DATE: July 5, 2023

AGENDA ITEM #2

TO: Nick Zornes, Zoning Administrator

FROM: Sean Gallegos, Senior Planner

SUBJECT: SC22-0034 – 239 Marich Way

RECOMMENDATION

Approve design review application SC22-0034 for the construction of a new 3,896 square foot, two-story house subject to the listed findings and conditions of approval and find the project categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15303 ("New Construction or Conversion of Small Structures").

BACKGROUND

Project Description

- Project Location: 239 Marich Way, on the north side of Marich Way, between Jordan Avenue and Panchita Way
- Lot Size: 11,475 square feet
- General Plan Designation: Single-Family, Medium Lot (SF4)
- Zoning Designation: R1-10
- Current Site Conditions: One-story house

The proposed project includes the demolition of an existing one-story house and replacement with a new two-story house with 2,753 square feet on the first story and 1,142 square feet on the second story (see Attachment A – Project Plans). The design of the new residence adopts a neo-eclectic architectural style that combines various decorative techniques from different house styles. It incorporates elements of a ranch house, including simple massing, roof forms, and a practical aesthetic. Additionally, contemporary architectural features such as simplified forms, open floor plans, and minimalistic details are integrated. This fusion of styles results in a cohesive design that balances tradition and modernity. For the exterior, the materials selected include a concrete shingle roof, flat stucco siding, stone wainscoting, and vinyl-framed windows and doors.

The proposed design maintains the front facade facing Parma Way and the house and driveway will be located similarly to the original house. The new house expands towards the rear property line while ensuring the driveway does not exceed 50% of the required front yard area. It also increases the left interior side setback, eliminating the nonconforming setback of the previous house.

The subject property has a total of 11 trees, with six of them classified as protected trees under the city's Tree Protection Regulations. Among the protected trees, T11 to T15 will be retained, while T10 will be removed. An arborist's report determined that T10, a Coast Redwood tree, is in fair health but

highly affected by the new house. The decision to remove T10 aligns with the Tree Protection Regulations' criteria No. 2, which allows for the removal for economic or aesthetic reasons related to the property. Considering the property layout, preserving T10 is not feasible as it would hinder the new house expansion towards the rear, given the presence of another redwood tree (T10) on the opposite side. Overall, the preservation of the other protected trees and the removal of T10 comply with the Tree Protection Regulations, striking a balance between landscape aesthetics and safety concerns.

ANALYSIS

Design Review

The proposed house complies with the R1-10 district development standards found in Los Altos Municipal Code (LAMC) Chapter 14.06, as demonstrated by the following table:

	Existing	Proposed	Allowed/Required
COVERAGE:	1,311 square feet	2,582 square feet	3,442 square feet
FLOOR AREA:			
1st Floor	1,311 square feet	2,753 square feet	
2nd Floor	-	1,142 square feet	
Total	1,311 square feet	3,896 square feet	3,897 square feet
SETBACKS:			
Front	35 feet	35 feet	25 feet
Rear	132.6 feet	95 feet	25 feet
Right side(1st/2nd)	9.5 feet/-	5 feet/10 feet	5 feet/10.2 feet
Left side (1st/2nd)	5 feet/-	5.7 feet/10.5 feet	5 feet/10.2 feet
HEIGHT:	14.6 feet	23 feet	27 feet

The lot, being 51 feet wide, falls under the category of a narrow lot due to its width being less than 80 feet. As per Section 14.06.08.E.2, narrow lots are subject to specific setback requirements. The interior side yard setback for narrow lots should be ten percent of the average lot width, with a minimum of five feet. Additionally, if a thirty-five-foot front yard setback is provided, the second-story setback can be reduced to five feet. Consequently, the project is permitted to have a first-story side yard setback of five feet, two inches, and a second-story side yard setback of ten feet, two inches.

As per Chapter 14.76 of the LAMC, new two-story residences must comply with the Single-Family Residential Design Guidelines. The design guidelines suggest that designs in a Diverse Character neighborhood should incorporate some design elements, materials, and scale that are present in the neighborhood while maintaining its own unique design integrity. The proposed design follows this recommendation and will be compatible with the surrounding properties.

The neighborhood context map on Sheet A1.3 provides an overview of the neighborhood's physical characteristics, including boundaries, streets, buildings, and natural features. The streetscape elevations show how the proposed residence's architectural style, massing, and bulk relate to the surrounding

residences. These visuals aid in assessing the proposed residence's integration and compatibility with the neighborhood's existing aesthetics.

