



DATE: May 18, 2016

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 16-V-03 and 16-SC-09 – 24841 Summerhill Avenue

RECOMMENDATION:

Approve variance application 15-V-09 and design review application 16-SC-09 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance and design review application for additions and modifications to an existing, non-conforming two-story house on a flag lot. The application includes an addition of 1,934 square feet to the first story and elimination of 263 square feet at the second story with the reconfiguration of the remaining 1,677 square feet at the second story. In addition, a new detached 83 square foot, cabana will be built adjacent to the existing pool. The following table summarizes the project:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-H
PARCEL SIZE: 81,143 square feet (net)
MATERIALS: All materials to match existing spanish tile roof, stucco siding, wood trim on details

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	3,753 square feet	6,405 square feet	20,285 square feet
FLOOR AREA:			
First floor	3,753 square feet	5,770 square feet	
Second floor	1,940 square feet	1,677 square feet	
Total	4,926 square feet	7,447 square feet	10,864 square feet
SETBACKS:			
Front	86 feet	60 feet	30 feet
Rear	83.5 feet	83.5 feet	50 feet
Right side (1 st /2 nd)	246 feet /246 feet	246 feet/246 feet	30 feet*
Left side(1 st /2 nd)	38 feet /38 feet	30 feet/30 feet	30 feet*
HEIGHT:	24.5 feet	24.5 feet	20 feet

* Second stories on flag lots are not allowed by code; therefore there is not a second story setback requirement.

BACKGROUND

Neighborhood Context

The property is in a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. The flag lot property is located on Summerhill Avenue on the west end of Summerhill Avenue, between El Monte Avenue and Rockpoint Lane. The houses in the neighborhood are one- and two-story homes on hillside lots, and vary in scale, massing and materials as the houses have been built over time. The street tree pattern is not well defined, however the landscaping along the street includes mature vegetation and large trees.

Property History

The existing house was built in 1995 and replaced an older two-story house. The house was approved with variances for the height as follows:

- The main house was allowed to be 22.5 feet tall, where 21 feet was required for flag lots; and
- The detached three-car garage was allowed to be 12.5 feet tall, where 12 feet was the maximum height allowed for accessory structures in the rear yard setback.

Two-story houses were allowed on flag lots when this house was approved, but were limited to 21 feet in height. The current code limits houses on flag lots to one-story and a height limit of 20 feet. The accessory structure requirements have not changed and still limit accessory structures to 12 feet in height.

DISCUSSION

Variance

The project will remove 263 square feet at the second story and reconfigure the remaining floor area for a new stairway and walkway between the two sides of the second story. The second story will be substantially maintained with the two bedrooms on the west side of the house and conversion of the existing master bedroom to a third bedroom on the east side of the house. The applicant is requesting a variance to allow portions of the existing nonconforming second story to be altered and reconfigure. A letter from the applicant provides additional information about the project and outlines the reasons for the variance (Attachment A).

There are portions of house on the north and south elevations that are new clerestory elements that will appear as additions to the second story. However, there are one-story elements with parapet walls and are 20 feet, four inches in height on the north side and 18 feet, four inches in height on the south side. To meet the 20 foot height limit for all additions on the house, a condition has been added to revise the north side parapet wall to be revised to 20 feet in height.

In order to approve a variance, the Commission must make three positive findings pursuant to Section 14.76.060 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. That the granting of the variances will not be 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
3. Variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, 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.

The granting of the variance to maintain the second-story would be consistent with the objectives of the zoning plan because the height of the structure will be maintained and the second story floor area will be reduced. Thus, the project would not increase the discrepancy between the existing conditions and the standards for the district.

The variance would not be detrimental to the health, safety or welfare of surrounding properties because the existing house is a two-story house has large setbacks on all sides and is well screened from the adjacent properties.

The special circumstance applicable to this property is that the house was previously approved as a two-story structure with a variance to exceed the height limit. The height of the house and the second story will be maintained and the overall second story floor area will be reduced. The zoning code allows for nonconforming residential structures to be altered or enlarged if such change does not increase the nonconformity. The variance would allow for the existing second story floor area to be altered, where the strict application of the code would require the second story to be maintained as existing.

