



DATE: August 3, 2022
 AGENDA ITEM #4

TO: Design Review Commission
FROM: Sean K. Gallegos, Senior Planner
SUBJECT: SC22-0002 – 632 Leaf Court

RECOMMENDATION:

Consider design review application SC22-0002 subject to the listed findings and conditions

PROJECT DESCRIPTION

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

This is a design review application for a new 3,878 square-foot two-story single-family residence. The project includes 3,171 square feet on the first story and 707 square feet on the second story. This project is recommended to be considered categorically exempt from further environmental review under Section 15303 of the California Environmental Quality Act since it involves the construction of one single-family residence in an area zoned for residential uses. The following table summarizes the project’s technical details:

GENERAL PLAN DESIGNATION: Single-Family, Small Lot
ZONING: R1-10
PARCEL SIZE: 11,282 square feet
MATERIALS: Composition roof; fiber cement horizontal siding; aluminum clad wood framed windows; wood window trim

	Existing	Proposed	Allowed/Required
COVERAGE:	2,949 square feet	3,332 square feet	3,384 square feet
FLOOR AREA:	2,949 square feet	3,878 square feet	3,878 square feet
SETBACKS:			
Front	25 feet	25 feet	25 feet
Rear	32.9 feet	33.1 feet	25 feet
Right (Interior) side(1 st /2 nd)	10 feet	10.5 feet/28 feet	10 feet/17.5 feet
Left (Exterior) side (1 st /2 nd)	19.1 feet	20.3 feet/35.1 feet	20 feet/20 feet
HEIGHT:	12.5 feet	25.9 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 (5-0), to continue the project with the following direction:

1. Provide a certified arborist report addressing the condition of the impacts of the basement and driveway, including a shoring plan, on the 60-inch Oak tree and Magnolia tree.
2. No driveway width in excess of the average driveway curb cuts on Leaf Court shall be allowed.
3. Address the plate height.

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 provide a certified arborist report addressing the condition of the impacts of the basement and driveway, including a shoring plan, on the 60-inch Oak tree and Magnolia tree, an arborist report has been obtained that addresses the three trees of concern. The trees include the 32.1" Oak tree (No. 4), the 62.7" Oak (Tree No. 5) in the street easement in front of the Mujica's residence on Leaf Court, the 15" Magnolia tree (Tree No. 6) in the street easement in front of the neighbor's property on Leaf Court, and the 32.1" Oak on the Mujica's property. As outlined in the arborist report by Advance Tree Care (Attachment 4) and the project plans, the following measures were taken to respond to the commission's direction:
 - a. Stitch piers are proposed for construction of the basement and the location of the piers are shown on the site plan (Sheet A1.0). Due to the distance of the basement excavation from the trees of concern, there will be no significant impact to the protected trees.
 - b. In regard to the 32.1" Coast Live Oak (Tree No. 4 in the arborist report), the arborist found the tree will not be impacted by the proposed house and basement due to being located in the same location of the existing house. Stitch piers will be installed to prevent excess basement over dig into the tree protection zone (TPZ). The stitch piers will sit four feet back from the basement excavation.
 - c. In regard to the 62.7" Coast Live Oak (Tree No. 5 in the arborist report), the arborist found the tree will not be impacted by the proposed house and basement due to being located in the same location of the existing house. Due to the driveway being within the tree protection zone (TPZ), the arborist recommends minimal grading no deeper than 12 inches below grade. The driveway material should be constructed of a permeable surface such as pavers to allow both rain and oxygen to percolate down into the root zone. Due the arborist recommending the driveway be no closer than 10 feet radius from the face of the trunk of the tree, the applicant has modified the driveway to maintain a minimum ten setback from the tree trunk.

- d. In regard to the 15" Magnolia tree (Tree No. 6 in the arborist report), the TPZ has a radius of 12 feet from the tree trunk. Due the arborist's determination of the TPZ, the applicant has modified the driveway to maintain a minimum 15-foot setback from the tree trunk.
 - e. Staff recommends Condition No. 5, which will require the tree protection measures outlined in the arborist report by Advanced Tree Care dated June 23, 2022 shall be incorporated into the title page of the plans.
2. In response to the Commission's direction that no driveway width shall be in excess of the average driveway curb cuts on Leaf Court, staff found that neither the Zoning Ordinance, Design Guidelines or the Design Review Submittal handout requires a minimum width for driveways for residentially zoned properties. Article 5.5 of the Design Review Guidelines recommends "reducing the amount of front yard setback area devoted to vehicular parking to allow for more landscaping." Section 14.06.060 of the Zoning Code establishes the objective standard that defines the percentages of parking area permitted in a front yard, and it states that "a minimum of fifty (50) percent of the required front yard area shall be a combination of pervious landscape material and landscape." As noted in the Zoning Compliance Table on Sheet A1.0, the front hardscape is limited to a maximum of 46.69 percent which complies with Section 14.06.060 of the Zoning Code.