The design guidelines and review findings emphasize the importance of minimizing the structure's bulk. In line with these requirements, the proposed design utilizes stucco and stone veneer on the first story to visually break down the massing and create a more dynamic appearance. The application of stucco on the second story serves to soften and reduce the perceived bulkiness. By strategically incorporating these materials on the exterior, the design effectively breaks down the massing and enhances the visual interest of the facade.

The proposed wall plate heights of 9.5 feet for the first story and 8.5 feet for the second story align with the scale of the neighboring residences, which typically have plate heights ranging from 8 to 9 feet. This design choice ensures that the building maintains a harmonious appearance and doesn't stand out as disproportionate when viewed from the street. The concealed eight-foot, six-inch second-floor wall plate height within the existing roof elevation further preserves the overall scale of the structure and ensures its seamless integration with the surrounding properties.

The low-pitched roof and roof form play a crucial role in reducing the perceived bulk of the structure. The first-story roof form and horizontal eave line create visual breaks in the wall plane, while the articulation and roof forms of the second story further break down the massing into smaller sections, resulting in an aesthetically appealing and less bulky appearance.

Moreover, the proposed height of the 23-foot-tall house aligns with the scale of neighboring houses in the area. Considering that the neighborhood consists of one-story houses ranging from 14 to 17 feet in height, as well as two-story houses ranging from 22 to 26 feet, the proposed height falls within the acceptable range and is lower than the maximum permitted 27-foot height limit. This ensures that the building blends in harmoniously with the overall character of the neighborhood, avoiding any visual discrepancies or disruptions to the character of the neighborhood.

As part of the landscaping plan for the property, new trees will be planted to enhance privacy. This includes the addition of a Maidenhair tree along the right rear corner of the site and 15 Pittosporum Tenuifolium screening trees along the right property line. The existing protected trees (Nos. T10 to T15) will be preserved. The landscaping plan will adhere to the Water Efficient Landscape Ordinance, ensuring that the design incorporates water-efficient landscaping practices, as mandated for new residences with landscaping areas exceeding 500 square feet.

The proposed project aligns with the development standards of the R1-10 zoning district and adheres to the Single-Family Residential Design Guidelines. It successfully achieves compatibility with the neighborhood's character by establishing appropriate relationships with adjacent structures, minimizing bulk, and making efforts to preserve existing trees to the best extent possible.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15303 ("New Construction or Conversion of Small Structures") of the California Environmental Quality Act (CEQA) because it involves the construction of a single-family dwelling in a residential zone.

PUBLIC NOTIFICATION AND CORRESPONDENCE

A public meeting notice was posted on the property, mailed to property owners within 300 feet of the subject site, and published in the Town Crier. The applicant also posted the public notice sign (24" x 36") in conformance with the Planning Division posting requirements.

The applicant sent out emails to immediately adjacent neighbors in the immediate area inviting them to review the project plans in November 2022. No comments from neighbors have been received by City staff as of the writing of this report.

Attachment:

A. Project Plans

Cc: Loc V, LH Design, Applicant
Tri Hong, TDH Design, Designer
Han and Yanhua Ren, Property Owner

FINDINGS

SC22-0034 239 Marich Way

With regard to the proposed new two-story residence, the Zoning Administrator finds the following in accordance with Section 14.76.060 of the Municipal Code:

A. The proposed residence complies with all provision of this chapter because the proposed residence is consistent with the development standards of the R1-10 zoning district and policies and implementation techniques described in the Single-Family Residential Design Guidelines.

B. The height, elevations, and placement on the site of the proposed new house is compatible when considered with reference to the nature and location of residential structures on adjacent lots and will consider the topographic and geologic constraints imposed by particular building site conditions as the proposed house maintains a comparable finished floor elevation and lot orientation to the existing house, ensuring consistency with the property's layout. It also adheres to the allowable floor area, lot coverage, and maximum height limits, as well as meets the daylight plane requirement outlined in LAMC Chapter 14.06.

C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized because there will be minimal grade changes and no substantial soil removal during the construction of the residence. The proposed landscaping plan, which includes new trees, shrubs, and ground cover, will be designed in a manner that aligns with the aesthetics of the surrounding neighborhood.

D. The orientation of the proposed new residence in relation to the immediate neighborhood will minimize excessive bulk because the proposed structure includes a low scale, horizontal eave lines, the use of stone veneer and stucco siding, building articulation, and carefully designed roof forms. By implementing these elements, the massing is broken up and excessive bulk is successfully minimized.