Design Review

According to the Design Guidelines, in Diverse Character Neighborhoods, good neighbor design has its own design integrity while incorporating some design elements and materials found in the neighborhood.

The house is located on a flag lot and is not visible from the street. The proposed house is a substantial remodel and uses hip and gable roof forms that relate to the existing roof forms. New parapet walls and roof forms are also uses at the additions, and relate well to the existing design of the eclectic modern Spanish style house. The house maintains the existing 10-foot plate heights with similar plate heights at the additions with the overall height of the house being maintained. The project will not result in a significant change in the house's existing massing and scale.

The project incorporates new architectural elements such as a parapet walls, material details, and flat roof elements. The additions will match the materials and colors on the existing house including the Spanish tile roof and stucco siding. The new architectural elements and use of the existing high

quality materials on the additions will create a cohesive design that integrates well with the existing house.

Privacy

The house is located on a sloped lot, sloping down toward the street and down to the southeast of the property. The house does have views of the properties to the southeast (right side), but because of the slope and size of the lot these houses when viewed from the property are more than 400 feet away and would not result in an unreasonable privacy concern.

The existing house and the additions are located adjacent to the north property line. The north property line has mature trees and dense vegetation and limits the views to the adjacent property. The existing north (left), side facing windows and balcony will be maintained with this project. New windows facing to the north property line are located in a clerestory element, which limits the ability view out of the windows and down into the adjacent properties. The existing windows and balcony and the proposed clerestory windows would not create an unreasonable privacy concern because the location of the windows and the existing dense vegetation and side setback of 30 feet.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves an addition to a single-family dwelling in a residential zone.

PUBLIC CONTACT

A public hearing notice was published in the *Town Crier*, posted on the property and mailed to 80 property owners within 500 feet of the property for the May 18, 2015 Design Review Commission hearing.

Cc: T. Wayne Bogart, TMW & Associates, Inc., Designer and Applicant
Don and Carol Kvingedal, Property Owners

Attachments:

- A. Application and Variance Letter
- B. Neighborhood Compatibility Worksheet
- C. Area Map and Vicinity Map

FINDINGS

16-V-03 and 16-SC-09 – 24841 Summerhill Avenue

1. With regard to alternations to a non-conforming second story the Design Review Commission finds the following in accord with Section 14.76.060 of the Municipal Code:
 - a. That the granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02, because the height of the structure will be maintained and the second story floor area will be reduced. Thus, the project would not increase the discrepancy between the existing conditions and the standards for the district;
 - b. That the granting of the variances will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity because the existing house is a two-story house has large setbacks on all sides and is well screened from the adjacent properties; and
 - c. That there are special circumstances applicable to the property, due to the surroundings where the structure is legally non-conforming in terms of floor area and the property owner is deprived the ability to relocate the structure's integral entry. Therefore, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other properties in the vicinity under identical zoning classifications. Granting the variance would not be a granting of special privilege. The special circumstance applicable to this property is that the house was previously approved as a two-story structure with a variance to exceed the height limit. The height of the house and the second story will be maintained and the overall second story floor area will be reduced. The zoning code allows for nonconforming residential structures to be altered or enlarged if such change does not increase the nonconformity. The variance would allow for the existing second story floor area to be altered, where the strict application of the code would require the second story to be maintained as existing.
2. With regard to two-story remodel and addition, the Design Review Commission finds the following in accord with Section 14.76.050 of the Municipal Code:
 - a. The proposed structure or alteration complies with all provisions of this chapter;
 - b. The height, elevations and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy, and will consider the topographic and geologic constraints imposed by particular building site conditions;

- 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;
- d. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will 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 have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and
- f. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimal impervious cover and maximum erosion protection. A stepped foundation shall generally be required where the average slope beneath the proposed structure is ten (10) percent or greater.

CONDITIONS

16-V-03 and 16-SC-09 – 24841 Summerhill Avenue

GENERAL

1. **Approved Plans**

The approval is based on the plans and materials received on May 9, 2016, except as may be modified by these conditions.

2. **Parapet Wall**

Revise the parapet wall on the north (left) wall to be a maximum of 20 feet in height.

3. **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.

4. **New Fireplaces**

Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in all new construction pursuant to Chapter 12.64 of the Municipal Code.

