



DATE: December 20, 2017

AGENDA ITEM # 2

TO: Design Review Commission
FROM: David Kornfield, Planning Services Manager—Advance Planning
SUBJECT: 17-V-07 & 17-SC-28 – 2046 Kent Drive

RECOMMENDATION:

Approve variance and design review applications 17-V-07 and 17-SC-28 subject to the recommended findings and conditions

PROJECT DESCRIPTION

This is a variance and design review application for first- and second-story additions to a single-family structure including: a) a variance to maintain a front yard setback of approximately 24 feet for the first story along Andover Way; b) a variance to maintain a rear yard setback of approximately 23 feet for the first story; and c) design review to add approximately 400 square feet to the first story and add approximately 1,390 square feet to the second story. The following table summarizes the project's technical details.

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 10,794 square feet
MATERIALS: Composition shingle roof, cement plaster siding, faux stone window casings

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	1,932 square feet	2,546 square feet	3,238 square feet
FLOOR AREA:			
First floor	1,932 square feet	2,375 square feet	
Second floor	n/a	1,390 square feet	
Total	1,932 square feet	3,765 square feet	3,778 square feet
SETBACKS:			
Front (Andover)	24 feet	24 feet	25 feet
Rear	23 feet	23 feet	25 feet
Exterior side	25 feet	25 feet	20 feet
Left side (1 st /2 nd)	25 feet	25 feet/26 feet	10 feet/17.5 feet
HEIGHT:	15 feet	25 feet	27 feet

DISCUSSION

Neighborhood Context

The subject property is in a Consistent Character Neighborhood as defined in the City's Single-Family Residential Design Guidelines. The immediate neighborhood is a mix of one- and two-story Ranch style houses that have simple gable and hip roof forms and rustic materials. The front yard setbacks are consistent along Kent Drive and Andover. The street appears wide and open with few dominant street trees present.

The subject property is an up-slope lot with its building pad set approximately 12 feet above Kent Drive according to the site survey. The adjacent property along Kent Drive to the east is a similar up-slope lot with a slightly lower building pad. The adjacent property along Andover Way to the south is higher with its building pad set approximately 14 feet higher than the subject property according to the project architect.

Variances

The house was originally built under the City's jurisdiction with what are now considered nonconforming setbacks. The existing structure is set back 24 feet from the front property line and 23 feet from the rear property line, where a minimum setback of 25 feet is required. For zoning purposes Andover Way is technically the front property line and the opposite easterly property line is the rear. In adding a second story and extending the first-floor wall heights by one foot, the project would substantially rebuild the existing structure and necessitate the granting of front and rear yard setback variances. The proposed additions at the first- and second story meet the zoning code.

To grant a variance, the Commission must find that a variance is consistent with the objectives of the zoning code, that the variance is not injurious to persons or property in the vicinity, and that there is a special physical circumstance related to the property or surroundings where the strict application of the Code deprives the property owner of development privileges enjoyed by other similar properties.

In this case, staff recommends positive variance findings to maintain the nonconforming front and rear yard setbacks. First, the project is consistent with the zoning objectives of ensuring a harmonious relationship among residential land uses. If allowed, maintaining the nonconforming setbacks allows the project to keep the longstanding, familiar location of the structure. The 24-foot setback from the Andover Way frontage is a longstanding condition. The rear yard setback of 23 feet, viewed from Kent Drive, is perceived as an extra wide side yard to the property to the east and therefore compatible. Maintaining the existing footprint helps maintain a greater setback from the adjacent structure on Andover Way, which helps reduce the project's impact from that property. Second, granting the front yard and rear yard setback variances is not injurious to persons or properties in the vicinity; the location of the encroachments does not conflict with any known easements or other regulations.

