



DATE: September 7, 2022

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Associate Planner
SUBJECT: V20-0001 and DR22-0098 – 725 University Avenue

RECOMMENDATION:

Approve variance application V20-0001 and design review application DR22-0098 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is an application that includes a variance to allow a front yard setback encroachment and design review for a one-story addition to an accessory structure on a designated historic resource property at 725 University Avenue. The project includes a variance to allow a front yard setback of 2.77 feet, where 25 feet is required; and design review for 63 square-foot addition to the one-story accessory structure (garage) and exterior alterations to the exterior side and rear of the structure, including demolition of 85 square feet, for an accessory structure with a total area of 403 square feet.

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 19,800 square feet (net)
MATERIALS: Composition roof, painted wood shingle siding, exposed rafters and roof beam ends, and wood windows and doors

	Existing	Proposed	Allowed/Required
COVERAGE:	3,220 square feet	3,198 square feet	5,490 square feet
FLOOR AREA: Main residence, and Accessory structures)	4,727 square feet	4,705 square feet	4,730 square feet
SETBACKS:			
Front	2.77 feet	2.77 feet	25 feet
Rear	121 feet	126 feet	25 feet
Right side (1 st /2 nd)	107.77 feet	107.77 feet	20 feet
Left side (1 st /2 nd)	3.5 feet	3.5 feet	10 feet/17.5 feet
HEIGHT:	11.2 feet	11.5 feet	12 feet

BACKGROUND

The residence at 725 University Avenue, known as the Scheid Residence was constructed in 1911 during Los Altos' early residential development period. This large, rambling two-story Craftsman-style house is a good representative example of its style and retains a good degree of integrity of location, workmanship, feeling, design, and materials. The 2011 Department Parks and Recreation (DPR) forms provide additional information about the structure's historic significance and physical integrity, which is included in Attachment D.

Neighborhood Context

The subject property is located in a Diverse Character Neighborhood, as defined in the City's Residential Design Guidelines. The houses in this neighborhood tend to have varied setbacks and characteristics with different architectural styles and massing. However, the homes also have some similar characteristics such as low eave lines and the use of rustic materials. There is a combination of one-story and two-story homes, with predominately one-story homes on the south side of the street and two-story homes on the north side. The houses on the south side of University Avenue have front-facing garages, while the houses on the north side have detached garages in the rear. The garages in the rear can be accessed from an alley which parallels University Avenue. The landscaping along University Avenue varies; however, portions of the street have a distinct landscape pattern, such as the subject property with a public sidewalk and a planted shoulder.

Zoning Compliance

The subject property was annexed into the City of Los Altos in 1956 with the existing house approved under Santa Clara County's jurisdiction. The existing site and accessory structure are non-conforming with a front yard setback of 2.77 feet, where 25 feet is required; and it encroaches into the daylight plane along the interior side elevation. As required in the R1-10 Zoning District, the daylight plane starts on the side property line at a height of 11 feet and an angle of twenty-five (25) degrees from the horizontal. Since the project will be encroaching into the front setback, a variance is required for the proposed additions.

Application History

On April 27, 2020, the Historical Commission recommended approval of an application for alterations to the historic resource property at 725 University Avenue. The scope of work included a 60 square-foot addition at the second story and exterior alterations to the front, interior side, exterior side and rear of the structure, including demolition of 40 square feet of a 160 square-foot non-historic accessory structure (shed), and window and door replacements.

On May 20, 2020, the Design Review Commission approved a variance to allow a daylight plane encroachment and design review for a second story addition. The project includes a variance to allow a daylight plane intrusion along the interior side elevation for a new dormer and second story addition; and design review for a 60 square-foot second story addition and dormer at the second story.

On August 8, 2022, the Historical Commission approved of an application for alterations to a 403 square-foot accessory structure on a designated historic resource property at 725 University Avenue.

DISCUSSION

Variance

The project is seeking a variance to allow request for a front setback of 2.77 feet where a minimum setback of 25 feet is required for a 63 square-foot addition to an accessory structure (garage).

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 the variance is consistent with the objectives of the zoning plan because maintaining and continuing the existing nonconforming setback would still ensure the Zoning Code's objective of a harmonious, convenient relationship among the adjacent residential properties which have existed in this location since 1911 when the residence and the accessory structure was constructed. The addition will maintain the existing nonconforming accessory structure, which is not permitted in a required front yard per Section 14.15.020.A of the Zoning Code.

