



DATE: March 29, 2023

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean Gallegos, Senior Planner
SUBJECT: SC22-0031 – 1248 Via Huerta

RECOMMENDATION:

Approve design review application SC22-0031 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a design review application for a new house. The project includes 3,502 square feet at the first story and 624 square feet at the second story. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 14,074 square feet
MATERIALS: composition shingle, stucco and cedar siding, fiberglass windows and wood trim and doors,

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	2,369 square feet	3,127 square feet	4,925.9 square feet
FLOOR AREA:			
Main floor (2 nd floor)	2,369 square feet	3,502 square feet	
Lower floor (1 st floor)	-	624 square feet	
Total	2,369 square feet	4,126 square feet	4,157 square feet
SETBACKS:			
Front	26.5 feet	33.75 feet	25 feet
Rear	77.2 feet	42.25 feet	25 feet
Right side (1 st /2 nd)	10 feet/-	10 feet/25.2 feet	10 feet/17.5 feet
Left side(1 st /2 nd)	11.5 feet/-	17.35 feet/38 feet	10 feet/17.5 feet
HEIGHT:	23 feet	26.3	27 feet

BACKGROUND

Design Review Commission Action

At their meeting on February 15, 2023, the Design Review Commission considered the proposed project. Following input from the applicant and public comments, the Commission discussed the proposed project and voted unanimously (5-0), to continue the project. The Commission continued the item due to the following concern:

1. A neighbor raised a concern that an easement on the subject property limited any structure at the subject site to a maximum one-story height.

The February 15, 2023 Design Review Commission agenda report and meeting minutes are attached for reference (Attachments A and B).

DISCUSSION

Design Review

The applicant responded to the neighbor's comments in the following manner.

1. In response to the neighbor's claim that an easement limited the subject site to one-story, the applicant provided the Title Report (Attachment C) and Covenants, Conditions, and Restrictions (CC&Rs) documents (Attachment D) for the property.

In reviewing the Title Report, the report did not show that an easement, restriction or encumbrance was recorded against the subject site stating the maximum height of a structure at the site is limited to one-story.

Staff's review of the CC&Rs did not find the document limited structures on the subject site to a maximum one-story height. In regard to the CC&Rs, the city is not a party to CC&Rs: therefore, we will not enforce any element of a CC&R.

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 a single-family dwelling in a residential zone.

Public Notification and Community Outreach

A public meeting notice was posted on the property and mailed to 12 nearby property owners on Via Huerta and Chuleta Court. The Notification Map is included in Attachment C.

Based on neighborhood outreach efforts, the applicants have provided documentation showing outreach to the neighbors in the immediate neighborhood context. A document from the applicant regarding outreach is included in Attachment D.

Public Correspondence

No correspondence was received from neighboring property owners.

Cc: Jun Zhang, Applicant and Designer
Patricia Sierra, Property Owners

Attachments:

- A. Design Review Commission Minutes, February 1, 2023
- B. Design Review Commission Agenda Report, February 1, 2023
- C. Preliminary Title Report
- D. Covenants, Conditions, and Restrictions (CC&Rs)
- E. Design Review Commission Project Plans, March 1, 2023

FINDINGS

SC22-0031 – 1248 Via Huerta

With regard to the new one-story house, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

1. The proposed new house complies with all provision of this chapter;
2. The height, elevations, and placement on the site of the proposed new house, 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;
3. 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;
4. The orientation of the proposed new house in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
5. 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
6. The proposed new house has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

SC22-0031 – 1248 Via Huerta

GENERAL

1. Expiration

The Design Review Approval will expire on February 15, 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 February 1, 2023, except as may be modified by these conditions.

3. Protected Trees

The existing trees shall be protected under this application and cannot be removed without a tree removal permit from the Development Services 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 be in compliance with the City's Shoulder Paving Policy.

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

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.

10. 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."

11. 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.

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. California Water Service Upgrades

You are 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.

14. 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.

15. Underground Utility Location

Show the location of underground utilities pursuant to Chapter 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.

16. Outdoor Condensing Unit Sound Rating

Show the location of any air conditioning unit(s) on the site plan including the model number of the unit(s), the nominal size of the unit, and setback to the nearest property line. Provide the manufacturer's specifications showing the sound rating for each unit.

The air conditioning 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.

17. Off-haul Excavated Soil

The grading plan shall show specific grading cut and/or fill quantities. Cross section details showing the existing and proposed grading through at least two perpendicular portions of the site or more shall be provided to fully characterize the site. A note on the grading plans should state that all excess dirt shall be off-hauled from the site and shall not be used as fill material unless approved by the Building and Planning Divisions.

18. 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

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

19. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, of the existing trees 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.

20. 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

21. Landscaping Installation and Verification

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.

22. Landscape Privacy Screening

The landscape intended to provide privacy screening shall be inspected by the Planning Division and shall be supplemented by additional screening material as required to adequately mitigate potential privacy impacts to surrounding properties.

23. 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).