



DATE: November 2, 2022

AGENDA ITEM # 3

TO: Design Review Commission
FROM: Sean K. Gallegos, Senior Planner
SUBJECT: V22-0003 and SC22-0019 – 562 University Avenue

RECOMMENDATION:

Approve variance application V22-0003 and design review application SC22-0019 subject to the listed findings and conditions

PROJECT DESCRIPTION

This application includes a variance to allow a pergola with an 18.3-foot height where the maximum height allowed is 12 feet, and design review for a new deck and pergola structure. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 11,325.6 square feet
MATERIALS: Redwood

	Existing	Proposed	Allowed/Required
COVERAGE:	-	3,484 square feet	3,494 square feet
SETBACKS:			
Rear	-	19.2 feet	25; feet
Right side (1 st /2 nd)	-	- / 33.6 feet	10 feet/17.5 feet
Left side (1 st /2 nd)	-	- / 34.6 feet	10 feet/17.5 feet
HEIGHT:	-	18.3 feet	27 feet

BACKGROUND

Neighborhood Context

The subject property is located at the end of University Terrace a short cul-de-sac street off of University Avenue. The immediate neighborhood, which consists of two houses on University Avenue and the residences on or adjacent to University Terrace, is considered a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. There are two residences on University Avenue at 532 and 546 University Avenue respectively, and six residences that immediately abut University Terrace and four residences, including the subject property, that have vehicular access directly onto University Terrace. The properties along University Terrace are uniquely shaped and

range in size from 12,000 square feet to 32,300 square feet. Most of the homes along University Terrace back up to Adobe Creek. There is not a uniform street tree pattern, but there are many mature trees and other landscaping present in the surrounding neighborhood.

Property History

On June 9, 1995, the Planning Commission approved a variance application 95-V-20 for an eight-foot exterior side yard setback, where a 20-foot setback is required, and a design review application 95-SC-41 for a first and second story addition to an existing two-story house.

DISCUSSION

Variations

Height Variance

As part of their design review application to construct a new deck and pergola along the rear of the house, the applicant is seeking a variance to allow for increased height for the pergola to 18 feet, four inches, where the maximum height allowed is 12 feet.

Variance Findings

In order to approve a variance, the Commission must make three positive findings pursuant to Section 14.76.070 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 variance 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 is consistent with the objectives of the zoning plan because the pergola would not negatively affect the safety, peace, comfort, convenience, prosperity, or general welfare of the property owner or adjacent properties. The deck and pergola are a reasonable amenity for a single-family property, and it will help protect and enhance the real property value of the parcel by providing an enjoyable and aesthetic space for the residents.

The granting of the variance will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity because it is a single-family use, and the proposed house has been designed to have appropriate relationships with the surrounding properties and the persons living or working in those surrounding areas.

There are some unique physical characteristics of the property to consider. The topography of the subject property is unusual. Although the front half of the property is fairly level, the rear slopes down and away from the house. There is an estimated 15-foot change in the slope from the front of the garage to the rear of the house. At the rear of the residence, at the northern side, the main floor is approximately 9 to 9.5 feet above grade due to the slope of the site. Given the sloping nature

of the site and the challenge in placing a pergola that complies with the 12-foot height requirement, the granting of a height variance is a reasonable request. The side elevations and cross sections (sheets L-2.0) illustrate the height of the deck and pergola structure that exceed that limit.

The variance for increased height is reasonable due to the steeply sloping topography of the site, which is considered a special circumstance. Strict application of these provisions of the R1-10 District would deprive the property of constructing an appropriately sized amenity and useable outdoor spaces that are enjoyed by other properties in the vicinity and under the identical zoning classification (R1-10).

Design Review

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

The project proposes a deck with first and second story deck/patio and a pergola structure due to the sloping nature of the lot. The pergola structure consists of parallel colonnades supporting an open roof of girders and cross rafters. The deck and pergola are a reasonable amenity for a single-family property and its design is compatible with existing colonial-style single-family house. The project is utilizing high quality materials, such as redwood, which is compatible to the architectural design of the house. Overall, the project is compatible with this diverse character neighborhood setting and has an appropriate relationship to the adjacent structures.

The proposed project is sensitive to the scale of the neighborhood and incorporates similar heights found within the neighborhood context. The deck has a height that ranges from 1.92 feet to nine feet above grade, and the pergola has a height that ranges from 11.33 feet to 18.3 feet. Overall, the project proposes a low maximum overall height of 18.3 feet, where the maximum height is 12 feet for accessory structures and 27 feet for the house in the R1-10 district.

While the deck size and height, due to the hillside context and limited visibility off of the site, the design appears to reasonably address the City's design review findings related to bulk, mass and neighborhood context.

Commented [YD1]: What?

