

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS APPROVING THE DESIGN REVIEW, HISTORIC ADVISOR REVIEW AND VARIANCE FOR A SINGLE-FAMILY RESIDENTIAL PROJECT AT 236 ELEANOR AVENUE, AND FINDING THAT THE PLANNING COMMISSION'S ACTION IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City of Los Altos received applications for Design Review (File Number SC23-0003), Historic Advisor Review (H23-0001) and Variance (File Number V23-0001) from Walter Chapman, (Applicant), for the construction of additions to an existing historical two-story single-family residence consisting of a 1,647 square-foot first story addition, a 327 square-foot second story addition, an 832 square-foot basement, and a new 588 square-foot accessory structure, hereafter referred to as the "Project";

WHEREAS, said Project is located in the R1-10 District, which allows single-family housing as a permitted use and to be developed per Los Altos Municipal Code Chapter 14.10; and

WHEREAS, the variance requested allows a basement 2.5 feet above grade that exceeds the maximum height limit of two feet, a 326 square-foot second-story addition on a flag lot which allows only one-story structures, a height of 26.2 feet that surpasses the maximum limit of 20 feet for flag lots, and the placement of an accessory structure in the required front yard, where such structures are not permitted; and

WHEREAS, the Planning Commission has reviewed the design review, historic advisory review and variance applications, including staff reports and public comments, and has determined that the requested design review, historic advisor review, and variance applications meet the findings as set forth in the Los Altos Municipal Code Section 14.76.060, 14.76.070, and Section 12.44.140;

WHEREAS, said Project is exempt pursuant to CEQA Guidelines Section 15331 (Historical Resource Restoration/Rehabilitation) in that the project is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, or Reconstructing Historic Buildings (the "Secretary's Guidelines"). Additionally, none of the circumstances under CEQA Guidelines Section 15300.2 applies, including under Section 15300.2(f) in that the project is consistent with the Secretary's Guidelines; and

WHEREAS, on April 24, 2023, the Historical Commission held a public meeting to discuss the design review, variance and historic advisory review of said Project and continued to the project to a meeting date uncertain; and

WHEREAS, on February 28, 2023, upon the approval of the zoning code amendments to implement the adopted 2023-2031 Housing Element by the City Council, the Planning Commission is the approval authority for said Project; and

WHEREAS, on June 21, 2023, the City gave public notice of the Planning Commission's public hearing on the proposed Project by advertisement in a newspaper of general circulation and to all property owners within a 300-foot radius; and

WHEREAS, on July 6, 2023, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment upon the Project, and at the conclusion of the hearing, the Planning Commission approved said project; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Los Altos hereby finds that the foregoing recitals are true and correct and approves the requested variance and design review applications subject to the Findings in Exhibit A and Conditions of Approval in Exhibit B attached hereto and incorporated by reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the Planning Commission of the City of Los Altos at a meeting thereof on the 6th day of July 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan Mensinger, Chair

Attest:

Stephanie Williams, AICP
Staff Liaison

EXHIBIT A

FINDINGS

SC22-0029 & V23-0002 5790 Arboretum Drive

Design Review

With regard to the improvements to the existing two-story residence, the Planning Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- A. The proposed addition of a 1,647 square-foot first story, 327 square-foot second story, and 832 square-foot basement to the existing house and the new one-story accessory structure complies with all provisions of this chapter because the proposed residence is granted a variance requested for the reduction to the second-story side yard requirement; and the project is otherwise 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 addition to the existing 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 project is planned to maintain a comparable finished floor elevation and minimize grading, ensuring consistency with the nearly flat topography and the geology of the site and the lot orientation in relation to the existing house, ensuring consistency with the property's layout. It also adheres to the permissible limits for floor area, lot coverage, and height as stipulated by the applicable regulations, such as the LAMC Chapter 14.06. Furthermore, the design meets the daylight plane requirement, ensuring adequate access to natural light in accordance with the regulations. The proposed house complies with the Residential Design guidelines to ensure its appropriate placement and adherence to the specified design guidelines.
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized because the existing trees on the property, which are protected by city ordinance, are planned to be retained as part of the proposed project. There will be no significant alterations to the grade or removal of soil during the construction of the addition and accessory structure. In terms of landscaping, the proposed plan aligns with the surrounding neighborhood by incorporating new trees, shrubs, and ground cover that complement the existing environment. This approach ensures the preservation of the natural elements and contributes to the overall aesthetics and character of the neighborhood.
- D. The orientation of the house in relation to the immediate neighborhood will minimize excessive bulk because the addition to the house will primarily occur along the right interior side elevation. The proposed structure incorporates architectural features such as horizontal eave lines, shingle siding, and roof forms that effectively break up the massing and minimize excessive bulk. The first- and second-story roof forms, along with the horizontal eave line, add visual interest and prevent a monolithic appearance by creating distinct sections. The wall plate heights of 10 feet for the first story and 8 feet for the second story, and eight feet for the accessory structure will reduce the overall appearance of bulk. The project includes measures to alleviate any perceived bulkiness, such as the use of shingle siding to diminish the appearance of bulk and the introduction of

fenestration and articulation to add variation to the wall plan.

