



DATE: October 19, 2022

AGENDA ITEM # 3

**TO:** Design Review Commission

**FROM:** Sean K. Gallegos, Senior Planner

**SUBJECT:** SC22-0018 – 530 Valencia Drive

**RECOMMENDATION:**

Continue the design review application SC22-0018 subject to the findings and conditions

**PROJECT DESCRIPTION**

This is a design review application for a new two-story house. house. The project includes 2,679 square feet at the first story and 1,381 square feet at the second story with a 2,137 square-foot basement. The project includes an 848 square foot attached accessory dwelling unit, which is not part of the design review application. The following table summarizes the project’s technical details:

**GENERAL PLAN DESIGNATION:** Single-family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 10,670 square feet  
**MATERIALS:** flat membrane and composition shingle roof, stucco and stone siding, aluminum clad wood windows, painted wood fascia, and ledger stone veneer accents

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>LOT COVERAGE:</b>	2,550 square feet	3,997 square feet	4,007 square feet
<b>FLOOR AREA:</b>			
First floor	2,550 square feet	2,680 square feet	
Second floor	-	1,381 square feet	
Total	2,550 square feet	4,061 square feet	4,086 square feet
<b>SETBACKS:</b>			
Front	30.75 feet	25 feet	25 feet
Rear	79.5 feet	82.75 feet	25 feet
Right side (1 <sup>st</sup> /2 <sup>nd</sup> )	12.9 feet/-	13.75 feet/ 16.9 feet	7.5 feet/15 feet
Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	8.3 feet/-	9.25 feet/ 26 feet	7.5 feet/15 feet
<b>HEIGHT:</b>	15.6 feet	22.5 feet	27 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located in a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. Along Valencia Drive, there are primarily one-story Ranch style houses that are similar in size, footprint, design characteristics, building scale, and rustic materials. There is one two-story house in the immediate neighborhood context at 540 Valencia Drive, but it is also designed with a lower scale to be compatible with the neighborhood context. The materials commonly seen include stucco, board and batten siding, clapboard siding, brick or stone veneer accents, and wood shake or composition shingle roofs. Landscapes in the front are predominantly concrete driveways and varying amounts of grass lawns and mature deciduous and Evergreen street trees near the street edge.

### **Zoning Compliance**

The average width of the subject parcel is 75 feet, which is below the minimum width of 80 feet for a standard corner lot in the R1-10 District. For lots that are less than 80 feet in width, described as "narrow lots" in the Zoning Code, there is an allowance for side yard setbacks to be reduced from 10 feet to 10 percent of the average lot width, for any portion of a structure which is one story in height, with 7.5 feet added for any portion of a structure which is two stories in height. The table above provides the effective setbacks for this narrow lot.

## **DISCUSSION**

### **Design Review**

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

According to the Residential Design Guidelines, a house should be designed to fit the lot and should not result in a home that stands out in the neighborhood. The new residence uses an eclectic Contemporary inspired architectural design with flat roof elements at the first story and simple modern forms. The house is consistent with the identifying features of a modern style that include flat roofs, large windows, horizontal siding and stone siding surfaces, painted wood fascia, and unornamented wall surfaces with no decorative detailing at the doors or windows. Cantilevered projections are also common with the roof, balconies, or second stories that jut dramatically over the wall below. Simple landscaping design and integration into the landscape are also elements of this design style.

The project is designed eclectically in a way to be compatible with the area, with such elements as the flat roof at the first story, hipped roof at the second story, and horizontally oriented first and second stories to mimic the massing of the immediate neighborhood context of lower scale houses. The design incorporates stucco and stone siding, which is considered a high-quality material, but may contribute to the bulk of the more contemporary design. Overall, the project is utilizing high quality materials, such as a flat membrane roof, stucco and stone siding, aluminum clad wood windows with wood trim, painted wood fascia, and ledger stone veneer accents, which are integral to the design of the house. The project's exterior materials are provided in Attachment F.