5. **Fire Sprinklers**

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

6. **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 ISSUANCE OF BUILDING OR DEMOLITION PERMIT

7. **Tree Protection**

Tree protection fencing shall be installed around the dripline of the trees and shrubs adjacent to the project along the north property line as shown on the site plan. 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 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 and add the following note: "All tree protection fencing shall be chain link and 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. 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.

12. Storm Water Management

Show how the project is in compliance 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 FINAL INSPECTION

13. Landscaping Installation

All landscaping and privacy screening trees shall be installed and/or maintained as shown on the approved plans or as required by the Planning Division.

14. Green Building Verification

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



ATTACHMENT A

FEB 29 2016

CITY OF LOS ALTOS
PLANNING

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1107077

<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: 24841 Summerhill Ave.

Project Proposal/Use: Single Family Residence Current Use of Property: Single Family Residence

Assessor Parcel Number(s): 336-14-004 Site Area: 91,720 sf

New Sq. Ft.: 2,000 Altered/Rebuilt Sq. Ft.: 3,243 Existing Sq. Ft. to Remain: 4,727

Total Existing Sq. Ft.: 4,955 Total Proposed Sq. Ft. (including basement): 6,955

Applicant's Name: TMW & Associates, Inc. - T. Wayne Bogart

Telephone No.: (209) 943-2881 Email Address: twbogart@tmwandassociates.com

Mailing Address: 1725 Sanguinetti Lane

City/State/Zip Code: Stockton, CA 95205

Property Owner's Name: Don & Carol Kvingedal

Telephone No.: (408) 705-5339 Email Address: kvinge@pacbell.net

Mailing Address: 24841 Summerhill Ave.

City/State/Zip Code: Los Altos, CA 94024

Architect/Designer's Name: Architecture Solution Group - Brian Chang

Telephone No.: (916) 509-7095 Email Address: bchang@architecturesg.com

Mailing Address: 9245 Laguna Springs Dr.

City/State/Zip Code: Elk Grove, CA 95758

* * * 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)

16-V-03 and 16-SC-09



March 1, 2016

Planning Department
City of Los Altos
One North San Antonio Road
Los Altos, CA 94022
Attention: Zachary Dahl, Planning Services Manager

RE: 24841 Summerhill Avenue
Variance Request for Second Floor Alteration

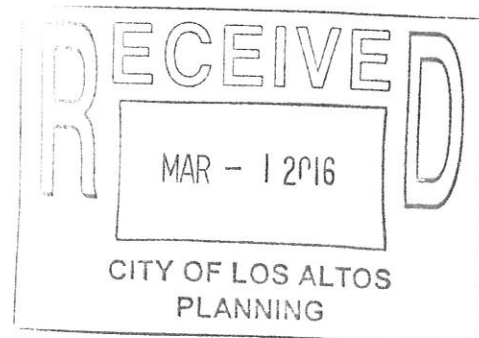
Dear Mr. Dahl:

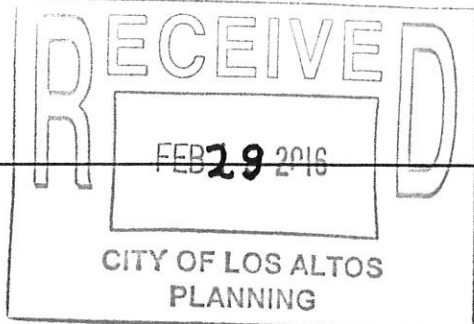
We are applying for a new addition and remodel of the residence at the above address and now understand that the house was constructed as a two story residence with an approved variance from the non-conformance of such for flag lots. It is our intention on the proposed remodel to eliminate a small amount of square footage of the second story and reconfigure the walk bridge between the three bedrooms only. This is needed to function better and architecturally enhance the kitchen/living room area. All of the new square footage added to this project is single story.

We hope you and the Commission will approve this variance for the desired remodel which is not increasing the non-conforming portion of the existing residence. The work on the second floor is all within the existing approved shell structure. Your favorable consideration will be appreciated.

