



DATE: September 7, 2022

AGENDA ITEM # 4

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Senior Planner  
**SUBJECT:** SC22-0007 – 1405 Highland View Court

**RECOMMENDATION:**

Approve design review application SC22-0007 subject to the listed findings and conditions

---

**PROJECT DESCRIPTION**

This is a design review application for a one-story 658 square foot addition, conversion of a second-story workshop to habitable space, second-story window changes and a new balcony, and exterior modifications to an existing two-story single-family residence. This project is recommended to be considered categorically exempt from further environmental review under Section 15301 of the California Environmental Quality Act since it involves the construction of an addition to an existing dwelling in a residential zone. The following table summarizes the project's technical details:

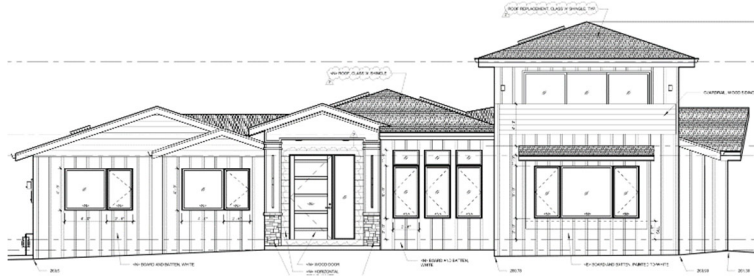
**GENERAL PLAN DESIGNATION:** Single-Family, Small Lot  
**ZONING:** R1-10  
**PARCEL SIZE:** 10,154 square feet  
**MATERIALS:** Composition shingle; board and batten siding, horizontal and vertical wood siding, and stone veneer exterior; stained horizontal wood siding balcony railing; a new entry door and garage door; and new fiberglass/vinyl windows.

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,574 square feet	3,014 square feet	3,046 square feet
<b>FLOOR AREA:</b>	2,862 square feet	3,520 square feet	3,553 square feet
<b>SETBACKS:</b>			
Front	24.8 feet	24.8 feet	25 feet
Rear	18.2 feet	18.2 feet	25 feet
Right/Interior side(1 <sup>st</sup> /2 <sup>nd</sup> )	19 feet/22.2 feet	18.2 feet/22.2 feet	10 feet/17.5 feet
Left/Exterior side (1 <sup>st</sup> /2 <sup>nd</sup> )	21.8 feet/33.7	21.9 feet/20.2 feet	20 feet/20 feet
<b>HEIGHT:</b>	21.7 feet	21.7 feet	27 feet

## BACKGROUND

### Neighborhood Context

The subject property is located at the corner of Highland View Court and Eva Avenue at the southwestern side of Highland View Court. The surrounding neighborhood is considered a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines with similar characteristics of house style, type, setbacks, and streetscape character. The neighborhood primarily consists of one-story homes though the subject home is one of four existing two-story homes in a row. The landscape along the street is varied with no street tree pattern but most properties include at least one medium to large tree in the front yard.



### Zoning Compliance

As depicted on the topographic survey, a wire clearance easement (WCE) is located at the southeast side and rear property lines. The Tract Map limits the height of structures within the WCE to 15 feet.

The existing first story is located 18.2 feet from the rear setback, where a setback of 25 feet is required per Section 14.06.080 of the Municipal Code. The setback encroachment appears to have been created at the time of construction of the house, and it is therefore considered to be a legal nonconforming structure. Since the project will not eliminate or replace more than 50 percent of the floor area, the non-conforming setback can be maintained.

## DISCUSSION

### Design Review

According to the Design Guidelines, in Consistent Character Neighborhoods, good neighbor design has design elements, materials, and scale found within the neighborhood and the emphasis should be on designs that fit-in and lessen abrupt changes.

As depicted in the design plans (Attachment E), the applicant is proposing a one-story 658 square foot one-story addition, second-story window changes and a new balcony, and exterior modifications at an existing two-story single-family residence (proposed front and exterior side elevations to the right). Based on the lot dimensions as a corner lot pursuant to Los Altos Municipal Code (LAMC) Section 14.02.070, the front lot line is located along Eva Avenue and the exterior side along Highland View Court. The proposed setbacks meet or exceed the required setbacks for the R1-10 zoning district. Please refer to the table above for more specific setbacks proposed and as required pursuant to the R1-10 Zoning District Standards found in Los Altos Municipal Code (LAMC) Chapter 14.06.

In the images below, the new additions are highlighted in yellow, new or modified windows are highlighted in blue, and the new balcony and modified roof form are highlighted in red.

