



TO: Nick Zornes, Zoning Administrator

FROM: Brittany Whitehill, Senior Planner

SUBJECT: SC24-0007 – 134 Marvin Avenue

RECOMMENDATION

Approve design review application SC24-0007 for the construction of a new 3,353 square-foot two-story residence subject to the listed findings and conditions of approval; and find the project categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15303 (“New Construction or Conversion of Small Structures”).

BACKGROUND

Project Description

- Project Location: 134 Marvin Avenue, located on the south side of Marvin Avenue between Pepper Drive and Eleanor Avenue
- Lot Size: 9,580 square feet
- General Plan Designation: Single-Family, Medium Lot (SF4)
- Zoning Designation: R1-10
- Current Site Conditions: Two-story house

The proposed project includes the demolition of the existing two-story house and construction of a new two-story house (see Attachment A – Project Plans). The new house will feature an attached garage, basement, and attached accessory dwelling unit, which will be reviewed ministerially as part of the building permit submittal. The new house is designed in a neocolonial architectural style, incorporating high quality materials including a standing seam metal roof with gable roof forms, board and batten siding, natural stone veneer wainscot, and aluminum wood-clad windows. The primary entrance will be accented with a covered porch with a low stone seat wall to match the stone veneer wainscot.

The subject property is located on the south side of Marvin Avenue between Pepper Drive and Eleanor Avenue. The proposed two-story home will be situated on the lot in a similar location to the existing home, and the new home’s primary entrance will remain fronting onto Marvin Avenue. The site will be improved with a new driveway, in approximately the same location as the existing driveway, a pedestrian walkway from Marvin Avenue, a patio with an outdoor barbeque in the back yard, and ample landscaping, including new trees and screening shrubs. The site has four protected trees, two of which are proposed to be removed and replaced as part of the project.

Zoning Administrator
SC24-0007 – 134 Marvin Avenue
November 20, 2024

ANALYSIS

Design Review

The proposed home complies with the R1-10 district development standards found in LAMC Chapter 14.06, as demonstrated by the following table:

	Existing	Proposed	Allowed/Required
COVERAGE:	3,514.7 square feet (36.6%)	2,519.5 square feet (26%)*	2,874 (30%)
FLOOR AREA: First floor Second floor Total	1,940 square feet 1,538 square feet 3,476 square feet (36%)	2,346.7 square feet 1,005.9 square feet 3,352.6 square feet (34.9%)*	3,353 square feet (35%)
SETBACKS: Front Rear Right side (1st/2nd) Left side (1st/2nd)	26'-4" 33'-6" 8'-1 1/8" 13'-8"	25' 25' 4'(ADU)/18'-10 1/2" 6'-7 1/4" /22'-11 3/4"	25' 25' 6'-7 1/4"/14'-1 1/4" 6'-7 1/4"/14'-1 1/4"
HEIGHT:	27'	27'	27'

* The project proposes an attached ADU, which will be reviewed ministerially as part of the building permit. Pursuant to Los Altos Municipal Code (LAMC) Section 14.14.060, the ADU has not been included in the floor area or lot coverage calculations for the site.

Pursuant to Chapter 14.76 of the LAMC, new two-story residences shall be consistent with policies and implementation techniques described in the Single-Family Residential Design Guidelines. The proposed home complies with the Single-Family Residential Design Guidelines because it exhibits an appropriate design with elements, materials, scale, and landscaping that are consistent with the neighborhood.

The immediate neighborhood is comprised of a combination of one-story and two-story houses. The homes in the neighborhood exhibit similar front setback patterns, massing, and generally feature simple hipped and gabled roof forms. The neighborhood does not have a singular, consistent architectural style, however, most neighboring homes appear to be older, or designed in a more traditional residential style. There are no modern homes in the immediate vicinity.

The proposed house has a relatively simple gable roof form, which is characteristic of the proposed neo-colonial architectural style, and compatible with the surrounding neighborhood. The proposed plate heights (9'10" at the first-floor main entry, 9'2" for the majority of the first floor, and 7'10" at the second floor) and significant second-story step backs reduce the perceived massing of the building, creating a design that is of appropriate scale when compared to neighboring homes.

Since the initial application submittal, the design was revised to mitigate potential privacy impacts to neighboring properties. The windows at the staircase landing along the west elevation were reduced in size and seven additional screening shrubs were added in key locations along the side property lines.

The project arborist report, prepared by David Bekham of Kiely Arborist Services, evaluated seven trees as part of the project, five on the subject property, and two on neighboring properties near the proposed work. Of the trees onsite, four qualify as protected trees. The project proposes removal of two protected trees, including a Chinese tallow tree and a multi-stemmed Japanese maple. The Chinese tallow is in a raised planter box that has caused girdling of the root system. The arborist also observed that the tree displayed signs of root rot. The Japanese maple is located two feet from the existing house in a raised planter box, and within the footprint of the proposed house. Due to the proximity of the Japanese maple to the existing house, demolition of the house will negatively impact the root health and stability of the Japanese maple, therefore, the tree cannot be preserved.

