



DATE: May 15, 2013

AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Zachary Dahl, Senior Planner  
**SUBJECT:** 13-SC-05 – 425 Benvenue Avenue

### **RECOMMENDATION:**

Deny Design Review application 13-SC-05 subject to the listed findings.

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### **PROJECT DESCRIPTION**

This is a modification to an approved one-story house (over 20-feet in height) to increase the finish floor height by eight inches, which will increase the overall height of the structure to 24 feet, one inch. The increased floor height would result in a finish floor height that ranges from nine inches to 34 inches above grade.

### **BACKGROUND**

On October 17, 2012, the Design Review Commission approved a new one-story house with a height of 23 feet, six inches at 425 Benvenue Avenue. The approved project included a grading plan that re-graded the site and had a finish floor that was approximately 20 to 24 inches above grade at its highest. In order to reduce the appearance of bulk and mass, and privacy impacts along the right side property line, the project was conditioned to include additional landscaping, trees and evergreen screening along the right side property line.

### **DISCUSSION**

The design modification includes a revised grading plan that raises the house's finish floor by eight inches and changes the site grading. The goal, as outlined in the letters from the applicant and surveyor (Attachment A), is to reduce the amount of grading and to raise the finish floor above the elevation of the street (Benvenue Avenue) to improve site drainage. However, due to the size and height of the house, this change will result in an increase of the bulk and mass of the house as viewed from the street and have a potential bulk and privacy impacts along the right side property line. The left side of the house will have a finish floor that ranges from nine inches to 16 inches above grade and the right side of the house will have a finish floor that ranges from 19 inches to 34 inches above grade.

As outlined in the Design Review Guidelines (Section 5.13), *"First floor elevations should be no more than 16-22 inches above existing natural grade with a basement below. This will prevent the perception of additional bulk and/or height as well as any associated privacy impacts."* While the project does not include a basement, the issues of bulk and privacy still apply.

There is a drop in topography along the right property line that makes the development of a larger house more challenging to meet the intent of these guidelines. However, there are several design alternatives that could more effectively address this issue while complying with the intent of the Design Review Guidelines and meet the Design Review findings. Staff discussed these alternatives with the applicant and outlined our concerns with the proposed changes.

- 1) The foundation and wall plates of the house could be stepped to lower the finish floor along the right side of the property. This could reduce the perception of bulk and would reduce the potential privacy impact since it would maintain the finish floor height that was originally approved for this project;
- 2) The right side yard setback could be increased to avoid the low area of the parcel and provide additional area for screening. This could help reduce the perception of bulk and potential privacy impacts; or
- 3) The wall plate height could be reduced to nine feet. This could reduce the concern about bulk and mass, but privacy impacts would still need to be addressed.

Overall, there are design alternatives available that can address the grading and drainage issues without creating bulk and privacy impacts. Therefore, the proposed modification does not meet the intent of the Design Review Guidelines or the required Design Review findings as outlined in Chapter 14.76 of the Zoning Ordinance.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15303 of the Environmental Quality Act because it involves the construction of a single-family house.

Cc: Chester Te and Cynthia Dinh, Applicants and Owners  
Innovative Design Architecture, Architect

### Attachments:

- A. Application and Applicant Letters
- B. Area Map and Vicinity Map

## FINDINGS

13-SC-05—425 Benvenue Avenue

With regard to design review for the modification to the approved one-story structure, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

- B. The height, elevations, and placement on the site of the proposed structure, when considered with reference to the nature and location of residential structures on adjacent lots, will NOT avoid unreasonable interference with views and privacy and will NOT consider the topographic and geologic constraints imposed by particular building site conditions;
- C. The grade changes will NOT be minimized and will NOT be in keeping with the general appearance of neighboring developed areas; and
- D. The orientation of the proposed structure in relation to the immediate neighborhood will NOT minimize the perception of excessive bulk and mass.





ATTACHMENT A

CITY OF LOS ALTOS
GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # 1105118

MODIFICATION TO

Table with 3 columns and 7 rows listing review types: One-Story Design Review, Two-Story Design Review, Variance(s), Lot Line Adjustment, Tentative Map/Division of Land, Subdivision Map Review, Sign Review, Sidewalk Display Permit, Use Permit, Tenant Improvement, Preliminary Project Review, Commercial Design Review, Multiple-Family Review, Rezoning, R1-S Overlay, General Plan/Code Amendment, Appeal, Other.