The granting of the variances will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity because it is a single-family use and the proposed addition has been designed to have appropriate relationships with the surrounding properties and the persons living or working in those surrounding areas, and would not further impact the relationship of the structure to surrounding properties and the persons living in those houses.

The special circumstance applicable to this property is that the house was previously approved as a one-story accessory structure with the primary ridge encroaching into the daylight plane along the interior side elevation and the structure being located in the required front yard. The height of the accessory structure will be maintained. The zoning code allows for nonconforming residential structures to be altered or enlarged if such change does not increase the nonconformity. The variance would allow for the existing accessory structure to be altered, where the strict application of the code would require the accessory structure to be maintained as existing.

Granting a variance for the addition will give the property owners the ability to maintain the historic accessory structure that was permitted in 1911. The granting of the variance will not diminish the historic setting and maintain the viability of the historic structure and not detract from the visual character of the historic structure

Staff recommends approval of the variance application subject to the findings and conditions attached to the agenda report. The applicant's variance justification letter is provided as attachment B.

Design Review

The project includes a design review application for a 63 square-foot one-story addition to the one-story accessory structure (garage) and exterior alterations to the exterior side and rear of the structure, including demolition of 85 square feet, for an accessory structure with a total area of 403 square feet.

The historic character of the accessory structure is commensurate with that of a circa 1911 Gates House. The project historian has noted the east wall has already been compromised by the non-historic addition. While the accessory structure (garage) is being slightly enlarged, the proposed addition and exterior modifications continue to maintain the building's character, as a simple ancillary building.

The accessory structure alterations include minor changes to the roof and elevations that alter but maintain the mass and general appearance of the structure. The proposed alterations are only visible from Lee Street and the alley and will not compromise the historic character of the house or overall property. The building addition extends an existing gable roof form. The garage will be clad in painted wood shingles with an asphalt roof shingle matching that of the house. The double hung and casement windows will be painted wood. The new Lee Street garage door while slightly wider, will follow the same design as the existing door. The window and door replacements will occur with acceptable wood-frame assemblies are compatible with the original material, shapes, and styles, and the window and door replacements do not impact overall character-defining features of the site or its historical integrity.

The 63 square-foot addition will not destroy historic materials because the work is additive. The applicant's changes to the interior were required to accommodate the current lifestyles of a family that would otherwise preserve the character of the house. The building's wall plate height of eight feet will be maintained for the 63 square-foot addition on the front and side elevations. The massing, size, and scale of the building will retain its original 1911 architectural character.

The project will include high-quality materials consistent with the existing structure, such as a composition roof, painted wood shingle siding, and wood windows and doors. Overall, the project design has architectural integrity and the design and materials are compatible within the diverse character neighborhood. The project is consistent with the Residential Design Guidelines, required design findings, and neighborhood context; therefore, the staff is in support of the proposed house design.

Historical professional, Charles Duncan with Interactive Resource reviewed the project to ensure consistency with the Secretary of the Interior's Standards for the Treatment of Historic Structures (SOIS) is provided as Attachment B and C in the Historical Commission Agenda Report (Attachment D).

Pursuant to Section 14.76.030 of the Zoning Code, the first story addition and exterior modifications would normally be reviewed and approved administratively by the Development Services Director or their designee. Staff finds the proposed first-story addition and exterior modifications to be in compliance with the R1-10 zoning district development standards, the Single-Family Residential Design Guidelines, and the design review findings pursuant to Section 14.76.060 of the Zoning Code and therefore recommends design review approval of the first-story addition and exterior modifications. A materials board is provided as Attachment C.

Privacy

There are no potential privacy impacts due to the structure being one-story and any new windows or doors being oriented toward a public right-of-way (Lee Street).

Landscaping

The property contains sixteen trees and a mixture of mature landscaping species. All trees are proposed to be maintained, as well as the existing front and rear yard landscaping. Tree protection fencing will be required around existing trees during construction (Condition No. 4) to ensure they are not impaired. Since the project is an addition/remodel and with less than 2,500 square feet of new or replaced landscaping, it is not subject to the City's Water Efficient Landscape Regulations.

Environmental Review

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves the construction of an addition to an existing single-family dwelling.