The proposed project is sensitive to the scale of the neighborhood and incorporates similar heights found within the neighborhood context. The project has wall plate heights of nine-foot, one-inch along the center and right side of the front elevation (east), right (north) elevation, and along the left and center of the rear elevation. The project proposes eight-foot, one-inch plate heights at the second story, with a low overall height of 23 feet, where the maximum height is 27 feet. Along the front elevation, the design incorporates simple forms, large windows, and one-story elements on the center and right side of the structure to break up the massing.

Along the left side of the front (east) elevation, the left (south) side elevation, and the right side of the rear (west) elevation, the project's scale, as compared to surrounding structures, is not in-keeping with the character of the neighborhood. Along these elevations, the project proposes a prominent elevation due to the proposed 12-foot plate heights and tall vertical window forms, which accentuates the height and bulk of the house. A house with a 12-foot plate that results in two-story tall mass is uncommon in the neighborhood context. While the project has design integrity and high-quality materials, staff could not make the findings to approve the project based on the project's bulk, scale and architectural relationship to the surroundings houses.

In Diverse Character Neighborhoods a project should be designed to fit in and reflect the scale of the neighborhood. This project, however, will appear much larger and bulkier than the houses in the immediate vicinity. The front yard setback is 25 feet to the front entry element with the more prominent massing setback to 28.5 feet. Although the house has an increased front yard setback, it continues to be more prominent and bulkier than surrounding properties. To meet the Design Findings, staff recommends that the Design Review Commission provide the following direction for the first story:

- Reduce the bulkiness of the front (east) elevation, the left (south) side elevation, and the right side of the rear (west) elevation by reducing the plate height to nine feet, six inches; and
- Minimize tall vertical windows by reducing the header height of the window to reduce the perception of bulk and mass.

The second story is recessed back from the first floor and centered over the structure to diminish the perception of bulk when viewed from the street or adjacent properties along the sides. The massing of the second story is smaller than the first story. With the Design Review Commission recommending the above direction, the two-story design is well proportioned and articulated to reduce the perception of excessive bulk and mass, and it is an appropriate design within this Diverse Character Neighborhood context.

### **Privacy**

On the left (south) side elevation of the second story, there are four new windows: a four-panel medium-sized window with a three-foot, one-inch sill height in the master bedroom, a four-panel medium-sized window with a three-foot, one-inch sill height in the study, a six-panel medium-sized window with an eight-foot, nine-inch sill height in the stairwell, and a small window in bathroom no. 3 with a 5.6-foot sill height. Due to tall sill height of the windows of the stairwell and bathroom no. 3, the proposed windows do not create unreasonable privacy impacts. The master bathroom and study with the three-foot, one-inch sill height, the window may impact privacy due to its views towards

the adjacent house or side yard area. To ensure that there are no additional privacy impacts, staff recommends Condition No. 4 to raise the sill of the master bathroom and study to four-foot, six-inches. With the proposed windowsill heights, the proposed windows along the left elevation will not create unreasonable privacy impacts.

On the right (north) side elevation of the second story, there is one two-panel in bedroom no. 3 and one four-panel window in bedroom no. 3 with three-foot, one-inch windows, a small window in bathroom no. 2 with a five-foot, seven-inch sill height, a small window in a water closet with a five-foot, seven-inch sill height, and two windows with a six-foot, one-inch sill height in the master bathroom. The applicant also proposed a 4.6-foot wide by 11.5-foot-deep balcony off of the master bathroom. A six-foot, one-inch privacy screening wall is proposed along the right elevation, which diminishes privacy impacts toward 540 Valencia Drive. To ensure that there are no additional privacy impacts, staff recommends Condition No. 4 to raise the windowsill height to four-foot, six-inches in bedroom no. 2 and bedroom no. 3. With the small window size and the four-foot, six-inch sill height for the windows, the proposed window would not create unreasonable privacy impacts.

