

July 6, 2023

City of Palo Alto
Planning & Development Division
250 Hamilton Avenue
Palo Alto, CA 94301
Attn: Amy French, Chief Planning Official
Jodie Gerhardt, Manager of Current Planning
Garret Sauls, Project Planner

Re: Variance Findings for 949 Scott St.

The letter is to accompany our application for the proposed project at 949 Scott St. to build a new single-family residence on the property to replace the existing residence. The purpose of this letter is to address the findings and justifications to request a variance to encroach into the front, side, and rear yard setbacks with both first floor and basement. Additionally, we are requesting a variance to provide only one off-street covered parking space (where none currently exists), to exceed the maximum lot coverage, and the below grade patio allowance.

Introduction:

The lot is zoned as R-2 within a mixed residential R-2 district. The property is substandard in size is 30 feet wide by 50 feet deep for a total of 1,500 sf. The property appears to have been subdivided off the rear of 353 Addison Ave. at some point in the past when such actions were allowable. The context is a mixture of single-family homes of varying architectural style, size, and era of construction.

The existing development on the property is a one-story single-family home of 835 sf. The existing residence encroaches within the setback distances on all sides. The existing front setback of the home is 10'-9" (6'-8" to the entry porch) where 20 feet would be required. The existing side setbacks are 2'-10" on the right side and 3'-0" on the left side, where 6 feet would be required. The existing rear setback is 3'-11", where 20 feet would be required. The home was designated as potentially eligible for the CRHR, however upon the research by Page & Turnbull it was not determined to be historically significant.

For substandard lots in the R-2 districts, zoning section 18.10.150 provides allowance for replacing lawfully created structures with new structures without compliance with height and habitable floor area limitations, provided the new structure does not exceed 17 feet in height or create habitable area above the first floor level. This section provides an allowance for this proposed new home to replace the existing structure, however it would require a variance approval to keep the same location and setbacks.

We respectfully ask for granting of the variances for the success of this project, based on the four findings and conditions below.

Findings:

1. *The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience*

The proposed single-family home will maintain the existing use on the property, consistent with the current presence in the overall neighborhood. The placement of the proposed new residence will have side setbacks with greater distances than the existing setbacks to property lines, increasing separations between neighboring structures. The above ground footprint will be reduced from the existing conditions, creating additional distance and privacy between neighboring structures. At the proposed 4'-0" side and rear setbacks it would be equivalent to what is currently allowable for Accessory Dwelling Units on any single family lot in the city.

To comply with current building codes, the new structure will be equipped with an automatic fire sprinkler system per NFPA-13D standards. With respect to the construction assembly, the exterior walls and eaves on the left and rear sides will comply with requirements when building less than 5 feet but at least 3 feet of the property line. For the right side it will comply with the additional requirements when building between 3 feet and 0 feet of the property line.

The replacement of the existing residence will result in removal of a wood burning masonry fireplace, which is in line with the goals of the City of Palo Alto and the Bay Area Air Quality Management District. The new structure will also be more energy efficient and will rely on electricity for all appliances instead of natural gas, which is in line with the goals of the City's energy reach code.

The proposed design will be providing one off-street parking spaces, where it currently does not provide any. This is particularly notable for such a narrow dead-end street with limited vehicular clearances.

2. *The granting of the application is consistent with the Palo Alto Comprehensive Plan and the purposes of Title 18 (Zoning)*

The district is zoned R-2 to allow for one- and two-family development. Reconstructing the property with a new single-family residence will maintain the objectives of the zoning. The residence will be one story above grade, as is consistent with substandard lot limitations. Noise producing equipment will be situated in a location that complies with the minimum setbacks and decibel ratings.

The proposed size of home would be comparable to many of the ADU projects being encouraged and approved to be built throughout Palo Alto under current State guidelines.

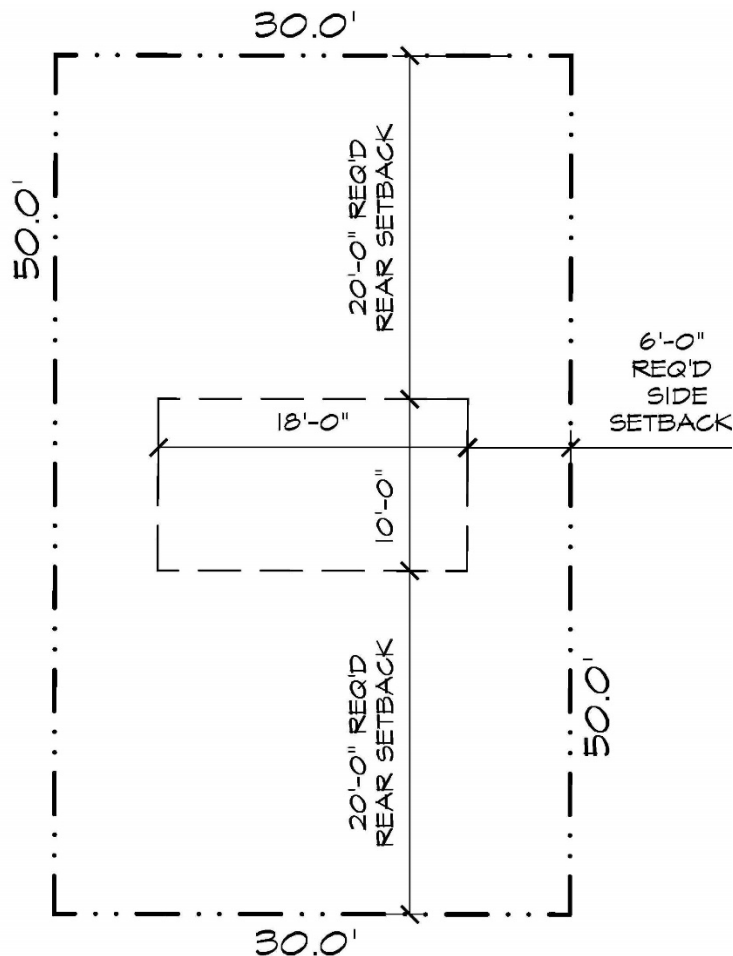
Additionally regarding the lot size, this existing parcel could be equivalent to a parcel that would be created today under the State SB-9 guidelines. So neither the lot size or home size are outside the normal range of current scale under the overall zoning intent.