Public Notification

A public meeting notice was posted on the property and mailed to 15 property owners on Lee Street, University Avenue and Orange Avenue. The Notification Map is included in Attachment B. Based on neighborhood outreach efforts, the applicants have provided documentation showing outreach to the neighbors in the immediate neighborhood context. A document from the applicant regarding outreach is included in Attachment E. No further correspondence was received before the publication of this report.

Cc: D. DiVittorio, Applicant and Architect
E. and L. Albert, Owners

Attachments:

- A. Justification Letter
- B. Notification Map
- C. Materials Sample Board
- D. Historical Commission Agenda Report, August 8, 2022
- E. Applicant's Community Outreach letter
- F. Project Plans

FINDINGS

V20-0001 and DR22-0098 – 725 University Avenue

1. With regard to the front setback variance, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:
 - a. The granting of the variance is consistent with the objectives of the zoning plan because maintaining the nonconforming front setback of 2.77 feet would still ensure the Zoning Code’s objective of a harmonious, convenient relationship among the adjacent residential properties which have existed in this location since 1911 when the accessory structure was constructed. The addition will maintain the existing front yard setback.
 - b. The granting of the variances will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity because it is a single-family use and the proposed addition has been designed to have appropriate relationships with the surrounding properties and the persons living or working in those surrounding areas, and would not further impact the relationship of the structure to surrounding properties and the persons living in those houses; and
 - c. There is a special circumstance applicable to the property since the accessory structure was previously approved with a nonconforming setback of 2.77 feet, and the structure being located in the required front yard. Granting a variance for the one-story addition will give the property owners the ability to have a functional accessory structure that was permitted in 1911. Given its location on the structure, the addition and dormer will not be visible from University Avenue. The granting the variance will improve the historic setting and maintain the viability of the historic structure and not detract from the visual character of the historic structure.
2. With regard to one-story addition and remodel of the existing accessory structure, the Design Review Commission finds the following in accordance with Section 14.76.060 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 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 to ensure 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

V20-0001 and DR22-0098 – 725 University Avenue

GENERAL

1. Expiration

The Design Review Approval will expire on September 7, 2024, unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to Section 14.76.090 of the Zoning Code.

2. Approved Plans

The approval is based on the plans and materials received on July 6, 2022, except as may be modified by these conditions. The scope of work is limited to that shown on the plans and may not exceed rebuilding 50 percent of the existing structure.

3. Protected Trees

Trees Nos. 1-16 shall be protected under this application and cannot be removed without a tree removal permit from the Development Services Director.

4. Landscaping

The project shall be subject to the City's Water Efficient Landscape Ordinance (WELO) pursuant to Chapter 12.36 of the Municipal Code if 2,500 square feet or more of new or replaced landscape area, including irrigated planting areas, turf areas, and water features is proposed. Any project with an aggregate landscape area of 2,500 square feet or less may conform to the prescriptive measures contained in Appendix D of the City's Model Water Efficient Landscape Ordinance.

5. 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.

INCLUDED WITH THE BUILDING PERMIT SUBMITTAL

6. Conditions of Approval

Incorporate the conditions of approval into the title page of the plans.

7. Applicant Acknowledgement of Conditions of Approval

The applicant shall acknowledge receipt of the final conditions of approval and put in a letter format acceptance of said conditions. This letter will be submitted during the first building permit submittal.

8. Tree Protection Note

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."

9. Green Building Standards

Provide verification that the house will comply with the California Green Building Standards pursuant to Chapter 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.

10. Air Conditioner Sound Rating

Show the location of any air conditioning unit(s) on the site plan including the model number of the unit(s). Provide the manufacturer's specifications showing the sound rating for each unit. The air conditioning units must be located to comply with the City's Noise Control Ordinance (Chapter 6.16) and in compliance with the Planning Division setback provisions. The units shall be screened from view of the street.

11. Storm Water Management

Show how the project is in 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 stormwater pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.).

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

12. Tree Protection

Tree protection fencing shall be installed around the driplines, or as required by the project arborist, of trees Nos. 4-6, 11, and 13 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 and shall not be removed until all building construction has been completed unless approved by the Planning Division.

PRIOR TO FINAL INSPECTION

13. Landscaping Installation

All front yard, exterior side, interior side, and rear yard landscaping, street trees, and privacy screening trees shall be maintained and/or installed as shown on the approved plans or as required by the Planning Division.

14. Green Building Verification

Submit verification that the house was built in compliance with the City's Green Building Ordinance (Chapter 12.26 of the Municipal Code).