



DATE: August 17, 2022

AGENDA ITEM # 5

TO: Design Review Commission
FROM: Sean K. Gallegos, Senior Planner
SUBJECT: SC22-0008 – 331 Edna Court

RECOMMENDATION:

Approve the design review application SC22-0008 subject to the listed findings

PROJECT DESCRIPTION

This is design review for a 933 square-foot second-story addition to an existing one-story house. The project includes a 667 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: 12,094 square feet
MATERIALS: standing seam metal roof, long board and stucco siding, black aluminum windows, metal garage door, and wood trim

| | Existing | Proposed | Allowed/Required |
|---|-------------------|---------------------|-------------------------|
| COVERAGE: | 2,791 square feet | 2,672 square feet | 3,173.7 square feet |
| FLOOR AREA: | | | |
| First floor | 2,791 | 2,684.2 square feet | |
| Second floor | - | 833.4 square feet | |
| Total | 2,791 square feet | 3,517.6 square feet | 3,702/65 square feet |
| SETBACKS | | | |
| Front | 24.7 feet | 25 feet | 25 feet |
| Rear | 25 feet | 46.5 feet | 25 feet |
| Right Side (1 st /2 nd) | 9.7 feet | 9.7 feet/ 17.5 feet | 10 feet/17.5 feet |
| Left Side (1 st /2 nd) House | 9.5 feet | 9.5 feet/40.6 feet | 10 feet/17.5 feet |
| HEIGHT: | 15.9 feet | 22.25 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. The subject house is located on the west side of Edna Court, off of South El Monte Avenue. The surrounding neighborhood consists of both one- and two-story houses that vary in setbacks, size, age, architectural styles and materials. There are two, two-story houses directly adjacent to the property, and three, two-story houses directly across the street on Payne Drive. Payne Drive has landscaped and paved shoulders with no distinct street tree pattern on either side of the street.

Zoning Compliance

The subject property has a nonconforming first-story side yard setbacks on both sides of 9.5 feet and 9.7 feet respectively, where 10 feet is required in the R1-10 District. Since the proposed addition is maintaining over 50 percent of the existing house, the nonconforming setbacks are allowed to be maintained.

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.

The house is a contemporary style house with rectangular forms and simple massing and details that relate well to the low-scale, Ranch style houses in the neighborhood context. The project uses low-sloped gable and hipped roof forms, which are consistent with the gable and hipped rooves found in the neighborhood. The proposed project uses more eclectic forms than those found in the surrounding neighborhood, such as a formal front entry, which is integral to the proposed architectural style. The detailing and materials of the structure reflect a high level of quality and appropriate relationship to the rustic qualities of the area. The proposed building materials, which includes a standing seam metal roof, long board and stucco siding, black aluminum windows, a metal garage door, and wood trim, are high quality, integral to the proposed architectural design, and compatible with the character of the surrounding 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 proposed Contemporary eclectic design is in keeping with the scale of structures found in the neighborhood, and will be the third, two-story residence in the immediate neighborhood context. The project has relatively low eaves along the front elevation, which contributes to a more horizontal appearance and provides a strong single-story relationship to adjacent houses.

The primary wall plate height of the second story is eight feet, three inches and the second story is eight feet. In the immediate neighborhood context, the first story plate heights are predominantly eight feet to nine feet tall, and the second story plate heights are eight feet. Staff found the proposed plate heights are compatible with the immediate neighborhood context. Staff worked with the

applicant to reduce the entry feature height six inches to lower the overall scale and massing of the feature.

The project is in keeping with the scale of other homes found in the neighborhood. The proposed 22.25-foot-tall home is more than 4.75 feet shorter than the maximum permitted 27-foot height in a neighborhood with one-story houses 17 feet to 20 feet tall and 23-foot to 25.25-foot tall two-story houses. The project reduces the perception of bulk by proposing low wall plate heights on the first and second story, and a low-pitched hip roof with gable and hipped roof elements. The second story is centered over the first story along the right side of the structure to minimize the perception of bulk. Furthermore, the applicant worked with staff to reduce the entry feature height six inches to lower the overall scale and massing of the feature. In order to create a scale that was more compatible with the neighborhood, the wall plate heights of the first story were reduced from ten feet to nine feet, one inch.

Overall, according to the Residential Design Guidelines, the project appears to be an appropriate design within this Diverse Character Neighborhood setting. The proposed addition has design elements, materials, and scale found in the neighborhood and meet the intent of the design review findings.

Privacy

On the left (west) side of the second story, there are two windows: one large-sized two-panel window in the bedroom No. 4 and one large-sized two-panel window in the bedroom No. 5. The two windows have three-foot, six-inch sill heights. Generally, staff has concerns with side facing windows with sill heights lower than four-foot, six inches. However, any potential views from bedroom No. 5 are obscured by the gable entry roof and a hipped roof form. The privacy impacts from bedroom No. 4 are diminished due to being setback between 27.9 feet from the rear property line to 63.5 feet from the left side property line, and the overall views being obscured by four mature African fern pines along the property lines. Staff continues to have potential privacy concerns due to the lower sill heights of the proposed windowsill height for bedroom No. 4 on the left (east) elevation. Per page 14 of the Residential Design Guidelines, it is generally recommended that second floor side yard windows “should be no larger than UBC (Uniform Building Code) minimum sizes nor more than the number required for egress or light and ventilation requirements.” Per current standards, the minimum recommended sill height from staff to meet this guideline is 44 inches (3.6 feet). Therefore, staff proposes a condition of approval No. 2a that addresses the proposed sill heights while also allowing bedroom No. 2a to maintain Building Code standards.

