



DESIGN REVIEW COMMISSION MEETING MINUTES

7:00 PM - Wednesday, June 01, 2022

Telephone/Video Conference Only

CALL MEETING TO ORDER

At 7:04 p.m. Chair Blockhus called the meeting to order.

ESTABLISH QUORUM

PRESENT: Chair Blockhus, Vice-Chair Ma, Commissioners Bishop, Harding and Kirik
STAFF: Development Services Director Zornes, City Attorney Houston, Deputy City Attorney Ramakrishnan, Interim Planning Services Manager Golden, Senior Planner Gallegos, Associate Planner Liu and Associate Planner Healy

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

1. Design Review Commission Minutes

Approve minutes of the regular meeting of May 4, 2022.

Action: Upon a motion by Commissioner Harding, seconded by Chair Blockhus, the Commission approved the minutes of the regular meeting of May 4, 2022 as amended by Vice-Chair Ma to state he recused himself from item No. 2 due to a “business involvement”.

The motion was approved (5-0) by the following vote:

AYES: Blockhus, Bishop, Harding, Kirik, and Ma

NOES: None

CHANGES TO THE ORDER OF THE AGENDA

Chair Blockhus motioned to reorder the agenda to move agenda item No. 4 to item No. 2, agenda item No. 2 to agenda item No. 3, and agenda item No. 3 to agenda item No. 4

There were no objections from any commissioners, so no vote was required.

DISCUSSION ITEMS

2. SB9 Objective Standards Commission Feedback

Development Services Director Zornes wanted to provide a brief moment to cover the ground rules with Council liaisons. He stated from the Commission Handbook that Council liaisons may not try to influence, take a position or vote on an item before the Commission. They are here for assisting the commission on items directed by the City Council to come before the Commission.

Council Liaison Meadows and Vice-Mayor

- She is only person in the City right now to have volunteered on both the DRC and PC and is now on City Council, so she has a unique perspective.
- She views the DRC as a facilitator in our community, between the Design Guidelines and Municipal Code, homeowners who want to build and neighbors who have concerns regarding change.
- It is true that the DRC has had design review responsibility for discretionary single-family houses, and SB9 will not change this, but it will change direction for dwelling units as they are built.
- We are here tonight because the DRC and PC have no jurisdiction with SB9, which is administrative, and we are trying to develop guidelines for objective review by staff.
- Keeping in mind, we are trying to preserve the Los Altos character. In her opinion, whether discretionary or objective standards with or without ADUs or SB9, the best way for compatibility it is for a set of rules that allows Los Altos to maintain its character.
- Thanked the DRC for the work done at the end of last year for the SB9 guidelines for the urgency resolution passed by City Council.
- Noted the HCD fact sheet on page 7 that says a local agency should proceed with caution when adopting local ordinance that would impose unique development standards on units proposed under SB9 but would not apply to other developments.
 - How do we apply a uniform set of standards that make sense as staff is reviewing projects administrative?
 - What are the problems that were impacted by DRC review? (i.e. Windows and balconies that affect privacy, plate heights that affect bulk and mass, etc.)
 - Now, we have to look at the best answer for examining what was developed and put in place in December and moving forward thinking with compatibility across all the different types of dwelling units in Los Altos.
- Reviewed and went over the 12/14/21 City Council Meeting direction on page 3 of the staff report specific to the urgency ordinance that was adopted to help determine longer term objective standards.
- Council discussed regulating building color, vegetation concerns and floor area ratio.
- In regard to plate heights, they adopted an urgency ordinance with the most frequent plate height.
- Whether or not affordable housing requirements can be incorporated as deed restrictions.
- Further discussion on street access and safety for double street lots.
- Discussion on the definition of site coverage, softscape, hardscape, and how it affects drainage.
- Discussion about the definition of floor area.
- Garage door design and materials were also discussed.
- Do we want to be more prescriptive or less with the criteria laid out in the urgency ordinance?

