



**TO:** Nick Zornes, Zoning Administrator  
**FROM:** Nazaneen Healy, Associate Planner  
**SUBJECT:** SC24-0005 – 707 Benvenue Avenue

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## RECOMMENDATION

Approve design review application SC24-0005 for the construction of a new approximately 3,942 square foot, two-story single-family 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: 707 Benvenue Avenue, on the south side of Benvenue Avenue, between Benvenue Avenue and Cuesta Drive.
- Lot Size: 11,935 square feet
- General Plan Designation: Single-Family, Medium Lot (SF4)
- Zoning Designation: R1-10
- Current Site Conditions: One-story home and attached garage

The proposed project includes the demolition of the existing one-story single-family residence and garage and replacement with a new two-story residence (see Attachment A – Project Plans). An 842 square foot attached accessory dwelling unit is also proposed but is not subject to design review. The proposed home incorporates gabled roof forms with a hipped front entry porch and exterior materials that include stucco walls, concrete tile roofing, and stone veneer wainscoting and columns (see Attachment B – Material Board). The proposed home is situated on the lot similar to the existing home, except that the attached garage would be front-facing and located at the east side, closer to the street. The proposed site improvements include a new driveway leading to the new attached garage and new landscaping throughout the site. No protected trees are proposed for removal.

## 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:

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,874 square feet	3,422 square feet	3,850.5 square feet
<b>FLOOR AREA:</b> First floor Second floor Total	2,874 square feet 0 square feet 2,874 square feet	2,572 square feet 1,368 square feet 3,940 square feet	3,943.5 square feet
<b>SETBACKS:</b> Front Rear Right side (1 <sup>st</sup> /2 <sup>nd</sup> ) Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	59.0 feet 37.6 feet 27.0 feet/0 feet 9.8 feet/0 feet	25.8 feet 39.4 feet 12.5 feet/20.1 feet 10.2 feet/22.5 feet	25 feet 25 feet 10 feet/17.5 feet 10 feet/17.5 feet
<b>HEIGHT:</b>	14.5 feet	23.6 feet	27 feet

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 minimizes bulk by inseting most of the second story, proposing a lower height than the maximum, and incorporating greater setbacks than required. The design locates second floor egress windows facing the front and rear yards with small narrow and/or clerestory windows along the sides and incorporates evergreen screen trees along the side property lines.

Three small crape myrtle trees in the front yard are proposed for removal however no protected trees are proposed for removal. One existing 24” pine tree in the front yard and one existing 18” Chinese elm on the adjacent property (both protected) will remain and be protected during construction. The landscaping plan is required to comply with the Water Efficient Landscape Ordinance, which requires water-efficient landscaping for new residences with landscaping over 500 square feet.

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, and minimizes potential privacy impacts.

### **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 property owners also contacted ten neighbors in the immediate area to discuss the proposed project beginning in March and provided a statement and summary of their communications. No public comments have been received as of the writing of this report.

### Attachments:

- A. Project Plans
- B. Material Board

Cc: Minerva Abad, Applicant  
Georg and Ling Buscher, Property Owners

## FINDINGS

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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 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 home complies with the allowable floor area, lot coverage, and height maximums as well as the setback and daylight plane requirements pursuant to LAMC Chapter 14.06.
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized because the existing site is relatively level and does not require substantial grading except for the pool. No protected trees are proposed for removal.
- D. The orientation of the proposed new house in relation to the immediate neighborhood will minimize excessive bulk because the proposed design insets most of the second story, proposes a lower height than the maximum, and incorporates greater setbacks than required.
- 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 proposed home complies with the allowable floor area, lot coverage, and height maximums as well as the setback and daylight plane requirements pursuant to LAMC Chapter 14.06 and the design of the home incorporates consistent and compatible features including stucco walls, concrete tile roofing, and stone veneer wainscoting and columns.
- 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 proposed grading provides for drainage away from the home and away from adjacent properties and conforms to existing grades along the property lines.

## CONDITIONS OF APPROVAL

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### GENERAL

1. **Expiration:** The Design Review Approval will expire on November 20, 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 September 12, 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, 172 and 178 shall be protected under this application and cannot be removed without a Tree Removal Permit from the Development Services Director.
8. **Tree Protection Fencing:** The site plan of the building permit submittal shall show the required tree protection fencing which shall be installed around the driplines, or as required by the project arborist, of Tree Nos. 1, 172 and 178. 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.
9. **Arborist Recommendations:** The project shall implement arborist all recommendations described in the arborist report prepared by Kaitlyn Meyer of Bo Firestone Trees & Gardens, and dated July 19th,

2024.

10. **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.
11. **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.
12. **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**

13. **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.
14. **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.
15. **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.
16. **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.
17. **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.

18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **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.
24. **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).
25. **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.
26. **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.

### **ENGINEERING DIVISION**

27. **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.

28. **Public Utilities:** The applicant shall contact electric, gas, communication, and water utility companies regarding the installation of new utility services to the site.
29. **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.
30. **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.
31. **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.
32. **Sewer Lateral:** Any proposed sewer lateral connection shall be approved by the City Engineer. Only one sewer lateral per lot shall be installed.
33. **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
34. **Pollution Prevention:** The improvement plans shall include the "Blueprint for a Clean Bay" plan sheet in all plan submittals.
35. **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
36. **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.
37. **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**

38. **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.

39. **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].
40. **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.
41. **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.
42. **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.
43. **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.
44. **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.