Along the rear (north) second story elevation, there are three windows, one set of French doors with a single panel side light, and a door: one four-panel window with a three-foot, one-inch sill height in the master bedroom, one two panel window with a three-foot, one-inch sill height in the study, and one two panel window with a three-foot, one-inch sill height in the stairwell, a glass door exiting from the master bathroom, and a set of French doors with side light for the master bedroom with the door exiting onto a balcony. The applicant proposes a balcony off the master bedroom with a width of 15.75 feet and a depth of 7.75 feet, and a balcony off the master bathroom is 4.6-foot wide by 11.5-foot-deep. A six-foot, one-inch privacy screening wall is proposed along the right elevation of both balconies, and a six-foot tall, one-inch privacy screening wall along the master bedroom balcony, which diminishes privacy impacts toward the left and side property lines.

The master bedroom's balcony significantly exceeds the four-foot maximum balcony depth recommended in the Residential Design Guidelines, and it is more active in nature due to its depth. The balcony is nearly 31.5 feet from the right property line, 36.25 feet from the left property line, and 66.75 feet from the rear property line. Existing evergreen screening trees and other trees, and 16 new pittosporum tenuifolium and nine laurus nobilis screening trees are located along side property lines, to obscure sight lines and maintain a reasonable degree of privacy. Due to the side yard setback and existing and proposed evergreen screening, the balcony does not create any unreasonable privacy impacts.

However, staff found the design is not consistent with the Residential Design Guidelines to minimize the privacy impact from the following aspects along the rear property line and recommends the following direction:

- The tempered glass railing shall be replaced with a solid plaster railing to match the adjacent railing along the side elevations.
- The landscape plan shall be revised to incorporate fast growing evergreen screening along the rear property line.

## **Landscaping**

Seventeen existing trees are depicted within the proximity of the subject site and further assessed by the provided arborist report on Sheet A3. A maple tree (No. T-5), Nine Coast Live Oak trees (No. T-2 to T-4, T-7, T-8, T-10, T-11, T-16, and T-17) located on the subject property or immediately proximate to the site are protected tree and will be retained and protected during future construction. One of the ten remaining trees, the Coast Live Oak tree may be impacted by the construction. The trees proposed for removal include the following:

- A 60-inch oak tree is proposed for removal due to conflicting with the location of the driveway and the tree is in poor form due to previously being topped. Under the City’s Tree Protection Ordinance (LAMC [Chapter 11.08](#)), a protected tree may be removed due to the condition of the tree with respect to disease, and/or its proximity to existing or proposed structures. Due to the removal of the protected trees, staff recommends condition No. 5 to add a 15-gallon Category I street tree on the property to replace the 60-inch ash tree being removed from the site for the development.
- Two unprotected Coast Live Oak trees (Tree nos. T-6 and T-13). 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 tree may be removed by the applicant without approval from the City of Los Altos.
- Three trees, including a Mayten tree (no. T-7), a Privet tree (no. T-8), and a green Ash tree (no. T-12) have a circumferences less than 48 inches, which does not qualify the trees for protection. The tree may be removed by the applicant without approval from the City of Los Altos.

The subject arborist, David Beckham (ISA License #WE-10724A), assessed the proposed construction including the basement and lightwell and provided tree protection recommendations, including recommendations for a shoring plan. Condition No. 5 will require a certification letter from an arborist to ensure that tree protection measures are in place prior to the foundation inspection.

A new landscaping plan is proposed including a number of evergreen screening vegetation. The proposed screening vegetation will be planted along all the property lines and are outlined in Table 1 below.

**Table 1: Proposed Screening Plant List**

Common Name	No.	Size	Description
Pittosporum tenuifolium	16	15-gallon	12’ tall x 6’-8’ wide
Sweet Bay Tree	9	55-gallon	12’-20’ tall x 12’-20’ wide
Spectabilis Bamboo	12	5-gallon	25’-30’ tall x 3” wide

The landscape plan also includes a variety of other shrubs and groundcover type plants throughout the site. In addition to preserving many of the existing trees on the site, the project will be installing new landscaping and hardscape in the front yard. Since the project includes a new house and new landscaping area that exceeds 500 square feet, it is subject to the City’s Water Efficient Landscape regulations. Overall, the existing and proposed landscaping meets the intent of the City’s landscape regulations and street tree guidelines.

