



DATE: September 7, 2022

AGENDA ITEM #3

**TO:** Design Review Commission  
**FROM:** Steve Golden, Interim Planning Services Manager  
**SUBJECT:** SC22-0005 – 1180 St. Charles Ct

**RECOMMENDATION:**

Approve design review application SC22-0005 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

This is a design review application for a first and second-story addition to an existing single-story residence and the conversion of a portion of the addition, including the entire second story and a portion of the existing residence into an accessory dwelling unit (ADU). The project includes adding 53 square feet to the first story and a new 562 square-foot second story. The project will convert 459 square feet of the first story and the second story addition to create a 1,021 square-foot ADU and a 2,500 square-foot primary residence including the garage. This project should be considered categorically exempt from further environmental review under Section 15301 of the California Environmental Quality Act (CEQA) since it involves an addition to an existing single-family residence in an area zoned for residential uses. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Medium Lot  
**ZONING:** R1-10  
**PARCEL SIZE:** 10,058 square feet  
**MATERIALS:** Composition shingle roof; stucco exterior and fiber cement horizontal siding

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,925 square feet	2,993 square feet	3,189 square feet
<b>FLOOR AREA:</b>	2,904 square feet	3,519 square feet	3,520 square feet
<b>SETBACKS:</b>			
Front	25 feet	25 feet	25 feet
Rear	24.73 feet	24.73 feet	25 feet
Right side(1 <sup>st</sup> /2 <sup>nd</sup> )	9.92 <sup>1</sup> feet	9.92 feet/20.2 feet	10 feet/17.5 feet
Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	10.3 feet	10.3 feet/54.8 feet	10 feet/17.5 feet
<b>HEIGHT:</b>	16 feet	23.7 feet	27 feet

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<sup>1</sup> The existing right-side setback is 10.04 feet measured to the foundation per the submitted survey.

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located on St Charles Court at the end of the cul-de-sac street. The neighborhood is best defined as a Consistent Character Neighborhood, according to the City's Residential Design Guidelines. The residences on St Charles Court are a mixture of one and two-story residences that have mostly retained their original front façade aesthetics, architectural detailing, and exterior materials mainly consisting of stucco, wood, and brick materials. The residences share common lot sizes, front yard setbacks, and nearly all residences have attached garages facing the street. Most of the residences have a mixture of front yard landscaping comprised of lawn and shrubs, but there is no uniform street tree and the residences have a range in of tree sizes in the front yard from small to medium sized tree canopies.

## **DISCUSSION**

### **Design Review**

According to the Design Guidelines, in Consistent Character Neighborhoods, good neighbor design has design elements, material, and scale found within the neighborhood and sizes that are not significantly larger than other homes in the neighborhood. The emphasis should be on designs that "fit in" and lessen abrupt changes.

The applicant proposes to add 53 square feet to the first story and a new 562 square-foot second story. The project will convert 459 square feet of the first story and the entire second story addition to create a 1,021 square-foot ADU. Typically, ADUs up to 800 square feet in size<sup>2</sup> and no more than 16 feet in height are considered "state exempt ADUs" and not subject to a discretionary review; however, here the proposal includes a second-story addition to be used as an ADU that is above the 16-foot height provision and proposed to be 1,021 square feet. Therefore, pursuant to Section 14.76.040 of the Municipal Code, any two-story structure in the R1-10 zoning district is subject to Design Review Commission Review.

With regards to building setbacks, the existing residence will maintain all of the first-story setbacks as described in the table above which is in general conformance with the required standards. The rear 24.73-foot setback is less than the standard 25-foot setback, but based on the age of the structure, it is within an acceptable tolerance to be considered a de minimis<sup>3</sup> impact and staff recommends the applicant be allowed to maintain this setback if the existing foundation remains in this location per Condition #2b found in the Conditions of Approval below. The proposed second story exceeds all of the second-story setbacks, except for the rear yard setback for which the rear second story wall is shown and assumed to be located on top of the existing first story wall that has a slight setback encroachment discussed above. Please refer to the table above for more specific setbacks.

