TO:    HONORABLE CITY COUNCIL

FROM:    CITY MANAGER    DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE:    JULY 12, 2004    CMR: 287:04

SUBJECT:  4010 PAGE MILL ROAD [03-D-10, 03-EIA-15, 03-V-15]: RECONSIDERATION OF AN APPLICATION BY CARTMELL/TAM ARCHITECTS ON BEHALF OF DAVID DITZEL FOR SITE AND DESIGN REVIEW TO ALLOW A 1,677 SQUARE FOOT ADDITION TO AN EXISTING 3,433 SQUARE FOOT SINGLE-FAMILY RESIDENCE LOCATED AT 4010 PAGE MILL ROAD AND CONSTRUCTION OF A NEW SWIMMING POOL, INCLUDING A REQUEST FOR THE FOLLOWING VARIANCES: A 29'6" SIDE YARD SETBACK WHERE A 30' SETBACK IS REQUIRED; CONSTRUCTION OF AN EXTERIOR STAIRWAY AND LANDING HAVING A 46' FRONT YARD SETBACK AND CONSTRUCTION OF A NEW GARAGE HAVING A 69' FRONT YARD SETBACK WHERE A 200' SETBACK IS REQUIRED; AND A TOTAL IMPERVIOUS AREA OF 13.5%, WHERE 3.5% IS THE MAXIMUM ALLOWED. ZONE DISTRICT: OPEN SPACE (OS). ENVIRONMENTAL ASSESSMENT: A NEGATIVE DECLARATION HAS BEEN PREPARED.

RECOMMENDATION
Staff recommends that the City Council review additional materials submitted by the applicant and adopt the Record of Land Use Action in Attachment A, approving the Negative Declaration, in accordance with the California Environmental Quality Act; approve a variance to allow 13.5% lot coverage and setback encroachments as described in the Record of Land Use Action and, approve the Site and Design Review application to allow construction of a residential addition in the Open Space district.

BACKGROUND
The project site is a single parcel of approximately one acre in the Palo Alto foothills that is located entirely within the 200’ special scenic setback along Page Mill Road. The site contains a single-family residence of 3,433 square feet on two levels and accessory structures, including a cloth greenhouse, storage shed, and a hot tub. Any development on the site would be within the special scenic setback. In addition, the site is
noncomplying for lot size (one acre) and lot coverage (13.6%). The minimum lot size in
the OS district is 10 acres. The maximum lot coverage is 3.5%.

The applicant has proposed an approximately 1,700 square feet expansion of the
residence. The addition includes a 237 square foot expansion of the master bedroom and
bath, a 1,440 square foot addition at the lower level for a new attached garage and storage
area, an uncovered deck above the proposed garage, a new exterior stairway and landing
for the main entrance and a 16’ x 32’ swimming pool and deck at the rear of the house.
This expansion requires a variance for side yard and scenic setback encroachments and
lot coverage. Since the site is located in the Open Space district, Site and Design Review
is also required to determine compliance with the Open Space Development Criteria.

The existing driveway would be slightly modified to accommodate the new garage. A
backup area will be created so that automobiles would not have to back out on to Page
Mill Road. A new concrete pad adjacent to the backup area would accommodate a
proposed propane tank, which would provide a fuel source of the residence for heating
and cooking.

Exterior materials for the addition include a stucco finish to match the existing finish and
horizontal redwood siding around the garage deck and garage elevations.

A full project description is included in the attached City Manager Report 234:04
(Attachment C).

On June 7, 2004 the City Council adopted minor changes to the variance requirements
and findings (Palo Alto Municipal Code, Section 18.76.030), which took affect on July 7,
2004. In this case, the applicable variance regulations are those in place at the time the
application is acted upon, therefore, the variance findings in the attached Records of Land
Use Actions reflect the newly adopted requirements. Staff has determined that the new
requirements do not result in any substantive changes in the consideration of a variance
for this project. The variance findings are based on the evidence you will receive at the
hearing on July 12, 2004. These findings are also based on the evidence previously
submitted and considered by the Council to the extent such evidence is relevant to the
newly adopted requirements.

**BOARD/COMMISSION REVIEW AND RECOMMENDATIONS**

This project was heard by the Planning and Transportation Commission (Commission) on
November 12, 2003 and January 14, 2004. The Commission recommended that the City
Council approve the Negative Declaration, the Variance and the Site and Design Review
application.

In addition to the variance and Site and Design findings, the Commissioners discussed
the use of pervious and impervious surfaces on the site and the aesthetics and visibility of
the existing cloth greenhouse.
The project applicant originally proposed an impervious surface coverage of 20.7% of the site area. In that plan, the asphalt driveway was counted as an impervious surface. The Commission directed the applicant to revise the plan so that the impervious surfaces proposed for the site did not exceed the existing coverage. The applicant revised the plans by converting the driveway material to a Basalite pervious concrete system. This material would allow rainwater to be absorbed and would reduce water runoff during rainstorms. In addition, the cloth greenhouse was found to be a temporary structure and therefore does not count as an impervious surface. These and other minor revisions reduced the proposed overall impervious coverage by 81 square feet from the existing impervious area.