Privacy

The deck is located along the first and second story along the rear of the house. The deck's views toward the right interior (north) side of the property and 546 University Avenue are obscured due to the existing house diminishing views toward the right interior property, the 33.5-foot distance to the side property and the three mature coast live oak trees that further screen views toward 546 University Avenue.

Along the rear of the site, there are limited views towards the rear of the site due to the downslope context and existing mature trees and vegetation. Overall, staff has not identified any issues with the deck placement or off-site views and finds that the proposal will maintain a reasonable level of privacy.

The applicant has also reached out to the immediate neighbors for community outreach. A copy of the community outreach summary and responses from the neighbors is included in Attachment D. The applicant has received letters and email supporting the project from the neighbor along the right

(north) side at 546 University Avenue, and the property along the rear (west) of the site at 570 University Avenue.

Trees and Landscaping

There are a total of seven protected trees on the project site as well as four additional protected trees adjacent to the site on neighboring properties. The trees proposed for removal include the following:

- One protected English walnut tree (No. 11) is proposed for removal due to their conflict with the proposed deck and hardscape footprint.
- One unprotected Bottle Brush tree (No. 9) and a Glossy Privet tree (No. 10) is proposed for removal. Under the City's Tree Protection Ordinance (LAMC [Chapter 11.08](#)), a *protected tree* is any tree that is 48-inches (four feet) or greater in circumference when measured at 48-inches above the ground. The two trees have a circumferences less than 48 inches, which does not qualify the trees for protection. The trees may be removed by the applicant without approval from the City of Los Altos.

The plans indicate the existing landscaping is to remain, therefore staff has included the standard condition of approval that requires the applicant to maintain or provide new landscaping as needed, which will be inspected before final inspection. New or rebuilt landscaping would need to satisfy the Water Efficient Landscape Ordinance requirements should it exceed the 2,500 square-foot landscaping threshold for residential additions (Condition of Approval No. 13 and 22).

Environmental Review

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

Public Notification and Community Outreach

A public meeting notice was posted on the property and mailed to 14 nearby property owners on University Avenue and University Terrace. The Notification Map is included in Attachment B.

A billboard of Notice of Development Proposal was installed onsite. The applicant has also reached out to the immediate neighbors for community outreach. A copy of the community outreach summary and responses from the neighbors is included in Attachment D. The applicant has received letters and email supporting the project from the neighbor along the right (north) side at 546 University Avenue, and the property along the rear (west) of the site at 570 University Avenue.

Cc: Lauren Edwards and Robert Ramsay, Property Owners
John Aldrich, Applicant

Attachments:

- A. Public Notification Map
- B. Applicant Outreach
- C. Project Plans

FINDINGS

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1. With regard to the variance for an increased height of 18.3 feet for an accessory structure (pergola), the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:
 - a. The granting of the variance is consistent with the objectives of the Zoning Code set forth in Chapter 14.02;
 - b. The granting of the variance 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
 - c. The variance for increased height, reduced side and rear yard setbacks, encroachments into the daylight plane and more than two stories are reasonable due to the steeply sloping topography of the site, which is considered a special circumstance. Strict application of these provisions of the R1-10 District would deprive the property of constructing an appropriately sized house and adjacent useable outdoor spaces that are enjoyed by other properties in the vicinity and under the identical zoning classification (R1-10).

2. With regard to the new accessory structures (deck and pergola), the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
 - a. The proposed accessory structures comply with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the proposed accessory structures, 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 accessory structures in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
 - 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 accessory structures have been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

V22-0003 and SC22-0019 – 562 University Avenue

GENERAL

1. Expiration

The Design Review Approval will expire on November 2, 2024 unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to Section 14.76.090 of the Zoning Code.

2. Approved Plans

This approval is based on the plans received on September 20, 2022 and the written application materials provided by the applicant, except as may be modified by these conditions.

3. Protected Trees

All existing trees to remain, as shown on Sheet L1-0.0, are considered protected and cannot be removed without a Tree Removal Permit approved by the Development Services Director.

4. Tree Removal Approved

Trees Nos. 9 through 11 shown to be removed on plan Sheet L1-0.0 of the approved set of plans are hereby approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Development Services Director upon submitting written justification.

5. Landscaping

The project is subject to the City's Water Efficient Landscape Regulations pursuant to Chapter 12.36 of the Municipal Code.

6. Encroachment Permit

An encroachment permit and/or an excavation permit shall be obtained prior to any work done within the public right-of-way and it shall be in accordance with plans to be approved by the City Engineer.

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.

INCLUDED WITH THE 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 Chapter 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.

11. 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 ISSUANCE OF BUILDING OR DEMOLITION PERMIT

12. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, of trees as shown on Sheet L-0.0. 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

13. Landscaping Installation

All front yard, exterior side, interior side, and rear 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. *(Note: Adjust wording to match project, and use only if project not subject to WELO)*