Respectfully yours,

T. Wayne Bogart
President
TMW & Associates, Inc.
Applicant and Design-Builder





ATTACHMENT B

Planning Division

(650) 947-2750

Planning@losaltosca.gov

NEIGHBORHOOD COMPATIBILITY WORKSHEET

In order for your design review application for single-family residential remodel/addition or new construction to be successful, it is important that you consider your property, the neighborhood's special characteristics that surround that property and the compatibility of your proposal with that neighborhood. **The purpose is to help you understand your neighborhood before you begin the design process with your architect/designer/builder or begin any formal process with the City of Los Altos.** *Please note that this worksheet must be submitted with your 1st application.*

The Residential Design Guidelines encourage neighborhood compatibility without necessarily forsaking individual taste. Various factors contribute to a design that is considered compatible with a surrounding neighborhood. The factors that City officials will be considering in your design could include, but are not limited to: design theme, scale, bulk, size, roof line, lot coverage, slope of lot, setbacks, daylight plane, one or two-story, exterior materials, landscaping et cetera.

It will be helpful to have a site plan to use in conjunction with this worksheet. Your site plan should accurately depict your property boundaries. The best source for this is the legal description in your deed.

Photographs of your property and its relationship to your neighborhood (see below) will be a necessary part of your first submittal. Taking photographs before you start your project will allow you to see and appreciate that your property could be within an area that has a strong neighborhood pattern. The photographs should be taken from across the street with a standard 35mm camera and organized by address, one row for each side of the street. Photographs should also be taken of the properties on either side and behind your property from on your property.

This worksheet/check list is meant to help *you* as well as to help the City planners and Planning Commission understand your proposal. Reasonable guesses to your answers are acceptable. The City is not looking for precise measurements on this worksheet.

Project Address 24841 Summerhill Ave.

Scope of Project: Addition or Remodel or New Home

Age of existing home if this project is to be an addition or remodel? 1994

Is the existing house listed on the City's Historic Resources Inventory? No

Address: 24841 Summerhill Ave.
Date: 12/14/2015

What constitutes your neighborhood?

There is no clear answer to this question. For the purpose of this worksheet, consider first your street, the two contiguous homes on either side of, and directly behind, your property and the five to six homes directly across the street (eight to nine homes). At the minimum, these are the houses that you should photograph. If there is any question in your mind about your neighborhood boundaries, consider a radius of approximately 200 to 300 feet around your property and consider that your neighborhood.

Streetscape

1. Typical neighborhood lot size*:

Lot area: 26,000 square feet
Lot dimensions: Length 200 feet
Width 130 feet

If your lot is significantly different than those in your neighborhood, then note its: area 87,762, length 367.08, and width 345.97. Lot is multi dimensional, flag shaped

2. Setback of homes to front property line: (Pgs. 8-11 Design Guidelines)

Existing front setback if home is a remodel? 30'
What % of the front facing walls of the neighborhood homes are at the front setback 75 %
Existing front setback for house on left 40 ft./on right 50 ft.
Do the front setbacks of adjacent houses line up? No

3. Garage Location Pattern: (Pg. 19 Design Guidelines)

Indicate the relationship of garage locations in your neighborhood* only on your street (count for each type)

Garage facing front projecting from front of house face 4
Garage facing front recessed from front of house face 3
Garage in back yard 0
Garage facing the side 1
Number of 1-car garages 0; 2-car garages 5; 3-car garages 3

Address: 24841 Summerhill Ave.
Date: 12/14/2015

4. **Single or Two-Story Homes:**

What % of the homes in your neighborhood* are:

One-story 50

Two-story 50

5. **Roof heights and shapes:**

Is the overall height of house ridgelines generally the same in your neighborhood*? Yes

Are there mostly hip , gable style , or other style roofs*?

Do the roof forms appear simple or complex ?

Do the houses share generally the same eave height Yes?

6. **Exterior Materials:** (Pg. 22 Design Guidelines)

What siding materials are frequently used in your neighborhood*?

wood shingle stucco board & batten clapboard
 tile stone brick combination of one or more materials
(if so, describe) Wood with stone/brick, some stucco

What roofing materials (wood shake/shingle, asphalt shingle, flat tile, rounded tile, cement tile, slate) are consistently (about 80%) used?

