



## AGENDA REPORT

**TO:** Nick Zornes, Zoning Administrator  
**FROM:** Sean Gallegos, Senior Planner  
**SUBJECT:** SC21-0021 and H21-0002 – 604 Milverton Road

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### RECOMMENDATION:

Approve design review and historic advisory review for a new 8,245 square foot two-story house and conversion of an existing historic house into a historic accessory building; and find the project categorically exempt under Section 15303 (“New Construction or Conversion of Small Structures”) and Section 15331 (“Historical Resource Restoration/Rehabilitation”).

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### BACKGROUND

#### Project Description

- Project Location: 604 Milverton Road, located on the west side of Milverton Road.
- Lot Size: 91,040 square feet
- General Plan Designation: Open Space; Planned Community
- Zoning Designation: PUD (Planned Unit Development)
- Current Site Conditions: One-story house

The proposed project includes the construction of a new 8,245 square foot two-story house comprising a 5,414 square-foot first story and a 2,831 square-foot second story, situated on a site featuring a designated historic resource. Additionally, it involves the conversion of an existing historic house into a historic accessory building (see Attachment A – Project Plans).

The proposed new house is located on the northeast corner of Lot No. 12, with its front façade directly along the frontage of Milverton Road and the entrance of the Morningside PUD. The existing historic house is located near the center of the property. The house is not visible from Morningside Road or from Milverton Road because it sits below street level, on a grade closer to Adobe Creek. Access to the existing historic house is provided through a private driveway situated between units 720 and 730 Morningside Road.

#### **Historic Resource**

The Costello House, a 1916 Craftsman Bungalow located at 604 Milverton Road, is listed in the Los Altos Historic Resource Inventory. The house is a vernacular bungalow type residence designed with

elements of the Craftsman architectural style. The Arts and Crafts Movement, which influenced the design of the California Craftsman Bungalow, was based on the theory of honesty and natural beauty of construction and materials. 604 Milverton Road is somewhat of a hybrid between the Craftsman and Arts & Crafts styles, with elements unique to California bungalows and the aesthetic preferences of the Costello family.

The house conforms to the traditions of the Craftsman style roof in massing, pitch, and proportion of the roof and gables, but deviates in that there are no beams, brackets, or knee braces. The ornamentation along the roofline is plain, and the gables are rounded. The carved apricot and leaf motif at the central gable tops the most arched of these front facing gables and all display the influences of the Arts and Crafts style on the Craftsman proportioned bungalow. The house retains many elements of its original materials, including the wood clapboard siding, masonry chimney, window fenestrations, wood window frames, wood sills, and wood roof framing. The intersecting gable roof forms are original. The central gable roof has two bowed gables on each side with curved bargeboards and open eaves. The original grouped windows of three on the front facade fenestrations, wood frames and wood sills have been left intact. The rear porch addition alters the original scale and proportion of the house, but this addition is on a secondary façade and occurred in 1985-86, outside of the period of significance.

### **Morningside Planned Unit Development**

The property located at 604 Milverton Road is a lot (Lot 12) within Morningside PUD. The Morningside PUD encompasses a total of 11 single-family dwellings spread across approximately 5.2 acres. This development is divided into two distinct sections: one section featuring 10 units on approximately 3.1 acres, and the other comprising a single unit, represented by the historic resource house which occupies approximately 2.1 acres.

In 1971, the City Council limited the Morningside development density to 11 single-family dwellings, including the existing historic home on the subject property. In 1985 the City approved the Morningside development subject to requirements for a conservation easement and dwelling limit on the subject property (Attachment C and D) which are discussed below.

On September 24, 2013, the City Council approved modifications to the Morningside PUD, and the PUD and Amendments are provided as attachment E.

### **ANALYSIS**

#### **Design Review**

The proposed house complies with the PUD district development standards found in Los Altos Municipal Code (LAMC) Chapter 14.62.200 and the Morningside PUD, as demonstrated by the following table:

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	-	5,860 square feet	6,000 square feet
<b>FLOOR AREA:</b> 1st Floor	-	5,414 square feet	

	Existing	Proposed	Allowed/Required
2nd Floor	-	2,831 square feet	
Total	-	8,245 square feet	n/a
<b>SETBACKS:</b>			
Front	-	43.8 feet	35 feet
Rear	-	15 feet	0 feet
Right side	-	25 feet/25.7 feet	25 feet
Left side	-	25 feet/33.9 feet	25 feet
<b>HEIGHT:</b>	-	28 feet	30 feet

The new two-story 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 hipped roof forms, which are consistent with the hipped roofs found in the neighborhood. The proposed project uses more eclectic forms than those found in the surrounding neighborhood, such as a formal front entry with the flat roof form, 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 include clay tile roof, stucco and stone siding, wood clad windows and front door, wood garage door and wood trim and details, are integral to the design. Overall, the design incorporates a contemporary style with simple elements and quality materials that produce a thoughtful and integrated appearance that is compatible with the character of the area.

