TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: DECEMBER 5, 2005

CMR: 440:05

SUBJECT: 1531 HAMILTON AVENUE [05APL-00003]: APPEAL BY STEVE AND LAURIE MULLEN, 10 PHILLIPS ROAD, OF THE DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT'S APPROVAL OF A SINGLE FAMILY INDIVIDUAL REVIEW APPLICATION FOR A NEW TWO-STORY RESIDENCE OWNED BY DAVID YEN AND FANNY CHING, 1531 HAMILTON AVENUE. ZONE: R-1. ENVIRONMENTAL ASSESSMENT: EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15303.

RECOMMENDATION
Staff recommends that the City Council decline to hear the appeal by Steve and Laurie Mullen and uphold the Director of Planning and Community Environment’s decision to approve Single Family Individual Review (IR) 05PLN-00113 based upon the findings and conditions in the draft Record of Land Use Action (Attachment A).

BACKGROUND
The City’s streamlined process, including the IR procedures, provides for City Council “call up” of appeals. Once the Director’s decision is made and an adjacent property owner appeals the decision, the project is sent to Council on the consent calendar. In the case of IR applications, four council member votes are required to remove the project from the consent calendar and have a hearing scheduled for subsequent City Council meeting. Otherwise, the Director’s decision stands and no hearing is held. If the Council consents to hear an appeal, a hearing will be scheduled as soon as practicable (PAMC 18.77.100).

The proposed project is a 3,680 square foot, two-story single-family residence with an attached two-car garage. The project was submitted for IR review on April 6, 2005. The original design was revised in response to comments made by staff and Origins Design Network, the City’s consulting architect. The Director of Planning and Community Environment approved the project on July 19, 2005 (Attachment B). A request for a Director’s Hearing was received during the 14-day hearing request period prior to the decision becoming effective (Attachment D). A Director’s Hearing was held on September 15, 2005 (see minutes, Attachment I). The public hearing was continued to allow sufficient time for the applicants and project architect to meet with adjacent neighbors to discuss options to reduce the visual mass of the proposed new two-story house. The design of the project was modified as a result of these meetings and a second Director’s Hearing was held on October 20, 2005 (see minutes, Attachment J). On October 25,
2005, the Director of Planning and Community Environment approved the project making the determination that the modified design adequately addressed issues raised by neighbors during the Director’s Hearing and was consistent with the “Palo Alto Single-Family Individual Review Guidelines” (Attachment C). On November 9, 2005, Steve and Laurie Mullen formally filed an appeal (Attachment E).

The project site is located at 1531 Hamilton Avenue. The appellants reside at 10 Phillips Road. Their rear property line shares approximately 25 feet of the applicant’s rear property line. (see location map, Attachment H). The general pattern of the neighborhood is characterized by both one and two-story homes. The home to the right of the subject property at 1537 Hamilton Avenue is a relatively new two-story residence. The home to the left at 1523 Hamilton Avenue is an older one-story home (see photographs, Attachment O).

**DISCUSSION**

The appeal letter submitted by the appellants disagrees with the IR findings for approval included in the October 25, 2005 Director’s Decision letter. The following summarizes the IR Guidelines and how the project complies with each:

**Guideline One – Basic Site Planning: Placement of Driveway, Garage, and House:**
The driveway, garage, and house are to be placed and configured to reinforce the neighborhoods existing site patterns and the garage and driveway shall be subordinate to the house, landscaping, and pedestrian entry as seen from the street.

The appellants have raised concerns regarding the proximity (setback) and mass of the proposed residence to Hamilton Avenue in that it will “create an imposing presence relative to the streetscape and adjacent residences”.

To make the garage subordinate to the house, it has been located approximately 29 feet behind the front of the house and approximately 45 feet from the front property line. The single story garage element has an eight-foot plate height, thereby increasing the gradual transition between the second story element and the existing single story at 1523 Hamilton Avenue. The front setbacks of the first story and second stories are 21 feet and 34 feet respectively, thereby reducing the mass of the house as viewed from Hamilton Avenue. The 9-foot plate height of the first story is taller than the first floor plate heights of adjacent one-story residences but would still be compatible with the existing two-story residence at 1537 Hamilton Avenue.

The appellants raised concerns concerning the proposed homes second story square footage and mass.

**Guideline Two – Neighborhood Compatibility for Height, Mass and Scale**
The scale, mass, and height of a new house or upper story addition shall be consistent with the existing neighborhood pattern with special attention to adapting to the height and massing of adjacent homes.
The height of the proposed home was 28’ when originally submitted. To reduce its mass and to increase its compatibility with the neighborhood, the plate height of the second story was decreased by one foot and the pitch of the roof was changed from 5/12 to 4/12. The effect of these measures lowered the overall height of the home to 25’, similar in height to the adjacent two-story house at 1537 Hamilton Avenue as well as other two story homes in the vicinity. The “hipped” style of the roof is similar to adjacent ranch style homes. The second floor has been set back 13 feet from the front of the house, shifting the second story mass away from the front property line and thus decreasing its presence and visual impact on the street.

Guideline Three – Resolution of Architectural Form, Massing, and Roof Lines
The architectural form and massing shall be carefully crafted to reduce visual mass, and distinguish the house’s architectural lines or style. Roof profiles shall enhance the form, scale and proportion of primary and secondary house volumes, while rendering garage and entry forms subordinate in mass and scale to principal building forms.

The appellants would like the plate height of the second story reduced by one additional foot to increase the proposed homes compatibility with the neighborhood.