Third, the existing location of the structure, the unusual shape of the site and its topography, and the nonconforming size of the property create a special physical circumstance in support of granting a variance. The existing structure is parallel to the Kent Drive, which due to the slightly acute angle of the Andover Way property line, the southwestern corner of the existing garage encroaches into the required front yard setback. Similarly, with the Kent Drive orientation, the northeastern corner of the living room encroaches into the rear yard setback. With the existing topography sloping up from the street, the established building pad is set back farther than the allowed 20-foot setback from Kent Drive to allow for a reasonable walkway at grade. While the structure may be located closer to the southern side property line, this is functionally the rear yard of the property, which also slopes up to the adjacent property on Andover Way, leaving not much area to correct the nonconforming location of the structure's footprint. Finally, the site is slightly smaller than the required 11,000 square feet for corner lots, which reduces somewhat the permitted building area when the required setbacks are applied.

Design Review

According to the Design Guidelines, in Consistent Character Neighborhoods, good neighbor design has design elements, materials and scale found within the neighborhood and sizes that are not significantly larger than other homes. Projects should be designed to fit in and lessen abrupt changes.

The proposed additions to the structure maintain the nonconforming footprint of the first level and the garage orientation off Andover Way. The second story is proposed over the main house mass. The design raises the first story wall height by one foot to nine feet, adds eight-foot tall second story walls, and modifies the gable roofs to hip roofs. The applicant worked with staff to lower the height of the original proposal and to simplify the design concept by re-massing the second story and coordinate the windows.

The design uses familiar building elements in the area such as the two-car garage, a single-story entry element, horizontal eave lines and simplified roof forms. The cement plaster siding, composition shingle roof and simple metal railings are consistent with the simple and rustic building materials found in the area.

The applicant worked with staff to minimize the scale and height of the project by reducing the roof pitch of the entire structure and by simplifying the massing of the second story. In staff's view, the resulting design fits in better with the neighborhood context and lessens abrupt changes that can result from adding second stories. The setbacks of the second story from the first story and the hip roof forms help to minimize the bulk. The uniform eave lines and prominent single-story roofs relate well to the horizontal appearance of the nearby structures. The 25-foot overall height is two feet under the height limit.

Views

One of the required design review findings is that the project will avoid unreasonable interference with views. Since the property is downslope from the adjacent property at 974

Andover Way it has the potential to affect views. The project architect estimated the project's view impacts by generating several images from the vantage point of the adjacent property. Also, the project architect calculated that the subject building pad is 14 feet below the adjacent property on Andover Way (see Sheets A9 and A10 of the plans).

The City's Single-Family Residential Design Guidelines (Guidelines) have a section on how to approach projects on hillside lots (see Guidelines, Section 5.11). The Guidelines for upslope lots such as the subject property discuss the balance needed in providing appropriate landscape buffering but also in a way that does not cut off views, the need to follow and respect the site contours, and avoiding tall unbroken wall expanses.

In staff's view the proposed design does not unreasonably interfere with views. The proposed second story has a relatively low, eight-foot wall height and a low-pitched roof (4:12). The hip roof design helps reduce the profile of the roof rather than reflecting the existing gable elements. The second story massing is oriented to the eastern end of the structure allowing unblocked views toward the north and northwest and its ridge set below the standing eyeline of the house above. While the second story would be visible from the bay window of the living room and deck at 974 Andover Way, the design appears to maintain some views of the trees and views of the mountains beyond.

Should the Commission feel that the proposal unreasonably interferes with views, there are two practical alternatives:

1. The first-floor wall could be designed to remain at the approximately eight-foot tall plate height; and/or
2. The roof design could be lowered in pitch.

Privacy

As conditioned, the project is designed to maintain a reasonable degree of privacy from the proposed second story. The bedrooms overlooking Kent Drive are not considered a privacy impact with views of the public street and homes beyond. The second story has one bedroom window and one bathroom window facing east. The impacts of these windows to the lower adjacent property would be mitigated by a proposed pittosporum hedge. Toward the west the second story shows two horizontal windows set high up on the wall; and facing Andover Way these windows are not a privacy impact. Two bathroom windows and one bedroom window face the adjacent property on Andover Way that is located above the subject property; these windows do not appear as a significant privacy impact due to their down-slope orientation from the adjacent property and the potential for landscaping in the southern yard of the subject property.