Conforming to the Morningside Planned Unit Development (PUD) guidelines, the front and side of the building are made to look like a one-story house, with the second story concealed in the roof. To achieve this, the applicant’s design used large glass doors and windows on the first floor, kept the architectural elements simple, and added one-story features on the sides of the building to break up its size. Additionally, the applicant’s design positioned the second story in a way that reduces its visual impact by using a horizontal eave line and limiting the number of second-story windows. This design not only aligns with the building’s architectural style but also meets the PUD goals and matches the neighborhood's style.

The design for this project's front side is carefully planned to create a well-proportioned and attractive structure. It combines different roof styles, such as flat and hipped roofs, with horizontal eaves and a clear front porch. This mix of roof shapes, in line with the Residential Design Guidelines, adds variety to the large wall on the front. It makes the building look smaller and improves its overall appearance. These design choices effectively break up the building's shape both horizontally and vertically, resulting in a harmonious and character-rich architectural design for the applicant's project. As a result, the new construction remains consistent with the scale of the neighboring residences, and this approach ensures that the building's appearance is consistent with its surroundings and does not appear overly large or incongruous when viewed from the street.

The structure's height is 28 feet, within the permissible 30-foot limit defined by the Morningside Planned Unit Development (PUD) regulations. This adherence to the specified height restriction ensures compliance with the established zoning regulations, maintaining compatibility with the overall

development guidelines of the Morningside PUD. This height reflects a design approach that respects the neighborhood's architectural character and zoning requirements.

As part of the landscaping plan for the property, new trees will be planted to enhance privacy. This includes the addition of 15 Caroline Cherry trees and 12 African Fern Pine screening trees along the right rear corner of the site and 15 Caroline Cherry screening trees along the left property line. There are 21 on-site trees, and the applicant proposes the retention of 20 trees. The trees retained includes 14 Coast Live Oak trees (Nos. 1 to 6 and 9 to 15), one Fig tree (No. 8), four Northern California Walnut trees (No. 16 to 19, one Incense Cedar tree (No. 20), and one California Pepper tree (No. 21). A fruiting apple tree (No. 7) is proposed for removal due to damage from fire blight. The landscaping plan will adhere to the Water Efficient Landscape Ordinance, ensuring that the design incorporates water-efficient landscaping practices, as mandated for new residences with landscaping areas exceeding 500 square feet.

The proposed project aligns with the development standards of the PUD zoning district and also adheres to the Single-Family Residential Design Guidelines and the PUD goals and matches the neighborhood's style. It successfully achieves compatibility with the neighborhood's character by establishing appropriate relationships with adjacent structures, minimizing bulk, and making efforts to preserve existing trees to the best extent possible.

### **Morningside PUD**

Staff has found that the project demonstrates its commitment to compliance with Morningside PUD, as outlined below.

1. **Historical Commission Recommendation and Zoning Administrator Approval:** The project follows the required process, the Historical Commission recommended approval of the design review and historic advisory review application and the applicant is seeking approval from the Zoning Administrator to ensure historical preservation and zoning compliance. Additionally, it adheres to architectural review requirements set by the Morningside of Los Altos Community Association, as dictated by the property's Covenants, Conditions, and Restrictions.
2. **Nonconforming Dwelling:** The PUD offers two options for addressing nonconforming dwellings when developing a new dwelling: removal or conversion into an accessory building. The project proposes converting the existing historic resource house into an accessory structure, endorsed by the Historical Commission. This conversion, along with the new house construction, meticulously preserves the property's physical integrity and historic significance, adhering to the Secretary of the Interior's Standards for Historic Structures. Importantly, this conversion must be completed before final occupancy.

This conversion aligns with the deed restriction's objective, permitting only a single-family house on the property when a new house is created. Accessory structures are allowed as long as they are associated with the principal structure.

3. **Building Setbacks:** The project observes the specified building setbacks, including a 35-foot front yard, a 25-foot side yard, and positioning structures according to the conservation easement line in the rear yard.