The powers of the Design Review Commission are limited to the powers and duties granted it by provisions of the Municipal Code. In approving an application for design review, the Design Review Commission approving authority shall be limited to the design review findings required under Section 14.76.100 of the Zoning Code. The design review findings do not appear to provide a basis to require a minimum driveway width for the property.

3. In response to the Commission's direction to lower plate heights, the applicant lowered the main floor plate height from ten feet to 9'-6" and the upper floor were lowered to 8'-6" with the exception of the dormer over the front porch which was lowered from 9'-6" to 9'-0".

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 should be considered categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of one single-family residence on an existing lot in an area zoned for residential uses.

PUBLIC NOTIFICATION AND CORRESPONDENCE

A public meeting notice was posted on the property and mailed to 10 property owners in the immediate vicinity (Attachment A). The applicant's outreach efforts to neighbors are provided in 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 C. Public Comments submitted to the City are included in Attachment D.

Public Correspondence

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

Cc: Walter Chapman, Applicant
Fernando and Patricia Mujica, Property Owner

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
- D. Applicant Response Letter
- E. Arborist Report, Advanced Tree Care

FINDINGS

SC22-0002 – 632 Leaf Court

With regard to the new two-story single-family residence, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. The proposed residence complies with all provisions of this chapter;
- b. The height, elevations, and placement on the site of the new residence, 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 residence 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 residence has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

CONDITIONS OF APPROVAL

SC22-0002 – 632 Leaf Court

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 27, 2022, except as may be modified by these conditions.

3. Plan Revisions

Update the construction drawings as follows:

- a. On the Site Plan and Landscape Plans modify the location of the 6-foot tall fencing proposed along the exterior side property line to provide the 15-foot sight triangle required for an adjacent property's driveway within 15 feet pursuant to LAMC Section 14.72.020.
- b. On the Landscape Plans extend the proposed rear yard screen tree plantings along the rear property line to the planting area along the interior side property line.
- c. On the Basement Floor Plan add a note indicating: "Wet bar. This area shall not be used as a kitchen. No cooking appliances shall be installed or used in this area."
- d. On the Basement Floor Plan label the mechanical room and storage room as non-habitable space.
- e. Provide a Shoring Plan for the basement excavation that minimizes potential impacts to the protected trees. The shoring plan shall identify the locations of vertical cuts, slopes, and stitch/shoring piers in relation to the protected trees and cross section detail(s) of the shoring. If potential impacts to trees are identified which include excavation within two-thirds of the dripline, an arborist evaluation may be required to provide recommended design or mitigation measures to reduce impacts to trees.

4. Protected Trees

- a. The existing 32.1" Oak tree in the exterior side yard and new screening trees shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director. The City standard tree protection measures and any additional measures recommended by an arborist shall be implemented during construction for all trees to remain.
- b. The existing 62.7" Oak tree and 15" Magnolia tree are located within the public right-of-way cannot be removed without a tree removal permit from the Public Works

Department. The City standard tree protection measures and any additional measures recommended by an arborist shall be implemented during construction.

5. Tree Protection Measures

The tree protection measures outlined in the arborist report by Advanced Tree Care dated June 23, 2022 shall be incorporated into the title page of the plans.

6. Tree Removal Approved

The four existing rear yard trees 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.

7. 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.

8. 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.

11. Swimming Pool

The proposed pool and associated equipment require a separate building permit and are subject to the City's standards including setbacks and an enclosed noise attenuating structure pursuant to Section 14.06.120 and Chapter 14.15.

12. 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. Existing landscape areas shall be maintained before and during construction or shall be replaced in compliance with the WELo and to the satisfaction of the Planning Division.

13. 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.

14. 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

15. Conditions of Approval

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

16. 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.

17. Tree Protection Note

On the grading plan and the site plan, show all tree/landscape protection fencing consistent with City standards 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." Depict any additional tree protection measures indicated in an arborist report.

18. Reach Codes

Building Permit Applications submitted on or after January 14, 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.

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. Air Conditioner Sound Rating

The plans shall 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. The Applicant shall 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.

21. 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.

22. Storm Water Management

The Plans shall 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.).

23. California Water Service Upgrades

The Applicant is responsible for contacting and coordinating with the California Water Service Company any water service improvements including but not limited to relocation of water meters, increasing water meter sizing or the installation of fire hydrants. The City recommends consulting with California Water Service Company as early as possible to avoid construction or inspection delays.

24. Underground Utility Location

The Plans shall 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.

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

25. Tree Protection

Tree protection shall be installed around the dripline(s) of the trees to remain as shown on the site plan approved with the building permit plans and any additional tree protection measures pursuant to the conditions herein shall be implemented. 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.

26. 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

27. 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.

28. 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.

29. 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).