The protected trees proposed for removal will be replaced with a 36” box English laurel tree and a 48” box royal purple smoke tree, which, at maturity, will have comparable canopy sizes to the protected trees proposed for removal. The plan has been designed to preserve a large coast redwood along the front of the property, and a large coast live oak at the rear of the property. The project proposes a robust and varied landscape plan that incorporates privacy screening shrubs at the side and rear property lines and complies with the Water Efficient Landscape Ordinance (WELo).

The proposed project meets the development standards in the R1-10 zoning district and complies with the Single-Family Residential Design Guidelines because it is compatible with the character of the neighborhood as the design maintains an appropriate relationship with adjacent structures, minimizes bulk, preserves healthy existing trees, and enhances onsite landscaping.

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.

PUBLIC NOTIFICATION AND COMMUNITY OUTREACH

A public meeting notice was mailed to property owners within a 300-foot radius and published in the newspaper. The applicant also posted the public notice sign (24” x 36”) in conformance with the Planning Division posting requirements.

The applicant reached out to nine neighbors in person or by email in the immediate area for the community outreach. No comments from neighbors have been received by staff as of the writing of this report.

Attachment:

A. Project Plans

Cc: Chris Kummerer, CKA Architect, Applicant
Rob and Lee Ward, Property Owners

FINDINGS

SC24-0007 – 134 Marvin Avenue

With regard to the proposed new two-story residence, the Zoning Administrator finds the following in accordance with Section 14.76.060 of the Municipal Code:

- A. The proposed new two-story residence complies with all provisions of this chapter because the proposed residence is consistent with the development standards of the R1-10 zoning district 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 proposed home maintains a similar finished floor elevation and orientation on the lot as the existing home and complies with the allowable floor area, lot coverage, height maximums, and daylight plane requirement pursuant to Los Altos Municipal Code Chapter 14.06.
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal because the project has been design to preserve two large, significant trees (one coast live oak and one coast redwood) onsite, the project will replace two protected trees proposed for removal with trees that, at maturity, will provide comparable canopy coverage to the trees proposed for removal, and the finished floor of the proposed home will be at a comparable elevation to the existing home. The project will require excavation to accommodate the proposed basement, but the basement has been designed in coordination with the project arborist to ensure that excavation will not result in damage to the trees intended to be protected.
- D. The orientation of the proposed new residence in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass because the building massing incorporates moderate wall plate heights and second-story step backs, and the roof form, stone veneer wainscot along the base of the building, and window awnings all serve to visually break up the vertical massing of the building.
- 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 because the proposed home complies with the allowable floor area, lot coverage, and height maximums as well as the daylight plane requirement pursuant to LAMC Chapter 14.06 and the design of the home incorporates high quality materials including a seam metal roofing, board and batten siding, and stone veneer accents, resulting in a design that is consistent with the neighborhood character, which generally features older homes and homes that are designed in a more traditional style.
- 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 because the site is relatively flat, and the plan incorporates ample softscape surfaces and a drainage plan to minimize off-site stormwater drainage.

CONDITIONS OF APPROVAL

SC24-0007 – 134 Marvin Avenue

PLANNING DIVISION

- 1. Expiration:** The Design Review Approval will expire on November 21, 2026, unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to the procedures and timeline for extensions in the Zoning Code.
- 2. Approved Plans:** The approval is based on the plans and materials received on October 4, 2024, except as modified by these conditions as specified below.
- 3. Revisions to the Approved Project:** Minor revisions to the approved plans which are found to be in substantial compliance with the overall approvals may be approved by the Development Services Director.
- 4. Notice of Right to Protest:** The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) began on the date of approval of this project. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.
- 5. 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.
- 6. ADU Not Reviewed:** The proposed ADU included in the plan set is not part of this design review application. Prior to commencement of the ADU construction, a separate building permit issued by the Building Division shall be obtained.
- 7. Protected Trees:** Trees Nos. 1, 4 & 6 shall be protected under this application and cannot be removed without a Tree Removal Permit from the Development Services Director.
- 8. Tree Removal Approved:** Trees Nos 2 & 3 shown to be removed on plan Sheet A0.2 of the approved set of plans are approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after the issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Development Services Director upon submitting written justification.
- 9. Replacement Trees:** The applicant shall offset the loss of each protected tree with one replacement tree, for a total of two replacement trees. Each replacement tree shall be no smaller than a 24" box

and shall be noted on the landscape plan as a replacement tree.

10. **Tree Protection Fencing:** The grading and tree or landscape plan of the building permit submittal shall show the required tree protection fencing which shall be installed around the dripline(s), or as required by the project arborist, of trees Nos. 1, 4 & 6. Verification of installation of the fencing shall be submitted to the City prior to building permit issuance. 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.
11. **Arborist Recommendations:** The project shall implement arborist all recommendations described in the arborist report prepared by David Beckham of Kiely Arborist Services, and dated September 23rd, 2024.
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. 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.
13. **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 prior to final inspection.
14. **Mechanical Equipment:** Prior to issuance of a building permit, the applicant shall show the location of any mechanical equipment and demonstrate compliance with the requirements of Chapter 11.14 (Mechanical Equipment) and Chapter 6.16 (Noise Control) of the Los Altos City Code.