Project Address/Location: 425 Benvenue Ave, Los Altos, CA 94024

Project Proposal/Use: Rebuild home

Current Use of Property: Re home

Assessor Parcel Number(s): 189-53-033 Site Area:

New Sq. Ft.: Remodeled Sq. Ft.: Existing Sq. Ft. to Remain: 0

Total Existing Sq. Ft.: Total Proposed Sq. Ft. (including basement):

Applicant's Name: Chester Te & Cynthia Dinh

Home Telephone #: 408-551-0771 Business Telephone #: 408-839-5052

Mailing Address: 1072 Waterbird Way Santa Clara, CA 95051

City/State/Zip Code:

Property Owner's Name: Cynthia Dinh & Chester Te

Home Telephone #: 408-551-0771 Business Telephone #: 408-839-5052

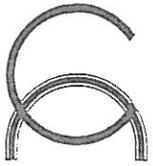
Mailing Address: 1072 Waterbird Way

City/State/Zip Code: Santa Clara, CA 95051

Architect/Designer's Name: Innovative Design Architect Telephone #: 408-245-0991

\*\*\* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. \*\*\*

(continued on back)



**CLEMENTS and ASSOCIATES**

4966 EL CAMINO REAL • SUITE 110 • LOS ALTOS, CALIFORNIA 94022 • TELEPHONE (650) 962-9260  
FAX (650) 962-9081

CIVIL ENGINEERING

April 19, 2013

Planning Department  
City Hall  
Los Altos, CA 94022

RE: 425 Benvenue Avenue - Floor Elevation

Dear Staff and Commissioners:

A short time ago I became involved as the second civil engineer to work on this project. I was initially approached to merely provide construction staking, and declined to do so because I sensed a lawsuit loomed if construction proceeded as approved.

I had two primary concerns. First was that the plan showed a 12% grade **down** to the garage, which I was sure was not understood by the owners. Neighboring houses on the same side of the street have a relatively flat access to where cars are parked. This driveway would have looked extremely unnatural when completed.

Secondly, drainage in front of the house relied on a drainfield, and would pond to a depth of at least 6 inches if the drainfield became saturated. No water would have flowed to the street, although a storm drain inlet lies only 90 feet lot to the east. All water would either stay on site or overflow to the neighbors to the north.

The solution to this starts with permitting a floor level 1/2 inch lower than the house which was demolished. This allows drainage in front of the house to mostly flow to the street, and provides a comfortable experience where people rise slightly walking to the front door.

Please call me if you have any questions. In this letter I wanted to limit my comments to the issue of floor elevation.

Sincerely,

  
J. Gerald Clements



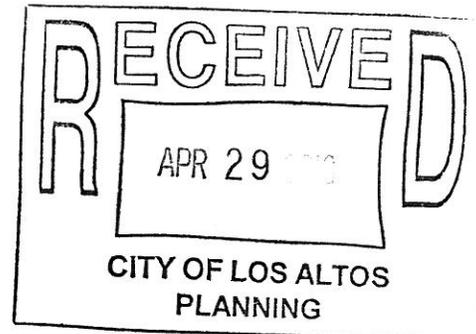
April 29, 2013

Chester Te and Cynthia Dinh  
425 Benvenue Avenue  
Los Altos, CA 94024

Los Altos Design Review Commission  
Los Altos City Hall  
One North San Antonio Road  
Los Altos, CA 94022

Re: 425 Benvenue Avenue Floor Elevation

Dear Commissioners:



We write in connection with our application to raise the height of our house an additional 7.5 inches. We would have preferred not to have to make this request at all, and we certainly do not undertake this request lightly, but as we prepared to begin construction on our house, certain issues came to light which, if not remedied, would create significant drainage problems on our property.

**Background And Identified Grading Issue**

To provide you with a bit of background, as we prepared to commence construction, we had asked our construction manager, Javelin Construction, to help us find a new civil engineer to provide construction staking. Javelin introduced us to civil engineer Gerry Clements, and further suggested that we consult directly with Mr. Clements, because Mr. Clements' initial review of our plans had surfaced some major problems with regard to our drainage – i.e., pooling that would occur at the front of our house (a letter from Mr. Clements outlining these problems accompanies our submission).