The proposed addition on both the first and second stories is along the right-side of the existing residence. The low scale, one-story hipped roof forms at the front elevation will be retained and

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<sup>2</sup> Or 850 square feet as adopted by the city of Los Altos per Chapter 14.14 of the Zoning Code.

<sup>3</sup> Too trivial or minor to merit consideration.

the second story addition will be added near the top of the existing first story roof ridge as viewed from the front elevation and will extend to the rear of the structure. The existing right-side facing gable on the first story will be removed and replaced with a side facing shed roof and the proposed second story will have a front facing gable roof form. The new roof forms are proposed to have 4:12 pitched roofs which appear to match the existing roof structure. The existing front covered entry porch of the primary dwelling will need to be reduced in area in order for the existing structure and proposed addition to comply with the maximum lot coverage. A new entry for the ADU will be provided at the first story on the right-side elevation.

The proposed building height of the structure is 23.75 feet which conforms to the maximum height of 27 feet in the R1-10 zoning district. The existing residence has eight-foot wall plate heights. The project proposes to increase the wall plate height of the existing bedrooms (Bedrooms #1, 2, 3, and 4) and bath along the right side of the structure and under the proposed second-story and the new first-story addition to nine feet in height. The new second-story will have 8-foot wall plate heights. Consistent with the design review findings, given the minor increase to the first story wall plate heights along the right side and the modest sized second-story addition with its low scale wall plate heights and roof forms, the proposed design will minimize the perception of excessive bulk and mass.

With regards to exterior materials, the project is matching the aesthetics of the existing residence and utilizing materials of similar quality to those found in the existing neighborhood. The first-story addition and other rebuilt portions of the first-story will use stucco siding and horizontal fiber cement board will be used on the second-story which is similar to the horizontal lap wood siding installed on other residences in the neighborhood. The existing roof will be replaced and the new roof will be a composition shingle material.

Overall, the design of the project appears to be an appropriate design within this Consistent Character Neighborhood and conforms to of the Residential Design Guidelines and Design Review findings.

## **Privacy**

In general, the Design Review Commission has previously considered 4.5-foot windowsill heights at second stories along side elevations acceptable in eliminating direct views into neighboring properties. The proposed second-story on the right side elevation includes three small windows with five-foot windowsill heights, another small window with a four-foot windowsill height, and a medium sized window with a 3.5-foot high windowsill. The proposed second-story left side elevation includes three small windows with five-foot window sill heights and are much further away from the left side property line. Medium sized windows with lower sill heights are also proposed at the front and rear of the second story. The most impacted neighboring property is the right abutting residence, however, the residence doesn't have any windows on their left side facing the subject site. In addition, there are some existing shrubs and trees along the side yard between the residences, but the majority of taller plants is on the neighboring property. The neighbor did provide a written correspondence (Attachment C) in support of the project with no concerns, but to further reduce the potential perception of privacy impact by views from the proposed second

story windows, staff recommends that the existing shrubs along the right-side yard area in the vicinity of the second story addition be replaced with evergreen screening material that will grow taller as provided in Condition #2a of the conditions of approval and reviewed at final inspection to ensure that there is not a deficiency in evergreen screening plants that exist or shown to be planted at that location. With regards to privacy impacts to the rear, the privacy impacts are minimized because of the existing trees located in the rear yard, the elevation grade change of the properties to the rear which are approximately five feet higher than the subject site, and the eight-foot tall good neighbor fence (six feet solid with two feet of lattice) between the properties which is considerably higher since it is installed on top of the highest elevation between the properties.