4. **Protection of Oak Trees:** To safeguard oak trees, the project ensures that new structures are located outside the dripline of these trees. This complies with the recommendations of a certified arborist.
5. **Single-Story Appearance and Lot Coverage:** The project maintains a single-story appearance and keeps the lot coverage within the limit of 6,000 square feet, in accordance with regulations.
6. **Driveway Utilization:** For the driveway of the new development, the project uses the existing driveway apron on Morningside Drive as required.
7. **Sanitary Sewer Conversion:** In cases where development involves converting existing structures, the project removes the septic system and replaces it with a sanitary sewer system as directed by the City Engineer. It also ensures that other modifications comply with Santa Clara Valley Water District guidelines.
8. **Architectural Compatibility:** The house design, which has received approval from the homeowner's association for the Morningside development, is thoughtfully designed to be architecturally compatible with the Morningside planned unit development, the surrounding area, and neighboring properties, ensuring visual harmony in strict accordance with the City's Single-Family Residential Design Review Guidelines.
9. **Conservation Easement Maintenance:** The property owner commits to maintaining the conservation easement area, including the removal of any abandoned septic systems, water wells, drains, and other structures, in accordance with Santa Clara Valley Water District requirements.
10. **Fire Hazard Evaluation:** At the time of proposing a new home, the project includes an evaluation of any eucalyptus and non-native trees within the conservation easement, particularly those posing a fire hazard near historic structures.
11. **Fire Hazard Mitigation:** The property owner is dedicated to removing any eucalyptus and non-native trees within the conservation easement near historic structures that are identified as creating a fire hazard by the City Arborist.

In sum, the proposed new house complies with the development plan, including the amendments of the Morningside Planned Unit Development, and it preserves the historical character of the existing historic resource at the site.

### **Historic Advisory Review**

To continue to qualify for historic designation, the Costello House must meet three criteria: Age, Integrity, and Historic Significance. The project historian found that the house retains integrity in Design, Materials, Workmanship, and Feeling, though it lacks integrity in setting. The house exhibits historical significance and integrity, making it eligible for listing as a historic resource on the National Register of Historic Places, the California Register of Historical Places, or as a local Historic Resource or Landmark for the City of Los Altos. The house is significant for its architecture, representing a California Bungalow with Craftsman and Arts & Crafts design elements. It also holds historical

importance in the development of Los Altos and the South Bay region, transitioning from apricot farming to suburban residential properties. See Attachment F for the Historic Resource Evaluation.

Kathleen McDonald, the project historian from Garavaglia Architecture, thoroughly reviewed the project to ensure it aligns with the Secretary of the Interior's Standards for the Treatment of Historic Structures (SOIS). Her assessment confirms that the conversion to the house do not harm its physical integrity or historical significance, and the house continues to maintain its historic resource status. In fact, they are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Structures. The conversion of the house into an accessory structure does not compromise its historic status. For a more detailed understanding of this evaluation and its adherence to the Secretary of the Interior's Standards for the Treatment of Historic Structures, please refer to Attachment G, which includes the Historic Resource Evaluation and further information on the subject.

At the Historical Commission meeting held on September 25, 2023, the Commission determined that the Historic Advisory review application would not negatively affect the physical integrity or historic significance of the property. Furthermore, they deemed the proposal complies with the required findings and is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Structures<sup>1</sup>. The Commission unanimously voted 5-0 to recommend approval of the application. The meeting minutes are provided in Attachment B.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15303 (“New Construction or Conversion of Small Structures”) of the California Environmental Quality Act (CEQA) because it involves the construction of a single-family dwelling in a residential zone and Section 15331 (“Historical Resource Restoration/Rehabilitation”) of the California Environmental Quality Act (CEQA) due to the project complying with the Secretary of the Interior’s Standards for the Treatment of Historic Structures

## **PUBLIC NOTIFICATION AND CORRESPONDENCE**

A public meeting notice was posted on the property, mailed to property owners within 300 feet of the subject site, and published in the Town Crier. The applicant also posted the public notice sign (24” x 36”) in conformance with the Planning Division posting requirements.

The applicant conducted community outreach by mailing letters with renderings of the new house to neighbors in the immediate neighborhood. Staff received no letters for the Zoning Administrator meeting as of the writing of this report. Staff received two letters for the project for the Historical Commission meeting, and the correspondence is provided at the web link in footnote 1 below.