Development Services Director Zornes

- We will have to focus the discussion on City Council items directed by Council on 12/14/22, with a 45-minute limit and if there is time, discuss more.

Deputy City Attorney Ramakrishnan

- Vice-Mayor Meadows said most of what he wanted to say. He will focus what he wants to say into four themes.
- Theme 1: What was the thinking behind bringing the guidelines back for further discussion?
- Theme 2: Why is the City asking the PC and DRC for more feedback?
- Theme 3: The idea of being more or less restrictive.
- Theme 4: The deed restriction issue.
- In terms of why this was brought back is we were rushed. SB9 was passed in September, and we had a very short time to read and understand it. Then, we had to bring the SB9 regulations to Council before the first applications on January 1st. There was a concern that if we were not rushed, would we have come up with a different set of guidelines?
- Why is the City Council asking the PC and DRC for more feedback?
 - The DRC is involved in single-family residential design review.
 - The PC is involved in multiple-family residential design review.
 - It is helpful for the City Council to have each perspective since SB9 is a hybrid of the two. Although the PC is not involved with single-family homes, Council thought it would be beneficial for joint DRC and PC input.
- In terms of if we want to be more or less restrictive?
 - We cannot develop standards that reduce the level of intensity, such as density, setbacks, height, and bulk, etc., and we cannot reduce from the standards allowed from 2018.
 - Can we be more restrictive? We were in a sense since we can't go through the process on a case-by-case basis, but we were trying to be too prescriptive and were preventing better architectural designs.
- We are not asking you about deed restrictions, that is a policy question and a legal issue. We are asking for your design expertise. It is not on the agenda tonight, and we are not asking you for your input on them since it would have to be imposed through an ordinance at the Council level.

Vice-Chair Ma asked Council Liaison Meadows about the overall direction for SB9. Whether or not we want to be more flexible on the floor area ratio for the design or the opposite direction and more conservative with an SB9 project. He wants to understand the general direction from the state and City level to allow for more floor area to provide more housing units on the DRC side of things.

Council Liaison Meadows said we have no direction yet since SB9 does not require any change and we can maintain the law as is.

Deputy City Attorney Ramakrishnan said that if we take HDC's interpretation of floor area ratio, you certainly couldn't reduce floor area from what was allowed before SB9.

Council Liaison Meadows asked if we are actually taking our current standards and motivating SB9 applicants because of the way we go through the design review process? As we go through the housing element update process any insight they can give to motivate a different type of development to provide more housing is helpful.

Vice-Chair Ma thanked Vice-Mayor Meadows and Deputy City Attorney Ramakrishnan for their clarification. He shared that he did some research on other adjacent cities and they really encouraged SB9, but another city had more requirements and discouraged SB9 and required design review.

Deputy City Attorney Ramakrishnan said this raises an important legal issue he wanted to clarify. Whether we are more generous than we were before SB9, to the extent that SB9 doesn't require us to be more generous, it should not be our policy goal to discourage people from using SB9 specifically. So,

cities that are doing that, the Department of Justice and HCD are coming down on hard. It is an appropriate policy question to say do we want to be more generous than we have to, it is not an appropriate policy question to see how we can discourage SB9.

Council Liaison Meadows if all these people will be neighbors, we want to be as objective and welcoming as we can.

Chair Blockhus

- Questioned wanting to have objective standards for SB9 and regular projects dating back to 2018, when back then we had a lot of holes in our existing requirements that needed to be referenced by the DRC in order to clean up.
- Who is choosing the SB9 route versus the DRC route early in the process and why?

Deputy City Attorney Ramakrishnan stated that HCD said in interpreting SB330 and SB8 is that we cannot use SB9 in a way if it reduces the level of intensity for development on a site. We do not have to have the same requirements as in 2018, as those were subjective and these are objective standards.

Deputy City Attorney Ramakrishnan said that when it comes to color, plate height, articulation, etc. it is fair game to discuss. You just cannot reduce the intensity of the site development that was allowed in 2018.