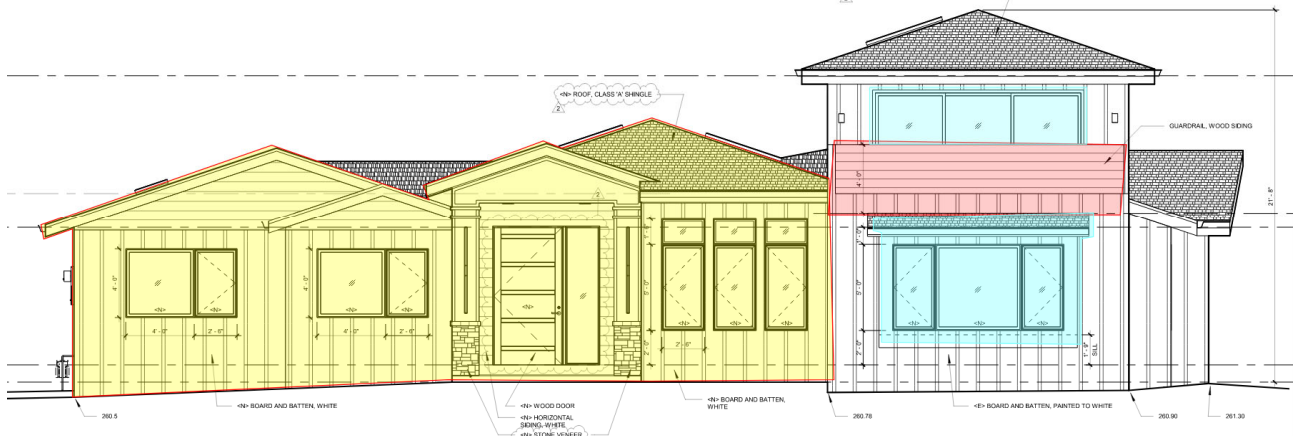


Figure 1: Front Elevation

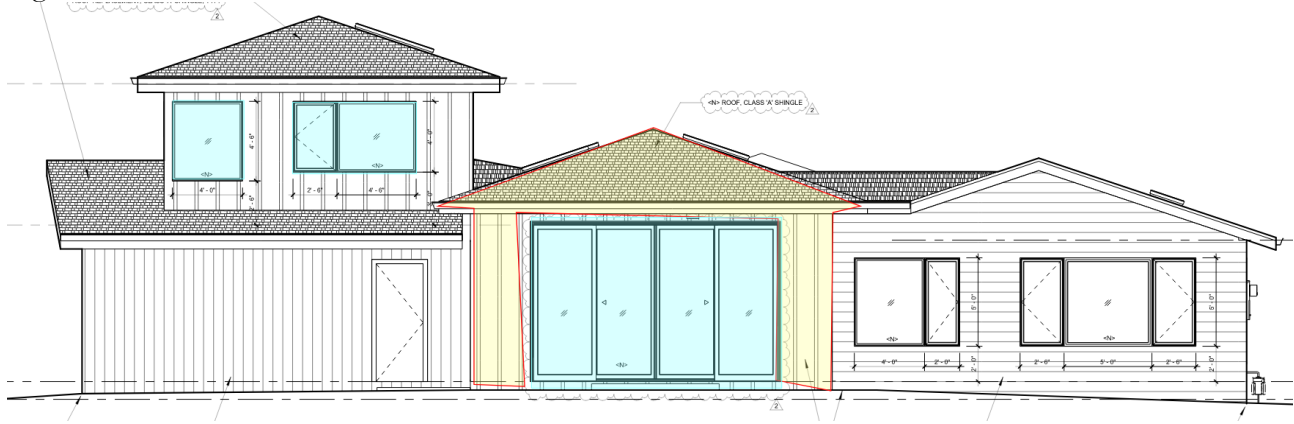


Figure 2: Rear Elevation

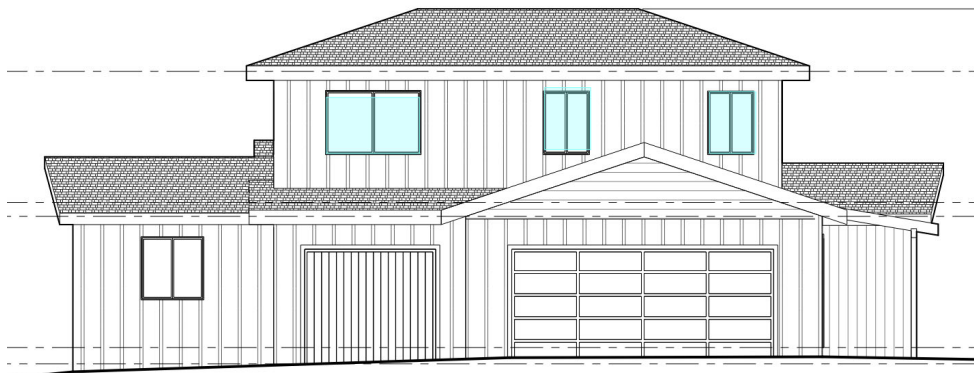


Figure 3: Exterior Side Elevation

### First-Story Addition and Exterior Modifications

The property slopes from the right property line toward the left property line along Highland Court. A proposed 500 square-foot addition would expand the existing one-story portion of the home along the exterior side elevation on the downhill (north) side, and a 158 square-foot addition is proposed along the uphill (south) interior side elevation of the property. The new addition incorporates plate

heights at 8 feet to 10feet above the finished floor height, maintains the existing roof type and pitch, and incorporates materials consistent with the existing home for an integrated design compatible with the surrounding neighborhood. The additional exterior changes include:

- Along the exterior (north) elevation:
  - A 500 square-foot addition to create bedroom No. 1, bedroom No. 2, an entry and an office.
  - Conversion of the existing recessed porch into floor area;
  - Removal of the brick wainscoting and replacement with board and batten siding.
  - Addition of a projecting and defined porch with a gable roof form and wood and stone veneer detailed columns.
  - Replacement of three windows with four windows to match the new window style.
- Along the interior (south) elevation
  - A 158 square-foot addition to create an expanded kitchen.
  - The replacement of a window and three two-panel sliding doors with a two-panel window, a three-panel window and a four-panel sliding door.
- Along the front (west) elevation
  - Replacement of an existing window with a smaller window in the living room to match the new window style for the house.
  - New garage door.
- Along the rear (east) elevation
  - Replacement of three windows with two larger-sized windows to match the new window style for the house.

Pursuant to Section 14.76.030 of the Zoning Code, the first story addition and exterior modifications would normally be reviewed and approved administratively by the Development Services Director or their designee. Staff finds the proposed first-story addition and exterior modifications to be in compliance with the R1-10 zoning district development standards, the Single-Family Residential Design Guidelines, and the design review findings pursuant to Section 14.76.060 of the Zoning Code and therefore recommends design review approval of the first-story addition and exterior modifications. A materials board is provided as Attachment E.

### **Second-Story Modifications**

The design plans propose conversion of the existing second-story to habitable space (originally approved as a workshop accessed through the garage) which would include larger windows on the interior side, shifted windows on the front and rear, and a new balcony over the existing one-story portion of the home at the northeast corner. Consistent with past determinations and pursuant to Section 14.76.040 of the Zoning Code, new or modified second story windows that increase the glazing area or may create potential privacy impacts have been referred to the Design Review Commission for review and approval. The project proposes the following modification to the second story:

- Along the exterior (north) elevation:

- Replacement of two windows with a three panel sliding door exiting onto a 200 square-foot balcony oriented toward the public right-of-way of Highland Avenue and Eva Avenue.
- Along the interior (south) elevation
  - The modifications of the two windows along the elevations.
- Along the front (west) elevation
  - Replacement, relocation and resizing of existing front windows an office and two windows in a bathroom to match the new window style for the house.
- Along the rear (east) elevation
  - Replacement of existing front windows in an office and closet to match the new window style for the house.

Consistent with past determinations and pursuant to Section 14.76.040 of the Zoning Code, new or modified second story windows that increase the glazing area or may create potential privacy impacts have been referred to the Design Review Commission for review and approval.

Overall, the existing front façade and exterior side elevations windows are similar in size and placement. However, the two second story windows along the front elevation are being replaced with a three-panel sliding door exiting from the office to a 200 square-foot balcony, and a large, fixed window on the first floor is being replaced with a substantially smaller window. Consistent with Sections 5.4 and 5.9 of the Residential Design Guidelines, the applicant has simplified window shapes along the front and exterior side elevations, which reduces the appearance of bulk and maintains cohesiveness with the plan composition.

Currently, the existing rear (south) façade windows are larger in size and the sill heights have been lowered to create increased potential privacy impacts for neighboring properties. The proposed changes would incorporate a different window style/size with a degree of asymmetry. Staff is concerned with the proposal's consistency with Section 5.9 of the Residential Design Guidelines which speaks to locating windows where they visually relate to one another as part of a larger design composition, particularly as viewed from the street. Staff requests DRC direction on whether raising the sill heights and/or maintaining consistent window forms would create a more composed rear façade consistent with the Residential Design Guidelines.

### **Privacy**

Procedurally, the Development Services Director typically acts on minor exterior modifications, including alterations to window styles. Since the original project was approved by the Design Review Commission and the new balcony and additional window glazing on the second story could potentially have privacy impacts the review was referred to Design Review Commission.