Cc: Dino Garcia, Applicant and Designer  
Roberto Giovannotto, Owners

### **Attachments**

A. Project Plans

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<sup>1</sup> The September 25, 2023 Historical Commission agenda report with attachments can be accessed at <https://www.losaltosca.gov/historicalcommission/page/historical-commission-special-meeting-5>

- B. Historical Commission Minutes, September 25, 2023
- C. Conservation Easement
- D. Covenant and Restriction
- E. City Council Agenda Report PUD/R1 Cluster, September
- F. Approval Letter, Morningside PUD/R1 Cluster, September 24, 2013
- G. Historic Resource Inventory, Garavaglia Architecture
- H. Secretary of the Interior's Standards for the Treatment of Historic Structures, Garavaglia Architecture

## FINDINGS

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With regard to the proposed new two-story residence and the conversion of the existing house into an accessory structure, the Zoning Administrator finds the following in accordance with Section 14.76.060 of the Municipal Code:

- A. The proposed residence complies with all provision of this chapter because the proposed residence is consistent with the development standards of the PUD zoning district, Morningside PUD, 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 new 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 project will comply with height, elevation, and site placement regulations by adhering to zoning and PUD restrictions on structure height. This design takes into account the topographic and geologic constraints specific to the building site. Furthermore, thorough assessments of topographic and geologic conditions will inform erosion control measures and ensure site stability. The project's approach guarantees compatibility with the neighborhood context and addressing site-specific challenges.
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized because the project is designed to retain the trees on the property by avoiding excavation within the dripline of 20 of the 21 on-site trees. Consistent with the grading and drainage plan, the excavation will occur within the structure's footprint, driveway for the below grade garage, and the immediate area surrounding the house, and the area beyond it will maintain its current grade. This approach will preserve the natural landscape, including 20 existing on-site trees, while minimizing any tree and soil removal. The goal is to prevent any significant changes in the site's grade during soil removal for construction.
- D. The orientation of the proposed new residence in relation to the immediate neighborhood will minimize the perception of excessive bulk because the front and side of the building are made to look like a one-story house, with the second story concealed in the roof. To achieve this, the applicant's design used large glass doors and windows on the first floor, kept the architectural elements simple, and added one-story features on the sides of the building to break up its size. Additionally, the applicant positioned the second story in a way that reduces its visual impact by using a horizontal eave line and limiting the number of second-story windows. This design not only aligns with the building's architectural style but also meets the PUD goals and matches the neighborhood's style and effectively break up the building's form both horizontally and vertically to reduce overall bulk and mass.
- 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 design incorporates durability, high-quality



and architecturally integrated clay tile roof, stucco and stone siding, wood clad windows and front door, wood garage door and wood trim and details. The size and scale of the building also fits well with the neighborhood, based on overall building height and height of each story.

- F. The proposed residence has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection because the project's approach is not only preserving the majority of the site's natural topography but also contributes to reducing the perceived bulk and scale of the house by maintaining a low finished floor height. The project has also incorporated softscape and hardscape surfaces into the plan and proposes a drainage plan to minimize off-site stormwater drainage.

With regard to the Advisory Review, the Zoning Administrator finds the following in accordance with Section 12.44.140 of the Municipal Code:

1. 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 project being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. 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. The house retains integrity of Design, Materials, Workmanship, and Feeling. It does not retain integrity of setting. The subject property at 604 Milverton Road, historically called the Costello House, does display a level of historical significance and integrity that would qualify it for listing as a historic resource on the National Register of Historic Places, on the California Register of Historical Places, as a local Historic Resource or Landmark for the City of Los Altos.
3. The Zoning Administrator has duly received and considered the recommendation for approval provided by the Historic Commission in accordance with Chapter 12.44 of the Municipal Code. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the project preserves the historic significance of the subject property, as outlined in the Historic Commission's recommendation, further support the project's compliance with the city's historic preservation regulations.

## CONDITIONS

SC21-0021 and H21-0002 – 604 Milverton Road

### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on November 1, 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 July 6, 2023, except as may be modified by these conditions.

**3. Protected Trees**

Trees Nos. 1 to 6 and 8 to 21 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 and provide a letter which explains how each condition of approval has been satisfied and/or which sheet of the plans the information can be found.

**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. Mechanical Equipment**

The plans shall show the location of any mechanical equipment (including air conditioning units) on the site plan. All equipment must be located to comply with the City’s Noise Control Ordinance (Chapter 6.16) and Mechanical Equipment Ordinance (Chapter 11.14).

**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 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 No. 1 to 6 and 8 to 21 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. Structure Converted to an Accessory Structure**

The existing house shall be converted into an accessory structure. No kitchen shall be permitted in the accessory structure.

**22. Fire Hazard Mitigation:** The applicant shall prune and/or remove all trees within the conservation easement near historic structures that are identified as creating a fire hazard by the Fire Hazard Evaluation of Trees or the City Arborist.

**23. 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.

**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).