Landscaping

The applicant proposes to maintain the existing landscape. The existing landscape appears to meet the City's Guidelines except for two instances:

1. The row of camphor trees along the southern property line are inconsistent with the design guidelines since these trees will eventually grow tall and block views. A condition of approval requires more appropriate screening in this location; and
2. There is an opportunity to plant some trees in the yard facing Kent Drive to buffer the upslope house from the street. A condition of approval requires the planting of two buffering trees on the upslope facing Kent Drive.

Correspondence

Staff received a letter from the Shaws at 974 Andover Way (see Attachment D). The Shaws are mainly concerned with the project's impact on their views.

ENVIRONMENTAL REVIEW

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

PUBLIC NOTICING

A public meeting notice was posted on the property and mailed to 84 property owners within a 500-foot radius of the subject property.

Cc: Steve Benzing, Architect
Sriram and Preta Ragunathan, Property Owners

Attachments:

- A. Application and Letter
- B. Material Board
- C. Area Map, Vicinity Maps, and Notification Boundary
- D. Letter from the Shaws at 974 Andover Way

FINDINGS

17-V-07 & 17-SC-28 – 2046 Kent Drive

1. Regarding variances to maintain the nonconforming setback encroachments into the front and the rear yards, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:
 - a. That the granting of the variances is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 because the variances maintain a harmonious and convenient relationship among land uses;
 - b. That the granting of the variances is not 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
 - c. That special circumstances applicable to the property include the nonconforming small size for a corner lot, the unusual shape with regard to both frontages, steep topography limiting the building area and surroundings of the existing nonconforming development where 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.

2. Regarding design review for one- and two-story additions, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
 - a. The project complies with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the proposed additions, when considered regarding the nature and location of residential structures on adjacent lots, avoids unreasonable interference with views and privacy and considers the topographic and geologic constraints imposed by the building site conditions. The proposed structure does not unreasonably interfere with views by its orientation and height, and maintains a reasonable degree of privacy by its strategic window placement and landscape screening. The project is designed to use the established building pad;
 - 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. The project does not remove any significant trees and maintains the existing grade;
 - d. The orientation of the project in relation to the immediate neighborhood minimizes the perception of excessive bulk. The structure is designed with

relatively low wall heights, low roof pitches and hip roof forms that maintain the character of the neighborhood and minimize the perception of excessive bulk;

- 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 are incorporated to insure the compatibility of the development with its design concept and the character of adjacent buildings; and
- f. The project has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

17-V-07 & 17-SC-28 – 2046 Kent Drive

GENERAL

1. **Approved Plans**

The approval is based on the plans and materials received on December 5, 2017 and as modified by these conditions.

2. **Required Landscape Screening**

The landscape plans shall include: (a) two, 15-gallon size, moderate height buffering trees along the upslope along Kent Drive; (b) the pittosporum hedge shown along the eastern property line; and (c) appropriate limited height evergreen replacements for the camphor trees along the southern property line to mitigate the privacy but maintain reasonable views.

3. **Protected Trees**

The required landscape screening in Condition No. 2 above is protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

4. **Encroachment Permit**

An encroachment permit shall be obtained from the Engineering Division prior to doing any work within the public right-of-way including the street shoulder. All work within the public street right-of-way shall comply with the City's Shoulder Paving Policy.

5. **Fire Sprinklers**

Fire sprinklers are required pursuant to Section 12.10 of the Municipal Code.

6. **Underground Utilities**

Any new utility service drops shall be located underground from the nearest convenient existing pole pursuant to Chapter 12.68 of the Municipal Code.

7. **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.

PRIOR TO BUILDING PERMIT SUBMITTAL

8. **Conditions of Approval**

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

9. **Tree Protection Note**

On the grading plan and/or the site plan, show all tree protection fencing at the dripline of all trees to remain as required by the Planning Division; and add the following note: "All tree protection fencing shall be metal chain-link, a minimum of five feet in height with posts driven into the ground."

10. Green Building Standards

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

11. Underground Utility Location

Show the location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches shall avoid the drip-lines of all protected trees unless approved by a project arborist and the Planning Division.

12. Air Conditioner Sound Rating

Show the location of any air conditioning units on the site plan and the manufacturer's specifications showing the sound rating for each unit conforming to the City's noise regulations.