BUILDING DIVISION

15. **Building Permit:** A building permit is required for the project and building design plans shall comply with the latest applicable adopted standards. The applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.
16. **Conditions of Approval:** Incorporate the conditions of approval into the building permit submittal 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 found.
17. **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.

- 18. 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 prior to issuance of a building permit. Payments shall be made directly to the school districts.
- 19. Payment of Impact and Development Fees:** The applicant shall pay all applicable development and impact fees prior to issuance of a building permit, including but not limited to Transportation, Park and Recreation, Public Safety, and General Government impact fees as required by the City of Los Altos Municipal Code and current adopted fee schedule.
- 20. Swimming Pools, Water Features, and Outdoor Kitchens:** The proposed pool and associated equipment, water feature, and/or outdoor kitchen require a separate building permit and are subject to the City's standards pursuant to Section 14.06.120 and Chapter 14.15.
- 21. 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.
- 22. Change of Address:** 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 or reorientation of the front of the home to a different street.
- 23. Underground Utility and Fire Sprinkler Requirements:** New construction and 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.
- 24. 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.
- 25. 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.
- 26. Green Building Verification:** Prior to final inspection, submit verification that the house was built in compliance with the City's Green Building Ordinance (Chapter 12.26 of the Municipal Code).
- 27. Underground Utility Location:** Show the location of underground utilities pursuant to Chapter 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.
- 28. Work Hours/Construction Site Signage:** No work shall commence on the job site prior to 7:00 a.m. nor continue later than 5:30 p.m., Monday through Friday, from 9 a.m. to 3 p.m. Saturday, and no work is permitted on Sunday or any City observed holiday. The general contractor, applicant,

developer, or property owner shall erect a sign at all construction site entrances/exits to advise subcontractors and material suppliers of the working hours and contact information, including an after-hours contact.

- 29. 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 hauled from the site and shall not be used as fill material unless approved by the Building and Planning Divisions.

ENGINEERING DIVISION

- 30. Encroachment Permit:** An encroachment permit, and/or an excavation permit shall be obtained prior to any work done within the public right-of-way including frontage work based on City Standard Detail SU-20 and it shall be in accordance with plans to be approved by the City Engineer.
- 31. Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
- 32. Undergrounding Utilities:** The applicant shall underground the existing overhead utilities, extending from the pole located at the west corner of 134 Marvin Ave to the pole situated at the east corner of 144 Marvin Ave.
- 33. Storm Water Management:** Show how the project is in compliance with the 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. All large single-family home projects that create and/or replace 10,000 sq. ft. or more of impervious surface on the project site and affected portions of the public right-of-way that are developed or redeveloped as part of the project must also complete a [C.3. Data Form](#) available on the City's Building Division website.
- 34. Americans with Disabilities Act:** All improvements shall comply with the latest version of Americans with Disabilities Act (ADA). The latest edition of Caltrans ADA requirements shall apply to all improvements in the public right-of-way.
- 35. Sewer Lateral:** Any proposed sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed.
- 36. Transportation Permit:** A Transportation Permit, per the requirements specified in California Vehicle Code Division 15, is required before any large equipment, materials or soil is transported or hauled to or from the construction site. Applicant shall pay the applicable fees before the transportation permit can be issued by the Traffic Engineer
- 37. Pollution Prevention:** The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.
- 38. Grading and Drainage Plan:** The applicant shall submit detailed plans for on-site and off-site grading and drainage plans that include drain swales, drain inlets, rough pad elevations, building envelopes, and grading elevations for review and approval by the City Engineer prior to the issuance of the building

permit. No grading or building pads are allowed within two-thirds of the drip line of trees unless authorized by a certified arborist and the Planning Division

39. **Payment of Fees:** The applicant shall pay all applicable fees, including but not limited to sanitary sewer connection and impact fees, parkland dedication in lieu fees, and traffic impact fees, as required by the City of Los Altos Municipal Code prior to the issuance of the building permit.
40. **Public Infrastructure Repairs:** Prior to final occupancy the applicant shall repair any damaged right-of-way infrastructures and otherwise displaced curb, gutter and/or sidewalks and City's storm drain inlet shall be removed and replaced as directed by the City Engineer or his designee.

FIRE DEPARTMENT

41. **Applicable Codes and Review:** The project shall comply with the California Fire (CFC) & Building (CBC) Code, 2022 edition, as adopted by the City of Los Altos Municipal Code (LAMC), California Code of Regulations (CCR) and Health & Safety Code Review of this developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make an application to, and receive from, the Building Department all applicable construction permits.
42. **Violations:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6].
43. **Construction Site Fire Safety:** All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chapter. 33.
44. **Fire Sprinklers Required:** Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.
45. **Required Fire Flow:** The minimum required fire flow for this project is 1000 Gallons Per Minute (GPM) at 20 psi residual pressure. This fire flow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]. Provide a fire flow letter from a local water purveyor confirming the required fire flow of 1000 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corners of the structure is required. Contact your local water purveyor (California Water) for details on how to obtain the fire flow letter.
46. **Water Supply Requirements:** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any

water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

47. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.