



DATE: November 2, 2022

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Senior Planner
SUBJECT: V21-0003 & DR22-0067 – 10900 Beechwood Lane

RECOMMENDATION:

Approve variance application V21-0003 and design review application DR22-0067 subject to the listed findings and conditions

PROJECT DESCRIPTION

This item was continued from the July 6, 2022 Design Review Commission meeting.

This is an application for a Variance for a 10-foot front yard setback, where a 25-foot setback is required in the R1-10 Zoning District, a design review application for an emergency generator in a sound attenuating accessory structure for a pre-existing community facility, and an existing potable water pump station at 10900 Beechwood Lane. No other improvements are proposed for the site. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-20
PARCEL SIZE: 26,555 square feet (net)
MATERIALS: Metal exterior

	Existing	Proposed	Allowed/Required
COVERAGE:	251 square feet	351 square feet	6,390 square feet
FLOOR AREA:			
Buildings	251 square feet	251 square feet	
Generator Enclosure	-	100 square feet	
Total	251 square feet	351 square feet	5,350 square feet
SETBACKS:			
Front	50 feet	13.5 feet	30 feet
Rear	25 feet	145.6 feet	35 feet
Right side	25 feet/25 feet	74 feet/-	25 feet/25 feet
Left side	35 feet/35 feet	43 feet/-	25 feet/25 feet
HEIGHT:	27 feet	11.52 feet	12 feet

BACKGROUND

Design Review Commission Action

At their meeting on July 6, 2022, the Design Review Commission considered the proposed project. Following input from the applicant and public comments, the Commission discussed the proposed project and voted (3-1), to continue the project with the following direction:

1. Applicant shall conduct direct outreach to each adjacent property owner including the owners across the street.
2. The applicant shall return with an operational schedule for testing between 10:00 a.m. to 2:00 p.m., Tuesday through Thursday, except holidays.
3. Encourage the applicant to reduce the pad elevation to avoid looming over the street level.
4. Provide a rendering of the structure from the street frontage to provide clarification on the aesthetics and acoustical.

The July 6, 2022 Design Review Commission agenda report and meeting minutes are attached for reference (Attachments A and B).

DISCUSSION

Variance and Design Review

In response to the Commission's direction, the applicant revised the project design as follows.

1. In response to the Commission's direction to conduct direct outreach to each adjacent property owner including the owners across the street, Cal Water District Superintendent Melinda Schmidt spoke with 10850, 10905, 10945 and 10950 Beechwood Avenue, Los Altos Hills and left a door hanger for 10855 Beechwood Avenue, Los Altos Hills
2. In response to the Commission's direction applicant shall return with an operational schedule for testing between 10:00 a.m. to 2:00 p.m., Tuesday through Thursday, except holidays, the applicant's neighbor outreach determined the ideal time for the neighbors would be to test the generator on Wednesdays between 1:00 am to 2:00 pm, except for holidays. Staff recommends the adoption of Condition No. 3, which requires that all generator testing will occur between 1:00 am to 2:00 pm on Wednesdays and the maximum testing period shall be 15 minutes. No testing shall occur on holidays. The applicant's letter provides a detailed response to the direction, and it is provided as attachment D.
3. In response to the Commission's direction to encourage the applicant to reduce the pad elevation to avoid looming over the street level, the applicant determined that excavating on the downhill side of the existing retaining wall zone of influence would be detrimental to the stability of the wall that is supporting the site including the existing water tank. Due to the side property setback requirements and the front property fence, there is nowhere to shift the generator pad, so it is far enough away from the existing wall to excavate without impacting the stability of the existing wall.

4. In response to the Commission's direction to provide a rendering of the structure from the street frontage to provide clarification on the aesthetics and acoustical, the applicant provided a rendering, and it is provided as attachment E.

For reference, and to better understand the design revisions, the original plans that were reviewed by the Commission on July 6, 2022 are included as Attachment C.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of an accessory structure and under Section 15301 due to negligible expansion of an existing facility of a public utility service.