13. Storm Water Management

Show how the project complies 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 storm water pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.).

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

14. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by Planning Division. 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

15. Landscaping Installation

All front yard and exterior side 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.

16. Green Building Verification

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

ATTACHMENT A



**CITY OF LOS ALTOS
GENERAL APPLICATION**

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

Permit # 1107936

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input checked="" type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Other:

Project Address/Location: 2046 Kent Dr

Project Proposal/Use: Residential Current Use of Property: Residential

Assessor Parcel Number(s): 342-11-082 Site Area: 10794

New Sq. Ft.: 1718 Altered/Rebuilt Sq. Ft.: 1434 Existing Sq. Ft. to Remain: 488

Total Existing Sq. Ft.: 1932 Total Proposed Sq. Ft. (including basement): 3755

Is the site fully accessible for City Staff inspection? yes

Applicant's Name: Sriram Ragunthan

Telephone No.: (512) 699-7856 Email Address: ragunathan.sriram@gmail.com

Mailing Address: 692, Salberg Avenue, Santa Clara, 95051

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

Property Owner's Name: Sriram Ragunthan

Telephone No.: (512) 699-7856 Email Address: ragunathan.sriram@gmail.com

Mailing Address: 692, Salberg Avenue

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

Architect/Designer's Name: Steve Benzing

Telephone No.: 408 805 1328 Email Address: Steve@Benzarch.com

Mailing Address: 12403 Fredericksburg Dr

City/State/Zip Code: Saratoga, Ca 95070

** 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)

Architect

Tel 408 805 1328
Email Steve@Benzarch.com

Steve Benzing
12403 Fredencksburg Drive
Saratoga, CA 95070

Sept 22, 2016

Planning Department
City of Los Altos

Re: 2046 Kent Dr.
Request for variance – reduced front & rear setbacks due to existing conditions & topography

1. This variance will be consistent with the objectives of the zoning plan as the existing house is already within the setbacks and the proposed addition does not increase the nonconformity. The current residence is only within the front setback 9" and the rear is within the setback 25".
2. The granting of this variance will not detrimental to health safety or welfare as the owner is proposing to bring the entire existing residence up to current standards.
3. The configuration and topography of this lot precludes and addition to the north and any substantial addition to the south. The existing location of the residence is at the top of the slope on the north side and already is essentially the front of the house. Given the existing grading of the lot the rear yard is small and the owners wish to retain as much as possible.

Thank you very much for your consideration of this requested variance.

Respectfully,



Steve Benzing
Architect C-17985



ATTACHMENT B



RAILING DESIGN & COLOR



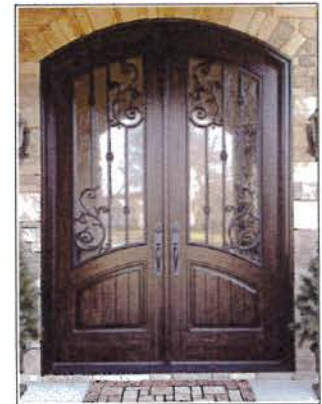
CLASS A COMPOSITION SHINGLES



FASCIA & GUTTER COLOR



BODY & TRIM COLOR



FRONT DOOR DESIGN & COLOR

STEVE BENZING - ARCHITECT
SARATOGA, CA
SEPTEMBER 2017

COLOR BOARD
2046 KENT DR. LOS ALTOS, CA
FOR:
SRIRAM RAGUNTHAN & PREETHA PARTHASARATHY

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 17-V-07 and 17-SC-28
APPLICANT: S. Rangunthan
SITE ADDRESS: 2046 Kent Drive