Asphalt shingle

If no consistency then explain: _____

7. **Architectural Style:** (Appendix C, Design Guidelines)

Does your neighborhood* have a consistent identifiable architectural style?

YES NO

Type? Ranch Shingle Tudor Mediterranean/Spanish
 Contemporary Colonial Bungalow Other

Address: 24841 Summerhill Ave.
Date: 12/14/2015

8. Lot Slope: (Pg. 25 Design Guidelines)

Does your property have a noticeable slope? Yes

What is the direction of your slope? (relative to the street)
Sloping up from the street

Is your slope higher lower same in relationship to the neighboring properties? Is there a noticeable difference in grade between your property/house and the one across the street or directly behind?

9. Landscaping:

Are there any frequently used or typical landscaping features on your street (i.e. big trees, front lawns, sidewalks, curbs, landscape to street edge, etc.)?

Large developed trees on each property, landscaping to the street edge

Across the street mostly masonry fence at property line of neighbor

How visible are your house and other houses from the street or back neighbor's property?

House is not visible from the street and mostly blocked by trees from other houses at the back of property

Are there any major existing landscaping features on your property and how is the unimproved public right-of-way developed in front of your property (gravel, dirt, asphalt, landscape)?

Trees line both sides of the driveway leading to the house and the undeveloped front of the property is landscaped

10. Width of Street:

What is the width of the roadway paving on your street in feet? 40'-50'

Is there a parking area on the street or in the shoulder area? No

Is the shoulder area (unimproved public right-of-way) paved, unpaved, gravel, landscaped, and/or defined with a curb/gutter? Landscaped no curb or gutter

Address: 24841 Summerhill Ave.

Date: 12/14/2015

11. What characteristics make this neighborhood* cohesive?

Such as roof material and type (hip, gable, flat), siding (board and batten, cement plaster, horizontal wood, brick), deep front yard setbacks, horizontal feel, landscape approach etc.:

Street facing homes with deep setbacks, heavily landscaped well maintained yards, elevation differentials unique to each property provide a continuity in themselves

General Study

- A. Have major visible streetscape changes occurred in your neighborhood?
 YES NO
- B. Do you think that most (~ 80%) of the homes were originally built at the same time?
 YES NO
- C. Do the lots in your neighborhood appear to be the same size?
 YES NO
- D. Do the lot widths appear to be consistent in the neighborhood?
 YES NO
- E. Are the front setbacks of homes on your street consistent (~80% within 5 feet)?
 YES NO
- F. Do you have active CCR's in your neighborhood? (*p.36 Building Guide*)
 YES NO
- G. Do the houses appear to be of similar size as viewed from the street?
 YES NO
- H. Does the new exterior remodel or new construction design you are planning relate in most ways to the prevailing style(s) in your existing neighborhood?
 YES NO