**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 16 nearby property owners on Valencia Drive, Felicia Way, and Arbuelo Way. The Notification Map is included in Attachment B.

On August 30, 2022, a billboard of Notice of Development Proposal (Attachment D) 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.

**Correspondence**

Staff received no correspondence from neighbors.

Cc: Shobita Thomas & Esteban Kozak, Property Owners  
Francis Pham, Applicant/Architect

## Attachments:

- A. Neighborhood Compatibility Worksheet
- B. Notification Map
- C. Picture of Notice of Development Proposal
- D. Public Outreach Letter
- E. Material Board

## FINDINGS

SC22-0018 – 530 Valencia Drive

With regard to design review for the new two-story house, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code that:

- a. The proposed addition complies with all provisions of this chapter;
- b. The height, elevations, and placement on the site of the proposed 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 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 addition has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

## CONDITIONS

SC22-0018 – 530 Valencia Drive

### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on October 19, 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 August 31, 2022, except as may be modified by these conditions.

**3. Protected Trees**

The existing trees and privacy screening shall be protected under this application and cannot be removed without a tree removal permit from the Development Services Director.

**4. Windowsill Height**

The sill height of the master bathroom and study along the left (south) side elevation, bedroom no. 2 and 3 along the right (north) side elevation shall be increased to a minimum of four-foot, six inches.

**5. Street Tree**

A 15-gallon Category I street tree shall be planted on the property to replace the 60-inch Ash tree being removed from the site for the development.

**6. Arborist Certification Letter**

A certification letter shall be provided from the licensed arborist and any other individual or entity required to ensure that all the recommended tree protection measures occur prior, during and after construction consistent with the arborist report by Kielty Arborist Services LLC dated July 14, 2022. The letter and executed agreement shall be provided to the Planning Division prior to the building permit issuance. The applicant shall also provide an executed agreement with the licensed arborist and all other parties who will implement the tree protection measures to implement the tree protection measures.

**7. Tree Removal Approved**

The existing trees shown to be removed on plan Sheet A4 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.

**8. 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.

**9. 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.

**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. 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**

**11. Conditions of Approval**

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

**12. Applicant Acknowledgement of Conditions of Approval**

The applicant shall acknowledge receipt of the final conditions of approval and put in a letter format acceptance of said conditions. This letter will be submitted during the first building permit submittal.

**13. 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."

**14. Reach Codes**

Building Permit Applications submitted on or after January 26, 2021 shall comply with specific amendments to the 2019 California Green Building Standards for Electric Vehicle Infrastructure and the 2019 California Energy Code as provided in Ordinances Nos. 2020-470A, 2020-470B, 2020-470C, and 2020-471 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.

**15. 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.

**16. 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.

**17. Underground Utility Location**

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.

**18. Air Conditioner Sound Rating**

Show the location of any air conditioning unit(s) on the site plan including the model number of the unit(s) and nominal size of the unit. 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.

**19. 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**

**20. Tree Protection**

Tree protection fencing shall be installed around the driplines, or as required by the project arborist, of the existing trees as shown on the site plan and landscaping 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.

**21. 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**

**22. 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.

**23. 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.

**24. 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).

**25. Confirmation of Executed Tree Protection Measures**

A letter signed licensed arborist and any other individual or entity required to ensure that all the recommended tree protection mitigations occur prior, during and after construction consistent with the arborist report by Kielty Arborist Services LLC dated July 14, 2022, shall be provided to the City. The letters shall provide documentation (i.e. photographs, records of site visit, records of notes, etc.) confirming their active implementation and execution of the tree protection measures in the arborist report by Kielty Arborist Services LLC dated July 14, 2022.