height of the structure as it is designed to not impact the historical residence.

The setbacks for the proposed single-story addition are generous so as not to impact neighbors.

The basement will not be visible to public view.

The detached garage is placed to be subordinate to the historical structure and will strengthen a front yard presence to Eleanor Avenue.

Variances:

1. Basement: Finish floor level above grade.

The finish floor level of the proposed addition is 100.75, aligning it with the finish floor of the Historic Home (this is the common practice, to match the existing floor level when adding to a historic structure). The height of finish floor above existing grade varies from as high as 3'-6" at the right front corner of the existing house to 2'-3" at the opposite corner of the proposed addition. The average height of the floor above grade along the western wall line of the addition is 2'-6" which is 6" higher than the current code of 24".

This code was introduced in order to minimize the visual impact of a structure as well as to maintain a privacy sight line into a neighbor's yard. The privacy concern is negated by the proposed side-yard setback of 20' which is twice the distance of a standard set-back of 10'.

The same 24" max. floor height for a main floor is applied when determining a distinction between a basement and a floor level. This is to avoid the appearance of a house having another story/floor. There is currently a non-habitable basement under a portion of the existing home and the addition on the rear of the home will have a partial basement.

This will provide/maintain access to the existing one.

The conversion of a portion of the current basement from a cellar to a habitable space, as well as the new partial basement, will require that there is natural light and ventilation. The proposed basement would have a light well located at the rear of the house (in this case, the Western/Right Side Elevation). The basement wall will not be visible unless a person is actually in that side yard.

A variance in the height of the finish floor will allow for this basement to be included in the scope of work. Otherwise, the basement will be interpreted as an additional floor and need to be removed from this application.

The overall height/impact of the existing structure is not affected by the elevated floor level of the proposed addition as it is placed behind the Historic Home and is not higher than 20', which qualifies the addition as a one-story structure.

A review of Historic Homes in Los Altos shows that finished floor levels over two feet in height are common. Many of these homes also have non-habitable basements or "Cellars". The expansion of the basement is a continuation of a non-conforming structure that cannot be altered.

Note: The justification for the requested Variance from an additional floor determination is tied to the Primary Hardship "A" the existence of the Historic Home.

2. Second-floor expansion of an existing two-story house on a flag lot.

The proposed alteration and expansion of the upper-floor bedroom number three is to provide egress from the bedroom. Currently, this bedroom faces the western side of the property where a main floor addition is proposed, once built, the roof of the addition will eliminate egress for the bedroom. This variance will allow the reorientation of the bedroom to face the southern property line instead. This will not only accommodate the egress window but will also remove a current privacy issue for the neighbor on the western boundary. This addition/remodel will be at the rear of the Historical Home and will not impact the integrity/significance of the home or property.

Note: The justification for the requested variance for an upper floor remodel/expansion is tied to the Primary Hardship "A" the existence of the Historic Home.

3. The location of an accessory structure in a required front yard.

The way the property at 236 Eleanor was carved up in relation to the existing house and surroundings resulted in the setback orientation for this property being rotated. The obvious front yard becomes a side yard and the side yard becomes the front. This definition creates a problem for the placement of the detached garage as it is now in a front yard location which is not allowed by code. If this had been retained as a side yard a variance for the garage would not be required.

Note: The justification for the requested variance for an accessory structure in a front yard is tied to the Primary Hardship "B" set-back interpretation for a flag lot and Primary Hardship "A" the existence of the Historical Home.

Conclusion:

The basis for these variance requests is the unique nature of the property, not that there is an unusual shape, size, or topography, but that it is designated as a historical resource. This designation restricts how the property can be developed resulting in the need for variances to offset the encumbrances.

If there were there no need to protect the historic structure, it could be removed and a house could easily be designed to meet all zoning ordinances. Once a property is designated a historical resource the city is obligated to make accommodations to not only preserve the structure but allow for reasonable rehabilitation.

The proposed upper floor expansion and remodel meet the city's regulations in terms of setback, height, and floor area for a conventional lot. The variance is to allow the expansion of an existing two-story structure on a flag lot, not approve a new one.

The proposed detached garage also complies with all regulations pertaining to size, height, and daylight plane if it were in a side yard. The variance would allow for it to be constructed in a location that is best suited to current site conditions for accessibility and context with the historical home.

- -The granting of these exceptions will not be a special privilege or create precedence. Variances have been granted in the past in Los Altos specifically to accommodate the preservation of historical resources.

Thank you for your consideration in this matter.

Sincerely,

Walter Chapman
Chapman Design Associates