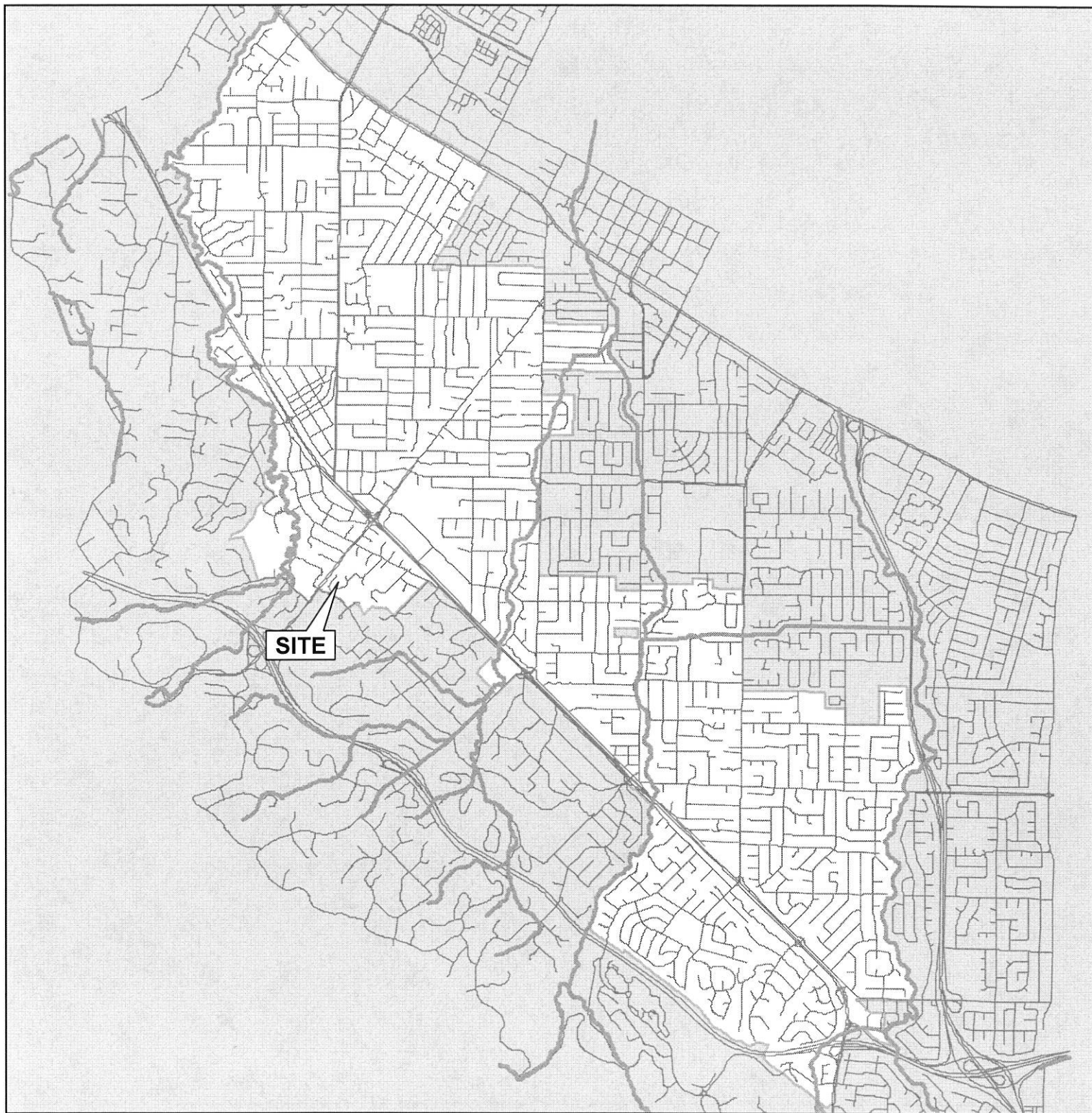
Address: 24841 Summerhill Ave.
 Date: 12/14/2015

Summary Table

Please use this table to summarize the characteristics of the houses in your immediate neighborhood (two homes on either side, directly behind and the five to six homes directly across the street).

Address	Front setback	Rear setback	Garage location	One or two stories	Height	Materials	Architecture (simple or complex)
24849 Summerhill Ave.	50'	30'	Right	1	16'	Wood/Stone	Simple
24855 Summerhill Ave.	40'	14'	Right	2	25'	Stucco	Simple
24801 Summerhill Ave.	50'	37'	Left	1	16'	Wood/Brick	Simple
24771 Summerhill Ave.	35'	30'	Right	2	25'	Wood	Simple
24800 Summerhill Ave.	114'	116'	Side/Right	2	30'	Stucco	Complex
796 Nash Rd.	60'	30'	Right	1	16'	Wood	Simple
795 Nash Rd.	23'	45'	Left	2	25'	Stucco	Simple

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 16-V-03 and 16-SC-09
APPLICANT: TMW & Associates, Inc./ D. and C. Kvingedal
SITE ADDRESS: 24841 Summerhill Avenue

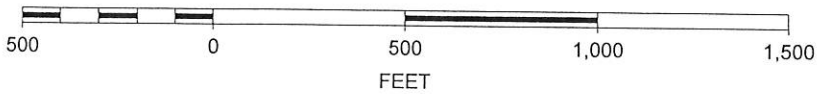


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 16-V-03 and 16-SC-09
APPLICANT: TMW & Associates, Inc./ D. and C. Kvingedal
SITE ADDRESS: 24841 Summerhill Avenue

24841 Summerhill Avenue 500-foot Notification Map



SCALE 1 : 3,000