The existing greenhouse is a 688 square foot temporary structure that can be disassembled and stored when not in use. The structure, in its existing location on the site, is visible from Page Mill Road. As a proposed condition of approval, staff recommended that the greenhouse be removed from the site six months of the year (so that the structure could be considered temporary) and that the greenhouse covering material be changed to a color that is more compatible with the environment. Commissioners discussed the visibility of the greenhouse from Page Mill Road and supported staff’s recommendation. The Commission recommended as a condition of approval that the period when the greenhouse could be in place would be restricted to the “growing season” of the specific variety of fruits or vegetables to be cultivated.

With the above modifications, the Commission recommended approval of the Site and Design and variance application, finding that the project is compatible with other single-family uses in the area, maintains the investment of the property owner, does not detract from the natural environment, includes materials that increase permeability on the site and is in conformance with the Comprehensive Plan. The Commission recognized the hardships of a substandard lot size and location of the lot within the 200’ scenic setback as justification for approval of the requested variances.

Commissioner Burt opposed the motion to approve the project based upon his determination that substantial evidence was not presented to indicate that the variance would not be harmful or detrimental to neighboring property owners or users of Page Mill Road, in that there is not adequate protection of the scenic right-of-way along Page Mill Road. In addition, Commissioner Burt could not find that the project was consistent with the Comprehensive Plan or constructed with sound environmental design principals, in that the exterior materials proposed for the building are not compatible with the natural environment.

Commissioner Holman opposed the motion to approve the project based upon her determination that substantial evidence was not presented to indicate that the variance was necessary to preserve a substantial property right, in that the existing lot size allows for a reasonably sized house without the need for a variance and that property owners are not are not entitled by right to have large homes within the Open Space district.
DISCUSSION
The City Council originally reviewed this project at the February 17, 2004 City Council meeting. After receiving testimony by the applicant and members of the public, the Council closed the public hearing and discussed the project. The Council directed staff to provide denial findings to appear on a future consent calendar.

The applicant’s attorney, Ms. Jean McCown, submitted a letter dated April 14, 2004 (Attachment D) regarding the February 17, 2004 Council review of the project. Ms. McCown requests a reconsideration of the project partially because photographs of the site were not included in the Council’s packet for the February meeting, and therefore the Council could not fully consider the potential visual impacts of the project.

On April 19, 2004, staff provided denial findings to the Council, which reflected the discussion on the merits of the application. The City Manager Report (Attachment C) prepared for that meeting summarizes the Council’s findings to deny the Site & Design and variance application. The Council voted to reconsider the project so that the applicant could provide additional information and testimony to answer the Council’s concerns about the project.

The applicant has provided photographs that depict the view impacts of the project (Attachment E). The photographs show the existing conditions of the site that would be affected by the project, as well as off-site views from Page Mill Road, Foothills Park and from private property surrounding the site. The photographs depict conditions that are slightly different than the conditions reviewed by the Planning and Transportation Division. Approximately four days prior to the February 17, 2004 Council meeting, Public Works staff removed overgrown vegetation along Page Mill Road as part of a regular program to improve safety and visibility to drivers on Page Mill Road. Vegetation is cut back approximately every two years. The removal of vegetation increases the impacts of private development from off-site users of the open space. However, this vegetation is expected to grow back, so that the impacts would be reduced. In addition, the applicant has provided a revised landscape plan (Attachment F), which slightly modifies the plan reviewed by the Planning Commission, in that additional landscaping has been proposed for the area in the vicinity of Page Mill Road. The intent of the landscaping would be to mitigate potential view impacts as seen from Page Mill Road. This landscaping would help to screen the existing greenhouse. The greenhouse support structure is now being used to support plant stakes for vegetable plants and is not expected to be used as a traditional enclosed greenhouse structure. As a conditional of approval, staff has recommended that if the greenhouse support structure is to be covered, the covering material shall blend in with the natural environment.

ALTERNATIVES TO STAFF RECOMMENDATION
The Council may find that, after consideration of the addition information and testimony, the project would not meet the findings for Site and Design Review and for the variances.
The Record of Land Use Action document in Attachment B reflects an action to deny the project. This document is essentially similar to the one submitted by staff to Council on April 19, 2003 (Attachment C), but has been modified to reflect the new variance findings.

**ATTACHMENTS**

- **Attachment A**: Record of Land Use Action in support of the project
- **Attachment B**: Record of Land Use Action denying the project
- **Attachment C**: City Manager Report 234:04, dated April 19, 2004
- **Attachment D**: Letter from Jean McCown, dated April 14, 2004
- **Attachment E**: Site Photographs (Council members only)
- **Attachment F**: Project Plans and revised landscape plan (Council members only)

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