Commissioner Kirik wants a continuation of the prior subcommittee with Vice-Chair Ma to respond to the Council's direction.

Council Liaison Meadows said to ask themselves when they propose something if the modifications would result in a distinguishable SB9 home versus a DRC home and how to preserve our character.

PUBLIC COMMENT

None.

Chair Blockhus closed the public comment section of the meeting.

City Attorney Houston clarified the direction and how to move forward on providing SB9 feedback.

It was concluded that:

- The DRC will have the subcommittee meet to develop input on SB9.
 - Commissioner Harding does not want to join the subcommittee.
- Commissioner Kirik and Vice-Chair Ma wish to work on SB9.
- They will report back to the DRC.
- Then, as a body, the DRC will report back to the City Council by adopting the recommendations for them to consider.

3. SC22-0009 – Kyle Chan – 629 Benvenue Ave

Design review for a new 3,564 square-foot two-story single-family residence. The project includes 2,477 square feet on the first story and 1,087 square feet on the second story. This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act. *Project Manager: Healy*

STAFF PRESENTATION

Associate Planner Healy presented the staff report recommending approval of design review application SC22-0009 subject to the listed findings and conditions. She noted a typo in the report and clarified that tree No. 27 is being removed, not No. 25 in the rear yard.

COMMISSIONER COMMENTS/QUESTIONS

Chair Blockhus asked about the tree that was removed from the previous tree removal permit and the replacement tree.

Answer: Associate Planner Healy said the condition is to replace it with a comparable tree and is consistent with our regulations.

Chair Blockhus asked if there was any discussion for the second story windows to not be obscured?

Answer: Associate Planner Healy referred to the applicant.

Commissioner Kirik said tree No. 22 behind the house has gone wild and asked if there was any objection to removing the tree?

Answer: Associate Planner Healy said it was not indicated for removal.

Commissioner Bishop asked if there were there any other comments received from the neighbors regarding the project.

Answer: Associate Planner Healy said no.

APPLICANT PRESENTATION

Applicant and project architect, Kyle Chan provided a project presentation.

COMMISSIONER COMMENTS/QUESTIONS

Vice-Chair Ma asked for clarification on the material board since it showed an exterior finish schedule with two types of stones. He sees the veneer used for the front entrance, but he did not see the second type of stone.

Answer: The applicant said the second stone is for flooring at the front porch and the back patio.

Vice-Chair Ma asked the applicant to describe the elements of the rafter tails, corbels, and window trim since he did not see the callouts for the materials used.

Answer: The applicant said the window shutters are a decorative element; the corbels were requested by owner, but not common in Mediterranean design; he added the rafter tails, which are not shown on the 3D model details; and the rafter tails and corbels will be painted wood, either an ebony or graphite color to match the window trim.

Commissioner Kirik commented that it is a disservice to have a tree growing under and around the oak tree in the rear yard and asked if there was any objection to remove the tree?

Answer: The applicant said he would ask the owner, but the other tree was removed due to poor health and infection, whereas this one is healthy, and they have not decided to remove it at this point. They would consider it if it affects the health of the oak tree.

Commissioner Kirik asked a question about the garage door size and height.

Answer: The applicant said that the top of the arch is at 8 feet, with a lower height at the edges of the arch at 7 feet.

Commissioner Kirik commented that the front renderings showed images of towers and front entries rather proud, here the recessed entry appears rather unbalanced and skinny. He suggested some modifications.

The applicant provided a response and discussed the reasons for the design choices made.

Commissioner Kirik commented on the obscure glass on the second story and asked if this was done from input from the neighbor or on their own?

Answer: The applicant said they proposed it for lighting and neighbors who want privacy.

Chair Blockhus said he does not think the obscure glass enhances the look of the house, and it does not function in manner that would achieve the goal. If there are open windows, there will be views and impacts to privacy. He asked if the neighbors proposed it in order to support the project? He suggested going back and speaking with the neighbors about it again and propose privacy screening instead of obscured windows.