**Civil Engineer, Mr. Jerry Clements, Recommends Raising The Finished Floor**

After consulting with Mr. Clements, we decided to retain him to design a new grading plan addressing the concerns that he identified. In order to remedy any pooling, Mr. Clements recommended that we raise our finished floor as close as possible to the same level of the pre-existing home – which meant we would need to raise our home an additional 7.5 inches. This would allow us to grade the property so that water flowed away from our home as opposed to towards it.

**Raising the Finish Floor still meets the Daylight Plane requirements.**

Our lot topography naturally slopes from left to right and front to back (if you were to stand facing the property). Given this natural slope, the concern raised by the city planner was with respect to the right side of the home appearing higher given that the natural grade is lower on that side. While that may be the case, we feel that the height increase is minor and we have already agreed to plant a line of evergreen

screening trees along the right side fence that will essentially block the view of the right side of the home.

This addition in height to the home still falls below the daylight plane requirements, and we believe will be a minor increase in height, especially taking into account the mitigating landscaping and foliage that our landscaping plan calls for both in the front and along the sides of our house.

We appreciate your consideration of our request and will be present at the hearing along with Mr. Clements to address any questions or concerns.

Sincerely,



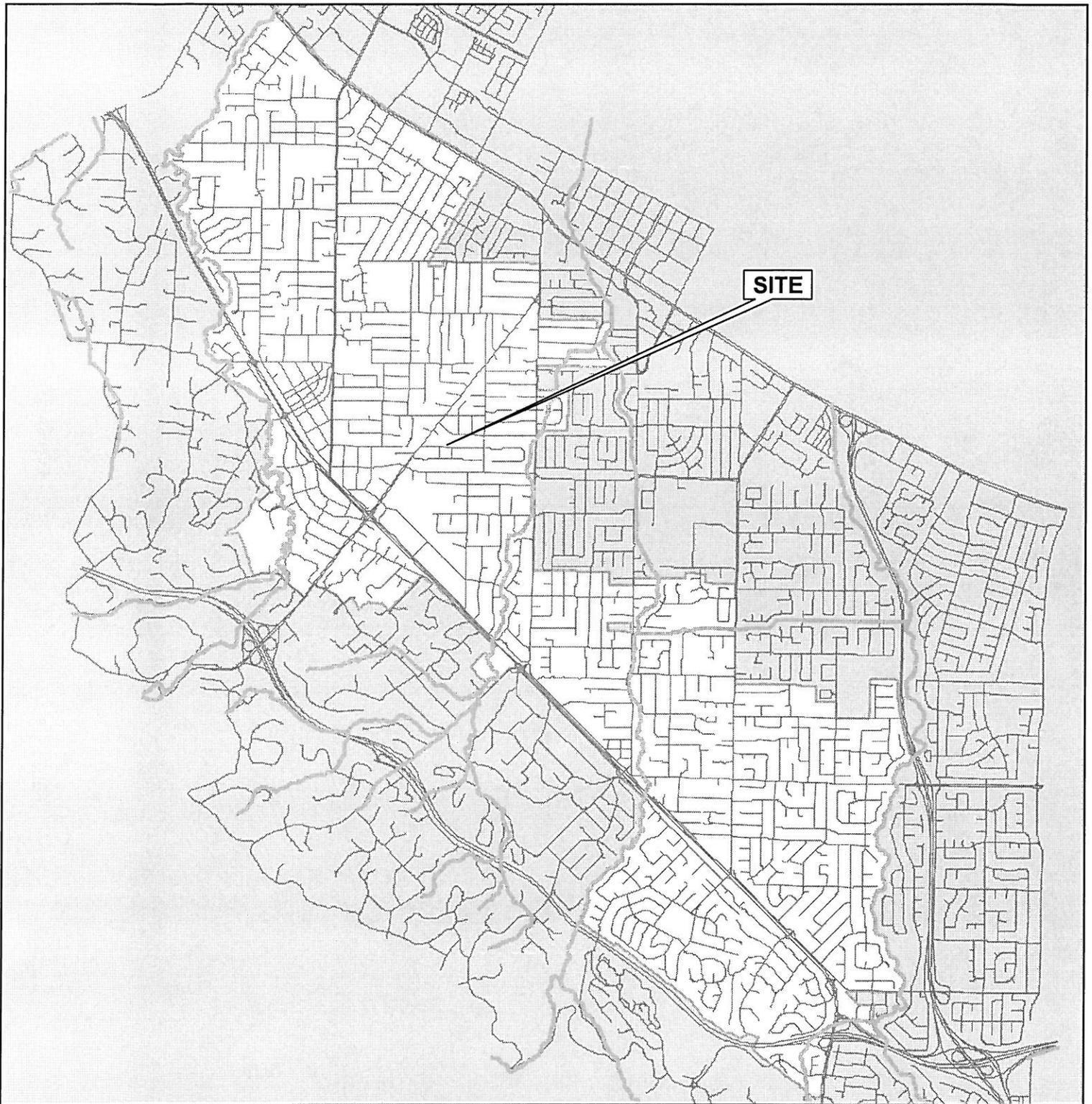
Chester Te



Cynthia Dinh

cc: Mr. Zach Dahl

# AREA MAP



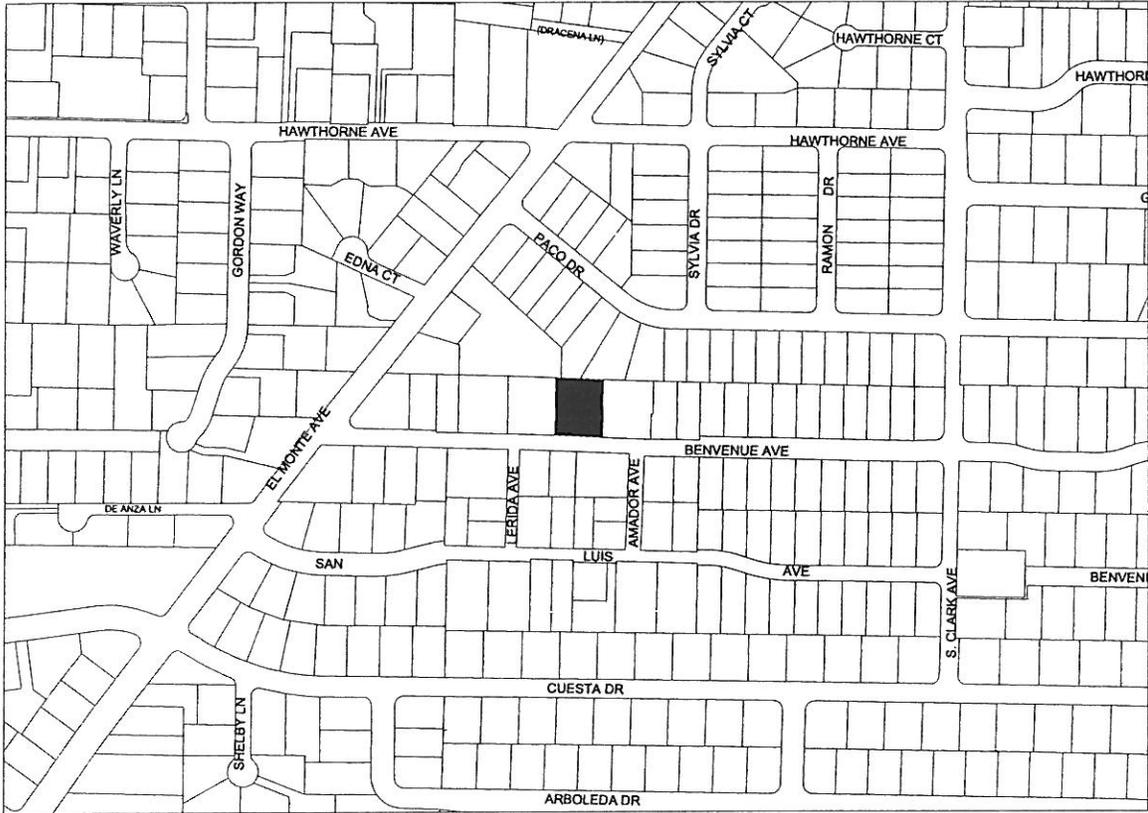
CITY OF LOS ALTOS

**APPLICATION:** 13-SC-05  
**APPLICANT:** C. Te and C. Dinh  
**SITE ADDRESS:** 425 Benvenue Avenue

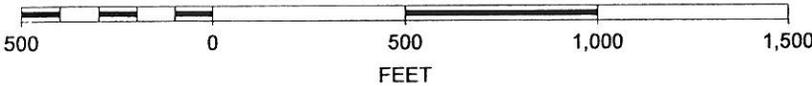


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



## CITY OF LOS ALTOS

**APPLICATION:** 13-SC-05  
**APPLICANT:** C. Te and C. Dinh  
**SITE ADDRESS:** 425 Benvenue Avenue