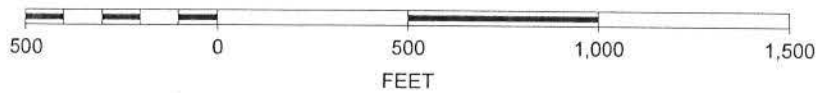


Not to Scale

VICINITY MAP



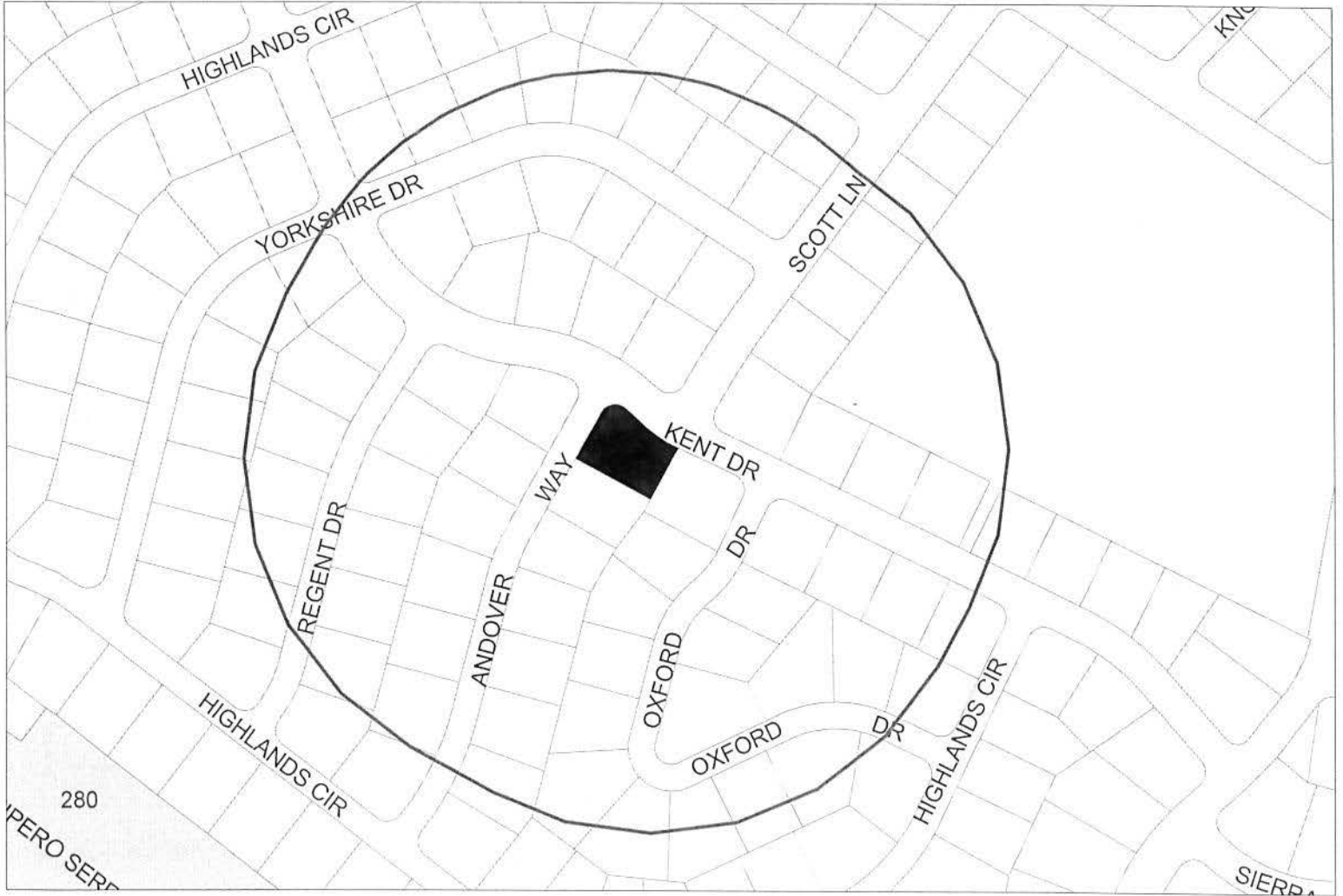
SCALE 1 : 6,000



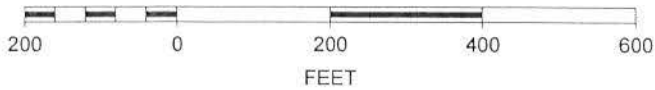
CITY OF LOS ALTOS

APPLICATION: 17-V-07 and 17-SC-28
APPLICANT: S. Rangunthan
SITE ADDRESS: 2046 Kent Drive

2046 Kent Drive 500-foot Notification Map



SCALE 1 : 3,000



Jerry and Pat Shaw 974 Andover Way

12-13-2017

RE: Concerns and Observations regarding 2046 Kent Dr. rev2.