Answer: The applicant said they talked about obscured versus non obscured and the owners do not want views on the sides.

Chair Blockhus asked if the applicant would consider a different door instead of a double door to break up the vertical element of the front door?

Answer: The applicant said a door with a transom window on top of it would be problematic. The current design works with the hierarchy of the garage and looks best.

PUBLIC COMMENT

None.

Chair Blockhus closed the public comment period.

Commissioner discussion then proceeded.

Action: Upon a motion by Commissioner Kirik, seconded by Commissioner Harding, the Commission continued design review application SC22-0009 to the June 15, 2022 DRC meeting with the following direction:

- Clarify the height of the garage door to make sure it meets minimum code clearances on the sides.
- Provide a letter or correspondence from the neighbors to support obscure or clear glass on the second stories facing the side yards.
- Study the front entry to create better balance.
- Come back with additional detailing on the windows.
- Clarify if tree No. 22 can be removed to improve the health of tree No. 23.
- Come back with a roof color which is more varied and not monochromatic.

The motion was approved (5-0) by the following vote:

AYES: Blockhus, Bishop, Harding, Kirik, and Ma

NOES: None

4. SC21-0048 – Kendra Rosenberg – 466 Raquel Lane

Design Review for the construction of an 818.8 square-foot, attached accessory dwelling unit (ADU) to an existing one-story house. The proposal is subject to design review pursuant to Section 14.76.040 (D) of the Los Altos Municipal Code as the 22-foot, six-inch tall second story ADU will exceed a 20-foot height. This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act. *Project Manager: Liu*

STAFF PRESENTATION

Associate Planner Liu presented the staff report recommending approval of design review application SC21-0048 subject to the listed findings and conditions.

COMMISSIONER COMMENTS/QUESTIONS

Commissioner Bishop stated that they do not review ADUs on a regular basis and asked what the Commission could discuss and offer recommendations on.

Answer: Associate Planner Liu stated the Commission can impose discretionary review on the ADU as far as design, architecture and compatibility. They cannot deny the project.

Commissioner Kirik said an ADU requires independent living and typically, there is a door between the main residence and the ADU and a fire separation wall. Does this meet the definition of an ADU?

Answer: Associate Planner Liu stated it is for independent living and must have a standard size kitchen, independent bathroom and a separate entrance from the main house.

Senior Planner Gallegos clarified that a fixed door is not a requirement of our ADU regulations that the firewall is part of the standard conditions for a building permit.

APPLICANT PRESENTATION

The applicant did not provide a project presentation.

The applicant clarified that there is a door between the internal connection and the ADU. She made herself available for questions.

The property owner thanked the Commission for consideration of their project.

COMMISSIONER COMMENTS/QUESTIONS

Vice-Chair Ma asked if the reinforced masonry chimney will be extended or replaced?

Answer: The applicant said they were trying to keep the chimney and extend the existing masonry. She has to trust it can be retained, but if not they can put in a gas fireplace and it is not a design element.

Vice-Chair Ma asked for clarification on the difference in the type of roof from the front to rear elevations.

Answer: The applicant explained the difference in the roof type and the reasoning because of the gables. She shared a 3D model to show the Commission what she described.

PUBLIC COMMENT

None.

Chair Blockhus closed the public comment period.

Commissioner discussion then proceeded.

Action: Upon a motion by Vice-Chair Ma, seconded by Commissioner Harding, the Commission approved design review application SC21-0048 subject to the staff report findings and conditions.

The motion was approved (5-0) by the following vote:

AYES: Blockhus, Bishop, Harding, Kirik, and Ma

NOES: None

COMMISSIONERS' REPORTS AND COMMENTS

None.

POTENTIAL FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Chair Blockhus adjourned the meeting at 9:22 PM.

Sean Gallegos
Senior Planner