- 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 site. The Craftsman design upholds and safeguards the original character and significance of the historic property while incorporating any necessary updates or additions. The addition has been designed to be compatible with the existing historic structure, utilizing wood construction, shingles with a different off-set pattern, and slightly different stucco siding to differentiate it from the historic materials. The building's size and scale have been carefully considered to align with the neighborhood, ensuring compliance with building height standards.
- F. 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 because the proposed residential improvements are minimized, and the proposed grading provides for drainage away from the home and away from adjacent properties and conforms to existing grades along the property lines.

Variance

With regard to the improvements to the existing two-story residence and the new accessory structure, the Planning Commission finds the following in accordance with Section 14.76.070 B. of the Municipal Code:

- A. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 because the subject project is found to conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character by respecting and preserving a historic property while improving its functionality and usability.
- B. 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 because the proposed improvements will adhere to the California Building Code, ensuring the health, safety, and welfare of individuals. Both the house and accessory structure are situated on a flag lot, resulting in their invisibility and inconspicuousness from the streets. This positioning helps maintain privacy and prevents any significant visual impact on neighboring properties. The first and second story additions to the main house exceed the minimum setback standards for the R1-10 district applicable to flag lot properties. By adhering to these setback requirements, potential concerns regarding privacy or bulk are minimized, thus preserving a harmonious relationship with neighboring properties. Privacy hedges will be installed to screen the structure, reducing any potential bulk impacts along the 7.5-foot setback.
- C. That 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 variance is granted with the consideration of existing special circumstances on the property due to the "location" of a historic resource house. The historic house is non-conforming with the

Zoning Ordinance in terms of its height and the prohibition of second-story structures on flag lots. Preserving the historical integrity of the house imposes limitations on alternative development options and deprives the homeowners' enjoyment of their property, when compared to properties without historic houses.

Historic Advisory Review

With regard to the to the existing historic two-story residence, the Planning Commission finds the following in accordance with Section 12.44.140 of the Municipal Code:

- A. The project complies with all provisions of the Historic Preservation Ordinance (Chapter 12.44) due to the project not adversely affecting the physical integrity or the historic significance of the subject property and the projects compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
- B. The project does not adversely affect the physical integrity or the historic significance of the subject property. Although the house has undergone alterations, it still retains enough historic fabric to be considered as having integrity. The house is significant as a variant of the Craftsman style, and although the aspects of setting, feeling, and association are not present, the design, materials, and workmanship from around 1919 are still evident enough to convey the historical importance of the building. The addition has been designed to be compatible with the existing historic structure, utilizing wood construction, shingles with a different off-set pattern, and slightly different stucco siding to differentiate it from the historic materials. The addition does not exceed the height of the historic building and is situated on a remodeled elevation. The addition does not diminish the presence or character of the historic building. The demolition of the existing detached garage and the construction of a new accessory structure does not impact the historic significance of integrity of the historic house.

EXHIBIT B

CONDITIONS OF APPROVAL

SC23-0003, V23-0001 & H23-0001- 236 Eleanor Avenue

GENERAL

1. Expiration

The Design Review, Historic Advisory Review and Variance Approval will expire on July 6, 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 April 17, 2023, except as may be modified by these conditions.

3. Protected Trees

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

4. 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 2,500 square feet or more of new or replaced landscape area, including irrigated planting areas, turf areas, and water features is proposed. Any project with an aggregate landscape area of 2,500 square feet or less may conform to the prescriptive measures contained in Appendix D of the City's Model Water Efficient Landscape Ordinance.

5. 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

6. 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.

7. 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.

8. 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."

9. 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.

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. 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.

12. 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.

13. 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

14. Tree Protection

Tree protection fencing shall be installed around the driplines, or as required by the project arborist, of trees Nos. 1 to 7, 11 to 13, 16 to 21, and 23 to 27 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.

15. 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 with 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

16. 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.

17. 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).