



DATE: August 3, 2022

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Senior Planner
SUBJECT: V22-0001 & SC21-0051 – 899 Madonna Way

RECOMMENDATION:

Approve variance application V22-0001 and design review application SC21-0051 subject to the listed findings and conditions

PROJECT DESCRIPTION

This item was continued from the June 15, 2022 Design Review Commission meeting.

This application includes variances to allow for increased height, reduced setbacks, encroachments into the daylight plane and an additional story, and design review for a new house with a basement on a vacant lot. The project includes variances to allow encroachments into the daylight plane on both sides; and design review for a new two-story house that is 4,023 square feet in size. The project includes an 849 square foot detached accessory dwelling unit, which is not part of the design review. The following table summarizes the project’s technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 12,743 square feet
MATERIALS: tpo membrane roof, smooth cement and hardie plank siding, fiberglass window frames

	Existing	Proposed	Allowed/Required
COVERAGE:	-	3,530.6 square feet	3,823 square feet
FLOOR AREA:			
Main Floor	-	2528 square feet	
Lower floor	-	1,495 square feet	
Total	-	4,023 square feet	4,024 square feet
SETBACKS:			
Front	-	25 feet	25 feet
Rear	-	34.5 feet	25 feet
Right side (1 st /2 nd)	-	7.6 feet/15.1feet	7.6 feet/13.1 feet
Left side (1 st /2 nd)	-	7.6 feet/15.2 feet	7.6 feet/13.1 feet
HEIGHT:	-	27 feet	27 feet

BACKGROUND

Design Review Commission Action

At their meeting on June 15, 2022, the Design Review Commission considered the proposed project. Following input from the applicant and public comments, the Commission discussed the proposed project and voted unanimously (4-0), to continue the project with the following direction:

1. The applicant shall come back with further details in the plans addressing the retaining walls and safety concerns of the retaining walls in the front yard and at the street.
2. The applicant shall further develop the landscape plan to show walkways and steps from the frontage to the ADU.
3. The applicant shall provide further detailing on both the upper and lower decks.
4. The applicant shall revise the plans to show how the retaining wall will work in the easement area, specifically the sewer easement, and evaluate whether backing up and turning around will work there.
5. Staff will require a construction management plan.

The June 15, 2022 Design Review Commission agenda report and meeting minutes are attached for reference (Attachments A and B).

DISCUSSION

Design Review

In response to the Commission's direction, the applicant revised the project design as follows.

1. In response to the Commission's direction to come back with further details in the plans addressing the retaining walls and safety concerns of the retaining walls in the front yard and at the street, the applicant revised the site plan (Sheet A2) to show the retaining walls and the plans acknowledge that a 42-inch minimum tall metal railing will be added on the retaining wall. The grading and drainage plan was revised to show the location of the retaining walls, including showing the topographic height at the top and bottom of the retaining walls.
2. In response to the Commission's direction to further develop the landscape plan to show walkways and steps from the frontage to the ADU, the applicant has revised the site plan (Sheet A2), right side elevation (Sheet A7), grading and drainage plan (Sheet C.1), and landscape plan (Sheet L1) to show the walkways and steps along the right side of the property.

After further review of the powers of the Design Review Commission, we must note that the commission's authority is limited to the powers and duties granted it by provisions of the Municipal Code. According to Section 14.14.040 of the Accessory Dwelling Unit Ordinance, the Development Services Director has the sole authority to ministerially approve ADU's. While the design review report includes information on ADU's being proposed on the site, the Design Review Commission shall not provide any comments or directions on ADU permits.

3. In response to the Commission's direction to provide further detailing on both the upper and lower decks, the applicant revised main level floor plan (Sheet A3) and the roof plan (Sheet A5)

to reduce the size of the main floor deck from 460 square feet to 328 square feet to minimize potential privacy impacts towards 901 Madonna Avenue along the right property line.

4. In response to the Commission's direction to show how the retaining wall will work in the easement area, specifically the sewer easement, and evaluate whether backing up and turning around will work for vehicles. The grading and drainage plan was revised to show the retaining walls not within the sewer easement.

In regard to the Commission's direction to evaluate the turnaround plan for the garage, the off-street parking and loading ordinance states that "space for turning around on the site shall be provided for parking areas of three or more spaces so that no cars need back into the street (not applicable for single-family dwellings). A property in an R1-10 zoning district is not required to provide a turnaround plan per the Section 14.74.200 of the Zoning Ordinance and vehicles are permitted to back out of a driveway. In approving an application for design review, the Design Review Commission approving authority shall be limited to the findings required under Section 14.76.100 of the Zoning Code.

5. In response to the Commission's direction for the application to provide a construction management plan. The applicant has provided a construction management plan on Sheet A2.2.

For reference, and to better understand the design revisions, the original plans that were reviewed by the Commission on June 15, 2022 are included as Attachment C.

Environmental Review

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of a single-family dwelling in a residential zone.