Attn: David Kornfield Planning Services Manager

dkornfield@losaltosca.gov

Tel# (650)974-2632

Summary

The proposed variance requests, renovation and addition of a 2nd story to 2046 Kent Dr. will impact 5 nearby properties. Four of the properties on Andover and Oxford Dr. will have the current view of the valley diminished and one property to the east will be shadowed /encroached by the proposed 2nd story. We feel you would have a more accurate assessment of the impact of the proposal if you would visit our residence and the neighborhood. My wife and I welcome you into our home. Please call Jerry Shaw at **650-996-9118** to schedule a date and time.

BACKGROUND

Neighborhood Context

Highlands Neighborhood - Kent Dr. Runs east to west with 8 streets intersecting to the south. The eight (8) residential streets (list them) have homes which are built into the hillside above Kent Dr. The highest view elevation I think is possibly Oxford.

One of the prime features of some of the homes on the steepest hills is the view that the location of these homes provide from various parts of the residence and yards/decks. Along the south side of Kent Dr. there are currently no 2nd story residences. Implementation and construction of the proposed 2 story home at 2046 Kent Dr. if granted sets a precedent for further 2nd story additions as homeowners attempt to regain their view.

Major adjoining 974 Andover Way's View Lot concerns are:

- 1) The consequential impact to enjoyment of the significant existing North West to North East valley view's resulting from a proposed substantial rebuild at 2046 Kent Drive. In particular the addition of a noteworthy second story 24 ft. 9 in. ridge elevation peak height obscuring 974 Andover Way's family room, deck and upper back yard view enjoyment. Drawing A10 implies you have to be over 5 ft. 6 in. to see?
- 2) Retention of the legacy fast growing Camphor species planted two years ago by the previous owner will further exacerbate and annually diminished any enjoyment of the remaining view Camphor tree growth rate is 2 ft. per year, evergreen foliage, height to 40-65 ft. with a canopy width of 40-65 ft. (gardeningguides.com)
- 3) 2046 Kent Dr. (request for rear yard setback deviation from 25 ft. minimum (R1-10 sec 14.06.060) to 23 ft. towards 974 Andover Way property line (approx. South West). Obviously narrowing the minimum rear yard spacing between adjoining residences physically influences several characteristics: enhances the visual towering second floor roof line when standing in the lower back yard at 974 Andover

Way, impacts noise potential, influences reduction of natural light and ventilation, narrowing a firebreak between the properties importantly reduces fire safety margins at 974 Andover Way. Decreasing setbacks below the minimum does not minimize impacts on adjacent lots "Narrowing Canyon effect"

- 4) Minimum setbacks apply in this case since the minimum interior side yard setback of exceeds would not invoke narrow lot status variance .Setback of 25 ft. minimum apply.
 - A. **Site Area** (R1-10 Sec 14.06.040 A through H)The minimum Site area shall be ten Thousand (10,000 Sq. Ft.) , except that on corner lots shall be eleven thousand (11,000) Sq. Ft. →Note the corner lot at 2046 Kent Dr. is 10,794 Sq. Ft.

Thought should be given to the Overall Height of the proposed plan to encourage a lower ridge height by considering the following:

- Employ a first floor plate height of 8 ft. 1 in from 9 ft. 1in (typical prevailing eight foot wall plates in the immediate vicinity)
- Utilize a minimum composite roof pitch of 3/12 from 4/12

The result can lowered overall height of structure by approximately 2.5 ft.

Please refer to our photo attached in the email. It represents the impact of the proposed second story view from our bay window. We feel the drawings submitted with the proposal may not be precise.

At a meeting with the homeowner and architect on 12/9/17 we requested that story poles be erected to define the spacial profile and assess the impact more accurately. As of today they have not been installed. The point depicted in the picture approximates 24.5 ft. elevation above the garage floor survey reference 109.5 A7)