### **Landscaping and Trees**

Since the proposal is a minor addition to the first story and a second small second-story addition, it is presumed that the existing landscaping will remain and no landscaping plan was required to be submitted. Per Condition #6, if more than 2,500 square feet of new landscaping is proposed or rebuilt as a result of the construction, then a landscape plan will be required to be submitted in conformance with the Water Efficient Landscape Ordinance. The existing trees on the property will be required to be protected throughout the construction process per the standard condition of approval. As noted in the “Privacy” section above, staff is recommending privacy evergreen landscape screening along the right-side yard area as a condition of approval.

### **ENVIRONMENTAL REVIEW**

This project should be considered categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves the addition of a second story/accessory dwelling unit on an existing single-family residence on an existing lot in an area zoned for residential uses.

### **PUBLIC NOTIFICATION**

A public meeting notice was posted on the property and mailed to 13 property owners in the immediate vicinity on St Charles Ct, St Joseph Ave, and Noel Dr. The applicant also posted the public notice sign (24” x 36”) in conformance with the Planning Division posting requirements.

Two correspondences were received from neighboring property owners and provided as Attachment B.

Cc: Mike Vierhus, Architect and Applicant  
John Yu, Property Owner

#### Attachments:

- A. Vicinity and Public Notification Map
- B. Public Correspondences
- C. Design Plans

## **FINDINGS**

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With regard to the second story addition to an existing one-story house, 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 provision 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

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### **GENERAL**

#### **1. Expiration**

The Design Review Approval will expire on September 7, 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 August 23, 2021, except as may be modified by these conditions and as specified below:

- a. The applicant shall include evergreen screening along the right-side yard area of the property in the design plans that are a minimum 15 gallon container size and grow up to a minimum height of twelve feet at maturity.
- b. The rear yard setback as shown on the topographic survey contained in the approved plans indicates a 24.73-foot rear yard setback, whereas a 25-foot setback is required in the R1-10 zoning district. The setback deficiency is considered de minimis and can be maintained. However, if the existing foundation is rebuilt at this location, then the new structure will be required to comply with the required rear yard setback.

#### **3. 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.

#### **4. Protected Trees**

The trees in the rear yard and right front yard shown in the approved site plan shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

#### **5. New Fireplaces**

Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in all new construction pursuant to Chapter 12.64 of the Municipal Code.

#### **6. Landscaping**

The project shall be subject to the City's Water Efficient Landscape Ordinance (WELO) pursuant to Chapter 12.36 of the Municipal Code if 2,500 square feet or more of new or replaced landscape area, including irrigated planting areas, turf areas, and water features is proposed. Any project with an aggregate landscape area of 2,500 square feet or less may conform to the prescriptive measures contained in Appendix D of the City's Model Water Efficient Landscape Ordinance.

#### **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. 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.

**9. 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**

**10. Conditions of Approval**

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

**11. Tree Protection Note**

On the grading plan and/or the site plan, show all tree/landscape 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."

**12. 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.

**13. Air Conditioner Sound Rating**

Show the location of any new 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.

**14. 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.).

**15. 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.

**16. 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.

**PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT**

**17. Tree Protection**

Tree protection shall be installed around the dripline(s) of the trees as shown on the site plan approved with the building permit plans. 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.

**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. 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.

**19. Kitchen Design**

Pursuant to the definition of an ADU to provide provisions for cooking and Section 14.14.040 (n) of the Municipal Code, the design plans shall include a kitchen that includes habitable space used for preparation of food that contains at least a sink, a refrigerator of no less than ten (10) cubic feet, and either a permanent installed cooktop and an oven, or a range. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the ADU are also required.

**PRIOR TO FINAL INSPECTION**

**20. 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.

**21. 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).

**22. 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.



### **23. Kitchen Installation**

Installation of the kitchen that conforms to the approved design plans and meets the minimum standards per Section 14.14.040 (n) of the Municipal Code including a sink, a refrigerator of no less than ten (10) cubic feet, either a permanent installed cooktop and an oven, or a range and food preparation counter and storage cabinets.