On the right interior (east) side elevation of the second story, there are two windows being replaced with new windows with a similar size, location and sill height of the original windows. Due to the windows maintaining a size, location and sill height, the proposed windows do not create any new unreasonable privacy impacts. Staff does not recommend any modifications to the windows.

On the exterior side (north) elevation of the second story, there is a three-panel sliding door exiting from an office to a balcony. The balcony is 17 feet wide, has a depth of 11.75 feet and primarily faces the front and exterior side yards. The balcony size does not comply with the four-foot maximum balcony depth recommended in the Residential Design Guidelines, and it may be perceived to be active in nature due to its depth. However, Section 5.3 of the Residential Design Guidelines is intended to ensure privacy reduction for property owners along the interior side and rear property lines. The balcony is oriented toward two public rights-of-way, Highland View Court and Eva Avenue, which ensures privacy to adjoining properties along the interior side and rear property lines. Due to the balcony's views being oriented toward a public roadway and Section 5.3 of the Residential Design Guidelines, it is not intended to preserve privacy along a public roadway or along front yards. Staff believes the proposed balcony will not create any potential privacy impacts to the neighborhood context, including any active interior side yard or rear yards in the immediate neighborhood. As designed, staff finds that the project maintains a reasonable degree of privacy.

The rear (south) façade windows are larger in size with a four feet wide by 4.5 feet tall window in a bathroom and a 7-foot wide by four-foot tall window in a bedroom, and the sill heights have been lowered to 2.5 feet and three feet, respectively. Staff has potential privacy concerns due to the number and lower sill heights of proposed windows on this elevation. Per page 14 of the Residential Design Guidelines, it is generally recommended that second floor side yard windows “should be no larger than UBC (Uniform Building Code) minimum sizes nor more than the number required for egress or light and ventilation requirements.” Per current standards, the minimum recommended sill height from staff to meet this guideline is 44 inches (3.6 feet). Therefore, staff proposes a condition of approval No. 2a that addresses the proposed sill heights to maintain Building Code standards.

### **Landscaping and Trees**

As depicted on the site plan, there are eight existing trees on the subject property:

- Five existing 15-20” diameter Cedar trees located along the street are protected based on their size (over 48” in circumference/15” in diameter) and are proposed to remain.
- The remaining trees (Sweet Gum, Lime, and Privet) are not protected based on their size but are proposed to remain.

The recommended conditions of approval pertaining to trees include implementation of the City standard tree protection measures during construction for all trees to remain (Conditions of Approval No. 3, 11 and 18).

The plans indicate the existing landscaping is to remain, therefore staff has included the standard condition of approval that requires the applicant to maintain or provide new landscaping as needed, which will be inspected before final inspection. New or rebuilt landscaping would need to satisfy the Water Efficient Landscape Ordinance requirements should it exceed the 2,500 square-foot landscaping threshold for residential additions (Condition of Approval No. 10 and 20).

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves the construction of an addition and exterior alterations to an existing structure.

Cc: Hao Qiao, Applicant & Property Owner

Attachments:

- A. Public Notification Map
- B. Applicant Outreach
- C. Public Notice Poster
- D. Materials Board
- E. Design Plans

## FINDINGS

SC22-0007 – 1405 Highland View Court

With regard to the first story addition, new windows and exterior modifications proposed for the existing two-story house, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

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



## CONDITIONS

SC22-0007 – 1405 Highland View Court

### **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**

This approval is based on the plans received on July 29, 2022 and the materials provided by the applicant, except as may be modified by these conditions.

- a. In order to mitigate privacy concerns resulting from the rear (south) second story windows, the applicants shall revise the second story windowsill heights to be no larger than UBC (Uniform Building Code) or other applicable Building Code's minimum sizes.

**3. Protected Trees**

- a. Tree Nos. 3, 6-26, and 28-33, new replacement trees, and new screening trees shall be protected under this application and cannot be removed without a tree removal permit from the Development Services Director. The City standard tree protection measures and additional measures recommended by the arborist shall be implemented during construction for all trees to remain.
- b. Tree Nos. 1, 2, 4, and 5 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 additional measures recommended by the arborist shall be implemented during construction.

**4. 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.

**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 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.

**7. 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.

**8. 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**

**9. Conditions of Approval**

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

**10. 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.

**11. 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 the additional tree protection measures indicated in the arborist report.

**12. 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.

**13. 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.

**14. 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.

**15. 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.).

**16. 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.

**17. 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**

**18. 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. 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.

**19. 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**

**20. 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.

**21. 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.

**22. 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).