E. General architectural considerations, including the size and scale, 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 on the same project because the design incorporates durable, high-quality materials, including a visually integrated concrete shingle roof, flat stucco siding, stone veneer, and vinyl-framed windows and doors. These elements contribute to the overall architectural coherence of the structure. Additionally, the size and scale of the building are well-suited to the neighborhood, as evidenced by the low 9.5-foot first story and 8.5-foot second story plate heights, along with a building height of 23 feet, ensuring a harmonious fit within the surrounding context.

F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection because the site is relatively flat and the design incorporates a well-balanced combination of softscape and hardscape surfaces, ensuring a seamless integration into the plan. Additionally, a comprehensive drainage plan has been proposed to minimize off-site stormwater drainage and mitigate any potential impact.

CONDITIONS OF APPROVAL

SC22-0034 239 Marich Way

GENERAL

1. **Expiration**
   The Design Review Approval will expire on July 5, 2025 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 June 15, 2023 except as may be modified by these conditions.

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. All work within the public street right-of-way shall be in compliance with the City's Shoulder Paving Policy.

4. **Protected Trees**
   Tree Nos. T11 to T15 as shown on Sheet A-1.1 shall be protected under this application and cannot be removed without a tree removal permit from the Development Services Director. The tree protection plan outlined in the arborist report (Kurt Fouts Arborist Consultant, dated 9/20/22) shall be incorporated into the building permit plans and implemented before and during construction.

5. **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.

6. **Landscaping**
   The project shall be subject to the City's Water Efficient Landscape Ordinance (WELO) pursuant to Chapter 12.36 of the Municipal Code if over 500 square feet or more of new landscape area, including irrigated planting areas, turf areas, and water features is proposed.

7. **Underground Utility and Fire Sprinkler Requirements**
   New residences and additions exceeding fifty (50) percent of the existing living area (existing square footage calculations shall not include existing basements) and/or additions of 750 square feet or more shall trigger the undergrounding of utilities and new fire sprinklers. Additional square footage calculations shall include existing removed exterior footings and foundations being replaced and rebuilt. Any new utility service drops are pursuant to Chapter 12.68 of the Municipal Code.

8. **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. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for

failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

INCLUDED WITH THE BUILDING PERMIT SUBMITTAL

9. **Conditions of Approval**
   Incorporate the conditions of approval into the title page of the plans and provide a letter which explains how each condition of approval has been satisfied and/or which sheet of the plans the information can found.

10. **Water Efficient Landscape Plan**
    Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City's Water Efficient Landscape Regulations and include signed statements from the project's landscape professional and property owner.

11. **Tree Protection Note**
    On the grading plan and/or the site plan, show all tree/landscape 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."

12. **Reach Codes**
    Building Permit Applications submitted on or after January 1, 2023 shall comply with specific amendments to the 2022 California Green Building Standards for Electric Vehicle Infrastructure and the 2022 California Energy Code as provided in Ordinances No 2022-487 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code. The building design plans shall comply with the standards and the applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.

13. **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.

14. **Outdoor Condensing Units**
    The plans shall show the location of any outdoor condensing unit(s) on the site plan including the model number of the unit(s) and nominal size of the unit. The Applicant shall provide the manufacturer's specifications showing the sound rating for each unit. The condensing units must be located to comply with the City's Noise Control Ordinance (Chapter 6.16) and in compliance with the Planning Division setback provisions. The units shall be screened from view of the street.

15. **Storm Water Management**
    The Plans shall 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.).

16. **California Water Service Upgrades**
    The Applicant is responsible for contacting and coordinating with the California Water Service Company any water service improvements including but not limited to relocation of water meters, increasing water meter sizing or the installation of fire hydrants. The City recommends consulting

with California Water Service Company as early as possible to avoid construction or inspection delays.

17. **Underground Utility Location**
    The Plans shall show the location of underground utilities pursuant to Chapter 12.68 of the Municipal Code. Underground utility trenches shall avoid the driplines of all protected trees unless approved by the project arborist and the Planning Division.

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

18. **Tree Protection**
    Tree protection shall be installed around the dripline(s) of the trees as shown on the site plan approved with the building permit plans. 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.

19. **School Fee Payment**
    In accordance with Section 65995 of the California Government Code, and as authorized under Section 17620 of the Education Code, the property owner shall pay the established school fee for each school district the property is located in and provide receipts to the Building Division. The City of Los Altos shall provide the property owner the resulting increase in assessable space on a form approved by the school district. Payments shall be made directly to the school districts.

PRIOR TO FINAL INSPECTION

20. **Landscaping Installation and Verification**

    All landscaping materials, including plants or trees intended to provide privacy screening, as provided on the approved landscape plans shall be installed prior to final inspection. The applicant shall also provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping, and irrigation were installed per the approved landscape documentation package.

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