The project site is zoned to allow two-story construction; there are no additional zoning restrictions that would prevent a two-story home from being built. The IR guidelines encourage “new two-story homes that balance diversity of style with respect for the surrounding context”. The mass and scale of the proposed home has been designed to minimize the visual impact of the second floor and creates a responsive transition from the adjacent two-story home at 1537 Hamilton Avenue and the adjacent one-story home at 1523 Hamilton Avenue. The second floor mass is placed closer to the existing two-story home and has been broken down into smaller components to further respond to the adjacent single story-story context. The second floor mass has been integrated into the roof design to a significant degree, minimizing the overall mass of the home. The proposed home would be larger than adjacent homes; however, this massing has been simplified in design, is well proportioned, and avoids the use of inconsistent roof slopes and visual clutter.

Guideline Four – Visual Character of Street Facing Façade and Entries
Publicly viewed façade shall be composed with a clear and cohesive architectural expression, and include visual focal points(s) and the supportive used of materials and detailing. Entries shall be consistent with the existing neighborhood pattern and integrated with the home in composition, scale, and design character. The carport or garage and garage door design shall be consistent with the selected architectural style of the home.

The appellants questioned the compatibility and scale of the proposed homes façade in relation to the scale and character of the adjacent homes.

The scale of the entry is in context with the design and size of the proposed residence. The height of the entry has been reduced by approximately three feet from the original design to make its height more vertically proportionate with adjacent homes. The window locations have been carefully composed and feature a consistent shape and unifying character that complement the style of the proposed home. The presence of the garage is subdued by its 8-foot plate height and 13’ overall roof height and its simple architectural style. It is further reduced in presence by its
location approximately 29’ from the front façade of the house and 60’ away from the curb line of
the street.

Guideline Five – Placement of second story windows and decks
The size, placement and orientation of second story window and decks shall limit direct sight
lines in windows and patios located at the rear and sides of adjacent properties in close
proximity.

The appellants would like the second story bedrooms either eliminated or relocated to reduce the
privacy impacts on the properties on both the left and right side of the proposed structure. The
appellants also concerned about the privacy impacts on their own property from the views
offered by the location of the second story window in the master bath of the proposed home.

The guidelines include a caveat that “complete privacy is not a realistic expectation” and that
“designs should reduce opportunities for individuals to be casually observed by others and
minimize intrusions upon pre-existing privacy situations”.

The placement, size, and amount of glazing on the side elevations of the proposed house have
been minimized to reduce privacy impacts on side properties. Clerestory and smaller windows
are proposed for the rear half of the second story to minimize privacy impacts on adjacent rear
yards. The second story balcony in the rear has been reduced in width from a 12-foot width
proposed in the originally submitted plans to three feet to minimize its usage and privacy
impacts. The window of the master bath located on the second floor is approximately 50 feet
from the appellants rear property line and approximately 100 feet to their residence. Tall, mature
evergreen trees located in the north corner of 1531 Hamilton Avenue adjacent to the appellants
rear property line would further reduce privacy impacts.

In summary, the proposed home meets all five of the IR Guidelines (Attachment L). The
applicants and their architect modified the proposed design to conform to the IR Guidelines
based on suggestions from staff and the City’s consulting architect. The applicants and their
architect also met with adjacent neighbors, including the appellants, on more than one occasion
to address their concerns with respect to the design. The result of these neighbor meetings is a
design deemed acceptable to the adjacent neighbors on Hamilton Avenue.

**RESOURCE IMPACT**
As noted by staff in past reports regarding the IR program, the application fee does not cover the
cost of staff time to review an IR project through an appeal to Council. If the City Council
decides to hear this appeal, additional staff time will be expended without any cost recovery.

**POLICY IMPLICATIONS**
This recommendation does not represent changes to any existing City policies. The Director’s
decision to approve the application is consistent with staff’s implementation of the IR
Guidelines. The proposal is to replace an existing one-story single-family residence with a larger
two-story single residence still in scale with the neighborhood. It is a substantial change in the
development on the lot, but it results in development that is compatible with the neighborhood.
The proposed project is consistent with stated goals and policies.
ENVIRONMENTAL REVIEW
The project is exempt from the provisions of the California Environmental Quality Act per Section 15303.

ATTACHMENTS
A. Draft Record of Land Use Action
B. Director’s Approval letter dated July 19, 2005
C. Director’s Approval letter dated October 25, 2005
D. Request for a Director’s Hearing submitted by Laurie and Steve Mullen, dated July 27, 2005
E. Appeal letter submitted by Laurie and Steve Mullen (appellant), dated November 8, 2005
F. Letter from David Yen and Fanny Ching (applicant), dated November 14, 2005
G. Letter from Pete Moffat (adjacent neighbor), dated November 24, 2005
H. Letter from Gary Ahern (project architect), dated November 28, 2005
I. Director’s Hearing Meeting Minutes, September 15, 2005
J. Director’s Hearing Meeting Minutes, October 20, 2005
K. Correspondence
L. Single Family Individual Review Guidelines
M. PAMC 18.12.110 Single Family Individual Review Chapter
N. Vicinity Map
O. Photographs of adjacent homes located at 1523 & 1537 Hamilton Avenue submitted by the applicant (Color copies to Council members only)
P. Development Plans (Council members only)

PREPARED BY:  ___________________________________________________________________

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Planner

DEPARTMENT HEAD REVIEW:  ___________________________________________________________________

STEVE EMSLIE
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CITY MANAGER APPROVAL:  ___________________________________________________________________

EMILY HARRISON
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cc:  David Yen and Fanny Ching  Sam and Jean Law
     Steve and Laurie Mullen  Gary Ahearn
     Pete and Nicki Moffat  Ted Briggs
     Ed and Katja Rumble
     Maria Koretz
     Deborah Rose