PUBLIC CONTACT

For this meeting, a public hearing notice was published in the *Town Crier*, a public meeting notice was posted on the property and mailed to 13 nearby property owners on Beechwood Lane, Sycamore Court, and Aspen Drive. An example of the Notification Map is included in Attachment B. The applicant has provided response letter that outlines public outreach, and it is provided as Attachment D. The applicant also posted the public notice sign (24" x 36") in conformance with the Planning Division posting requirements, as shown in Attachment F.

Cc: California Water Service, Applicant, Engineer and Owners

Attachments:

- A. Design Review Commission Minutes, July 6, 2022
- B. Design Review Commission Agenda Report with Attachments, July 6, 2022
- C. Design Review Commission Project Plans, July 6, 2022
- D. Applicant Response Letter
- E. Renderings
- F. Public Notice Sign
- G. Project Plans, October 26, 2022

FINDINGS

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1. With regard to the front setback variance for a ten-foot front setback, 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 plan set forth in Article 1 of Chapter 14.02 because maintaining the encroachment into the yard areas would still ensure the Zoning Code’s objective of a harmonious, convenient relationship among the adjacent residential properties which have existed in this location since 1948; the modified structure will maintain the existing exterior wall setbacks at the front, left, and right side yard areas; The proposed emergency generator will be located in a 11.3-foot-tall sound attenuating accessory structure proposes a ten-foot front setback, 74-foot right side setback, 43-foot left side setback and 150-foot rear setback. The side and rear yard complies with the setback requirements of the R1-20 District. With approval of the variance for a reduced front yard setback of ten feet, where a 30-foot front setback required, the proposed generator and enclosure will comply with the Zoning Ordinance; and
 - 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 because section 6.16.090.A of the Noise Ordinance exempts the generator from the Noise Ordinance standards when the utilities activities are associated with the emission of sound in the performance of emergency work, such as the operation of a back-up power generator during an emergency, when commercial power is unavailable. Therefore, the generator noise levels are permissible for a public utility site under the performance of emergency work, which would occur if the site lost commercial power; and after the installation of the generator, the generator will be tested intermittently for 15 minutes per week. The generator custom outdoor enclosure meets the City’s daytime limit of 60dbA for short-duration noise in a residential area.
 - c. There is a special circumstance applicable to the property due to the existing location of the tank and ancillary structure for the potable water pump station, which constrains or limits the potential alternative locations on the subject site. The strict application of the provisions of the chapter would require the generator be installed at the rear of the site, which create potential noise impacts to five adjacent properties. The proposed generator location reduces potential noise impacts to the street frontage and limits potential noise impacts to two adjoining properties.
2. With regard to the accessory structure (generator), the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
 - a. The proposed accessory structure complies with all provision of this chapter;
 - b. The height, elevations, and placement on the accessory structure, 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 structure 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 structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

V21-0003 and DR22-0067 – 10900 Beechwood Lane

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

The approval is based on the plans and materials received on July 6, 2022 and October 26, 2022, except as may be modified by these conditions and specifically as follows:

3. Generator Testing

All generator testing will occur between 1:00 am to 2:00 pm on Wednesdays and the maximum testing period shall be 15 minutes. No testing shall occur on holidays.

4. Protected Trees

Trees Nos. 306 to 343 shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director. Trees Nos. 301 to 305 shall be removed as part of this design review permit.

5. Tree Removal Approved

Trees Nos. 301 to 305 shown to be removed on plan Sheet LAS9-3575-C0-00c 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 Community Development Director upon submitting written justification.

6. 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 be in compliance with the City's Shoulder Paving Policy.

7. Landscaping

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

8. Underground Utilities

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

9. Fire Sprinklers

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

10. 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

11. Conditions of Approval

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

12. Tree Protection Note

On the grading plan and/or the site plan, show all tree protection fencing for the tree Nos. 306 to 314, and 334 to 342 and also for trees on neighboring properties where dripline areas encroach into the subject site 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."

13. 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 the project arborist and the Planning Division.

14. 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

15. Tree Protection

Tree protection fencing shall be installed around the driplines of tree Nos. 306 to 314, and 334 to 342 and for trees on neighboring properties where dripline areas encroach into the subject site. 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.