Public Notification

A public meeting notice was posted on the property and mailed to 11 nearby property owners on Madonna Way, Nash Road and University Avenue. The applicant has provided an outreach letter, and it is provided as Attachment D in Attachment B of the agenda report (Attachment B). The applicant also posted the public notice sign (24" x 36") in conformance with the Planning Division posting requirements, as shown in Attachment E.

Public Correspondence

Staff received no correspondence from residents regarding the current design review submittal.

Cc: Khurram Iqbal, Applicant, Applicant
Elnaz Masson and Same Ilkhani, Property Owners

Attachments:

- A. Design Review Commission Minutes, June 15, 2022
- B. Design Review Commission Agenda Report, June 15, 2022
- C. Design Review Commission Project Plans, June 15, 2022

FINDINGS

V22-0001 and SC21-0051 – 899 Madonna Way

1. With regard to the variances for encroachment into the daylight plane, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:
 - a. The granting of the variances is consistent with the objectives of the Zoning Code set forth in Chapter 14.02;
 - b. The granting of the variances 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; and
 - c. The variances for increased height, reduced side and rear yard setbacks, encroachments into the daylight plane and more than two stories are reasonable due to the steeply sloping topography of the site, which is considered a special circumstance. Strict application of these provisions of the R1-10 District would deprive the property of constructing an appropriately sized house and adjacent useable outdoor spaces that are enjoyed by other properties in the vicinity and under the identical zoning classification (R1-10).

2. With regard to the new two-story house, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
 - a. The proposed new house complies with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the proposed new house, 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 new house 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 ensure the compatibility of the development with its design concept and the character of adjacent buildings; and
 - 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.

CONDITIONS

V22-0001 and SC21-0051 – 899 Madonna Way

GENERAL

1. Expiration

The Design Review Approval will expire on June 15, 2024 unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to Section 14.76.090 of the Zoning Code.

2. Approved Plans

The approval is based on the plans and materials received on July 21, 2022, except as may be modified by these conditions.

3. Protected Trees

All existing trees to remain, as shown on Sheet A1 shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director. Trees Nos. 2, 3, 5-8, 10 and 12 shall be removed as part of this design review permit application.

4. Tree Removal Approved

Trees Nos. 2, 3, 5-8, 10 and 12 shown to be removed on plan Sheet of the approved set of plans are hereby approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Community Development Director upon submitting written justification.

5. 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.

6. Change of Address

A Change of Address application must be submitted to the Building Division to correlate the project site address with the street that the front of the house faces.

7. Address Assignment

A "Request for Address Assignment or Change" form must be submitted to the Building Division to correlate with the addition of a new dwelling unit on the existing property.

8. Landscaping

The project shall be subject to the City's Water Efficient Landscape Ordinance (WELO) pursuant to Chapter 12.36 of the Municipal Code if over 500 square feet or more of new landscape area, including irrigated planting areas, turf areas, and water features is proposed.

9. Underground Utility and Fire Sprinkler Requirements

Additions exceeding fifty (50) percent of the existing living area (existing square footage calculations shall not include existing basements) and/or additions of 750 square feet or more shall trigger the undergrounding of utilities and new fire sprinklers. Additional square footage calculations shall include existing removed exterior footings and foundations being replaced and rebuilt. Any new utility service drops are pursuant to Chapter 12.68 of the Municipal Code.

10. Indemnity and Hold Harmless

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney’s fees, incurred by the City or held to be the liability of the City in connection with the City’s defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City’s action with respect to the applicant’s project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

INCLUDED WITH THE BUILDING PERMIT SUBMITTAL

11. Conditions of Approval

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

12. Applicant Acknowledgement of Conditions of Approval

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

13. Tree Protection Notes

The grading plan and the site plan shall show all tree protection fencing and add the following notes:

- a. All tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground.
- b. The project shall implement and abide by all tree protection measures prescribed in the Kiely Arborist Services report dated July 3, 2018.
- c. The project arborist shall provide a plan review letter of the grading and drainage plan to ensure that all trees proposed for preservation can be preserved. If additional trees removal is required, appropriate replacement trees should be specified.

14. 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.”

15. 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. To minimize erosion, plantings that are appropriate for hillside settings should be specified.

16. Landscape Plan

The landscape plan shall be revised to plant three 15-gallon coast live oak trees on the property.

17. Reach Codes

Building Permit Applications submitted on or after January 26, 2021 shall comply with specific amendments to the 2019 California Green Building Standards for Electric Vehicle Infrastructure and the 2019 California Energy Code as provided in Ordinances Nos. 2020-470A, 2020-470B, 2020-470C, and 2020-471 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code. The building design

plans shall comply with the standards and the applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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

24. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, for all existing trees to remain, as shown on Sheet A1. 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.

25. 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

26. 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.

27. 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.

28. 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).

29. Deed Restriction

Prior to final inspection from the Planning Division, the owner must record a deed restriction and provide a conforming copy stating that the accessory dwelling unit may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary residential structure. The Planning Division shall provide the deed restriction for recordation purposes after receipt of the legal description of the property from the current grant deed.