On the right (east) side of the second story, there are four windows: one medium-sized window in a bedroom, one large-sized five-panel window in bedroom No. 3, one medium-sized window in the laundry room, one medium-sized window in the water closet of a bathroom, one large-sized window in a living room, and one large-sized two-panel window in bedroom No. 4. To ensure that there are no additional privacy impacts, staff recommends Condition No. 2b to raise the sill of all windows to four-foot, six-inches. With the proposed windowsill heights, the proposed windows along the left elevation will not create unreasonable privacy impacts. Bedroom No. 4 will have egress from a window along the west elevation with a three-foot, six-inch sill, which complies with the Building Code standards. Therefore, the new second story windows will have limited privacy impacts to adjacent properties with the adoption of Condition No. 2b.

Along the rear (north) second story elevation, there is one large three-panel two-story tall window for the stairwell with no sill height at the first or second story. The privacy impacts from bedroom No. 4 are diminished due to being setback between 40 to 45 feet from the rear property line to 63.5 feet from the left side property line, and the overall views being obscured by four mature African fern pines along the property lines.

Landscaping

Six protected trees are existing within the proximity of the subject site, including: a 24.8-inch African fern pine tree (No. 1), a 20.5-inch African fern pine tree (No. 2), 28.8-inch African fern pine tree (No. 3), 20.9-inch African fern pine tree (No. 4), 21.3-inch sweet bay tree (No. 5, and a 30.5-inch redwood tree (No. 6). Staff acknowledges the proposed site plan (Sheet A1.02 does not accurately list the species of diameter of the trees, but the location is correct. The arborist report by Kielty Arborist Services (License WE# 10724A) accurately conveys the location, species and tree sizes. All the protected trees will be retained and protected during future construction. An arborist report, prepared by Sam Oakley, an ISA certified arborist (License #WE-9474B), assessed all the trees condition and provided detailed tree protection plans to protect the trees from future construction. The arborist report is provided in Attachment B.

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, Condition No. 11 will require the project to conform to the City's Water Efficient Landscape Ordinance (WELo) pursuant to Chapter 12.36 of the Municipal Code. Overall, the proposed landscape meets the intent of the City's landscape regulations and street tree guidelines.

Development and Design Standards for Accessory Dwelling Units

The project includes an accessory dwelling unit permit application for a new 667.4 square-foot attached ADU, which is not part of the design review application. Once the Design Review Commission provides a recommendation for the new two-story house, the accessory dwelling unit will be reviewed administratively by the Development Services Director.

For informational purposes, staff has provided the following information related to the accessory dwelling unit.

Section 14.14.021 of the Municipal Code outlines the standards for accessory dwelling units. These standards include meeting all current development regulations of the single-family residential accessory dwelling units (ADU). An ADU separate entrance may be provided from the unit to the exterior of the residence, and an interior connection is permitted to the main living area. The second unit is required to provide one uncovered parking space in addition to the parking spaces required for the main house, unless exempt under Section 14.14.050(i)1-6).

The unit complies with the maximum floor area permitted for an ADU, it is below the maximum permitted 16-foot height, complies with the four-foot setback standard, no portion of the attached ADU extends above the accessory dwelling unit daylight plane standard, and the project complies with

ADU parking requirements by providing one uncovered on-site parking spaces. The accessory dwelling unit's architectural features, window styles, roof slopes, exterior materials, colors, appearance, and design is compatible with the proposed two-story single-family dwelling.

Prior to the issuance of the building permit for the ADU, Section 14.14.040 of the Zoning Code requires the owner must record a deed restriction stating that the ADU may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary dwelling.

Environmental Review

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves the construction of an addition to an existing single-family dwelling.

Public Notification

A public meeting notice was posted on the property and mailed to 14 nearby property owners on Edna Court, Hawthorne Avenue, Gordon Way and South El Monte. 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.

Cc: Nick McCracken, Applicant and Architect
Tanya Shastri and Rudramahesh Rugge, Property Owners

Attachments:

- A. Public Notification Maps
- B. Neighborhood Compatibility Worksheet
- C. Arborist Report, Kielty Arborist Services
- D. Applicant Community Outreach letter with attachment
- E. Materials Board

FINDINGS

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

- a. The proposed structure complies with all provision of this chapter;
- b. The height, elevations, and placement on the site of the structure, 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 structure in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
- 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 structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS

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GENERAL

1. Expiration

The Design Review Approval will expire on August 17, 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

This approval is based on the plans received on July 29, 2022 and the materials provided by the applicant, except as may be modified by these conditions.

- a. In order to mitigate privacy concerns resulting from the left-side second story windows, the applicants shall revise the left-side second story windowsill heights to be no larger than UBC (Uniform Building Code) or other applicable Building Code's minimum sizes.

3. Protected Trees

Tree nos. 1 to 6 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. Fire Sprinklers

Fire sprinklers shall be required pursuant to Section 12.10 of the Municipal Code.

7. Underground Utilities

Any new utility service drops may need be located underground from the nearest convenient existing pole pursuant to Chapter 12.68 of the Municipal Code.

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 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.

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. 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.

15. Green Building Standards

Provide verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from the project’s Qualified Green Building Professional Designer/Architect and property owner.

16. Underground Utility Location

Show the location of underground utilities pursuant to Section 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.

17. Air Conditioner Sound Rating

Show the location of any air conditioning unit(s) on the site plan including setbacks to property line, model number(s), and maximum sound rating of any air conditioning units on the site plan. Provide the manufacturer’s specifications document 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.

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 areas, etc.).

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 trees 1 to 6 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 (Section 12.26 of the Municipal Code).