3. *Because of special circumstances, including (but not limited to) size, shape, topography, location, or surroundings, the strict application of the requirements and regulations prescribed in Title 18 substantially deprives such property of privileges enjoyed by other property in the vicinity and in the same zoning district as the subject property. Special circumstances that are expressly excluded from consideration are:*

- A) *The personal circumstances of the property owner*
- B) *Any changes in the size or shape of the property made by the property owner or his predecessors in interest while the property was subject to the same zoning designation.*

If standard setbacks are applied, the resulting buildable area would only be 18 feet wide by 10 foot deep rectangle of 180 sf. This would not be feasible for any type of new residential structure to be built. A typical one car garage of 10 foot by 20 foot interior would not even fit within the required setback distances.

As far as can be ascertained, there are no other properties in the neighborhood with such small property dimensions. From our study, there are no feasible home designs that would comply with all of the zoning without some kind of variance approval.



Sketch 1: the allowable building area on this property if standard minimum setbacks were applied.

4. *The granting of the application shall not affect substantial compliance with the regulations or constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district as the subject property.*

The zoning ordinance for substandard lots zoned R-2 provides an allowance for grandfathered uses, allowing replacement lawfully created structures with new structures without compliance with height and floor limitations.

18.10.150 Grandfathered Uses

(f) Existing Homes on Substandard Lots

In the R-2 district, single-family and two-family homes on substandard lots, as defined in Section [18.10.040\(b\)](#), and flag lots existing on August 1, 1991 and which prior to that date were lawful, complying structures, may remain and be remodeled, improved, or replaced without complying with the height and habitable floor limitations for substandard lots specified in Section 18.10.040, provided that:

- (1) any such remodeling, improvement, or replacement does not result in a height above seventeen feet or any additional habitable floor area above a first habitable floor, except that any structure damaged or destroyed by a natural disaster (such as fire, flood or earthquake) may be replaced to its previous size without regard to the height and habitable floor limitations imposed by this section; and
- (2) in the case of a conflict between the provisions of this section and the provisions of Chapter 18.70, this section shall control.

With the combination of this zoning section and the variance approval, the proposed structure will replace a lawful pre-existing residence of equal size, and will not exceed 17 feet in height or contain a habitable floor above the first floor.

With respect to parking: it was suggested that the property could/should be built without including any off-street parking. However that would mean this residence is solely reliant on street parking, which is very limited in this area. As a short narrow block, the street parking is typically full at most times of day. There is a nearby medical rehabilitation center which also regularly contributes to the competition for street parking. So without dedicated off-street parking access for this property, all daily activities of loading and unloading personal items between the home and transportation will be a continual challenge. With the limited width of the lot, we won't physically have enough width for a full two-car garage width, so an oversized one-car garage is all that can fit. Since there will be no options for driveway parking with the short front setback, the garage will be a critical amenity for this residence. Additionally, the extra garage width will allow for storage of other personal belongings that could typically be stored in yard space on a normal-sized property. With such limited space around the sides and rear, there isn't room for any items that could typically be stored outside the residence, or be kept under a porch, or in a rear shed or elsewhere.

With respect to the two existing Street Trees: With a narrower driveway, it could be possible to keep both street trees, though it would be extremely tight. There is only 14 feet distance between the two trees, so even with a 10 foot wide driveway it would still just barely clear the trunks. We are currently proposing to remove only one of the trees to facilitate the new driveway. For the remaining street tree in front of this property, we have adjusted the driveway dimensions to create 6 feet of separation between tree and the driveway. For the replacement of the other tree, we could propose moving it to the right side to create more separation. But there is a street light not far away on that side, and the neighbors driveway just beyond that, so it would not be a location with improved clearances for the tree to grow. So ultimately we are proposing to relocate the one street trees to the left of the remaining tree, just in front of the neighboring property, spaced equally to their current location in front of 949. There is a wide open section of the sidewalk planter that is not planted, so a replacement street tree would have ample room to grow, not affect any utilities, and be clearly away from any driveways.

Summary:

In weighing different design directions and options for this parcel, we have arrived at our current proposed development as submitted with this application. We feel this embodies the best use of the property, is the most compatible with the context of the surrounding neighborhood, and poses the least impacts to the overall neighborhood, environment, and public welfare, and will be consistent with the Title 18 zoning intentions.

We appreciate your time in the review and consideration of our application and are available to answer any questions or to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Rhoads', with a stylized flourish at the end.

Daniel S. Rhoads, Architect
Y&B Architects Inc.