



DATE: NOVEMBER 15, 2023

AGENDA ITEM #2

**TO:** Nick Zornes, Zoning Administrator  
**FROM:** Steve Golden, Senior Planner  
**SUBJECT:** SC23-0001 – 474 San Luis Ave

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## RECOMMENDATION

Approve design review application SC23-0001 for the construction of a new 3,824 square foot, two-story house 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: 474 San Luis Ave, on the south side of San Luis Avenue, between South El Monte Avenue and South Clark Avenue
- Lot Size: 11,189 square feet
- General Plan Designation: Single-Family, Medium Lot (SF4)
- Zoning Designation: R1-10
- Current Site Conditions: One-story home

The proposed project includes the demolition of an existing one-story residence and construction of a new two-story residence with 2,336 square feet on the first story and 1,488 square feet on the second story (see Attachment A – Project Plans). The project also includes a 1,889 square-foot basement that is not included in the floor area. An 850 square-foot attached accessory dwelling unit (ADU) at the first story is shown but is not subject to design review.

The proposed project will remove the existing driveway along the eastern property line and construct a new driveway along the western property line. The proposed residence will be setback slightly further from San Luis Ave with a 35-foot front yard setback, whereas the existing residence has a 27.25-foot setback. The style of the proposed residence is best characterized as “Contemporary/Modern” style consisting of flat roof forms and horizontal eaves with either shallow or no parapets included. The front façade includes a covered front entry with an extended porch with columns. Along the rear façade is an uncovered second story deck and covered deck at the first story. The exterior materials include smooth stucco siding throughout, stone water table, stained wood eave fascia, and fiberglass or aluminum clad windows. The proposed project will be constructed with prefab/modular units built off-site that will be assembled and integrated with sections of building built with traditional construction methods on-site (see Sheet A 0.6 for more details).

There are four smaller trees on-site that are less than 48 inches in circumference; therefore, not considered protected trees per the city’s Tree Protection Regulations (Chapter 11.08 Los Altos Municipal Code). There are two trees (Tree No. 134, a 77-inch<sup>1</sup> Coast live oak and Tree No. 135, a 63-inch Coast live oak) that are located on the property line with the abutting property to the west. A third Coast live oak tree (Tree No. 133, 97-inches) is located on the abutting property, further away from the property line, but the dripline/canopy spans slightly over the property line. The trees are shown on the site plan (Sheet A1.2).

**ANALYSIS**

**Design Review**

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

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	1,290 square feet	3,307 square feet	3,357 square feet
<b>FLOOR AREA:</b>			
1st Floor	1,071 square feet	2,336 square feet	
2nd Floor	-	1,488 square feet	
Total	1,071 square feet	3,824 square feet	4,725 square feet
<b>SETBACKS:</b>			
Front	27.25 feet	35 feet	25 feet
Rear	117 feet	48.5 feet	25 feet
Right side(1 <sup>st</sup> /2 <sup>nd</sup> )	6.1 feet	6.33 feet/16.83 feet	6.4 feet/11.4 feet
Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	6.6 feet	6.33 feet/16.66 feet	6.4 feet/11.4 feet
<b>HEIGHT:</b>	15 feet	21.6 feet	27 feet

Per Section 14.06.080 of the Zoning Code, the required side yard of 10 feet for the first story and 17.5 feet for the second story is normally applied; however, since the lot is 63.33 feet wide, the lot is considered a narrow lot and requires a first story side yard setback of 10% of the lot width (or 6.33 feet). Additionally, since the residence is setback 35 feet, the second story setback is an additional five feet or 11.33 feet. As previously stated, the project also includes a 1,889 square-foot basement that is not included in the floor area and an 850 square-foot attached accessory dwelling unit (ADU) at the first story, which is not included in the floor area totals above and the ADU is not considered part of the design review application per state law and city ordinance.

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 neighborhood is best described as a “Consistent Character Neighborhood.” Most of the lots along San Luis Avenue, east of Amador Avenue are 63-foot wide lots with residences setback approximately 25 feet from the street. Most of the residences are one story with hipped or gable roofs and low-scale

<sup>1</sup> All tree measurements refer to circumference.

horizontal eave lines. There have been some recent constructed residences and single-story additions to existing residences in the immediate neighborhood, but the appearance of the residences have generally maintained traditional ranch style exterior aesthetics that were established when the neighborhood was first built. 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 guidelines also suggest applying design mitigations to address deviations which are discussed further below. Sheet A0.7.3 shows the proposed residence in relation to the surrounding properties and Sheet A-0.7.2 shows other two-story residences in a surrounding neighborhood area.

The design guidelines and design review findings require designs to minimize the bulk of the structure. The design of the first story has a 9.75-foot wall plate height, and the second story has an 8.5-foot wall plate height, which is a moderate change to some of the smaller scale existing residences in the immediate vicinity. Some of the potential building bulk has been eliminated because the flat roof design limits the overall building height to 21.5 feet, whereas a pitched roof design would have resulted in a taller structure. Also, given that the proposed residence is on a narrow lot with a 48-foot wide first story and 30-foot second story that is considerably stepped back at the sides, it is narrower than a typical residence on a normal width lot and less visible towards the street. Additionally, design features such as the building articulation including the covered porch along a portion of the front façade and the stone veneer water table breaks down the massing into smaller portions which helps to minimize the bulkiness of the structure as suggested in the Residential Design Guidelines. The existing oak trees in the right front yard area and a proposed tree in the left front yard area also buffers the appearance of the front façade, which is a suggested design technique in the Single-Family Residential Design Guidelines.

With regards to tree preservation and removal, a tree evaluation was completed by a consulting arborist for the project. There are a few smaller trees generally located along the east property line that are proposed to be removed. These trees are less than 48 inches in circumference; therefore, not protected by the Tree Protection Ordinance (Chapter 11.08). Two Coast live oak trees (Nos. 134 and 135) are over 48 inches in circumference and located along the western property line. Another Coast live oak (Nos. 133) is located on the west abutting property and has some canopy over the property line. Since new construction was proposed within the dripline of the oak trees and within close proximity to the protected trees, staff requested exploratory trenching to evaluate potential impacts to tree roots, assess the location of the proposed building and improvements, and provide any construction mitigation. The exploratory trenching found significant tree roots in the side yard area of the proposed construction and one of the arborist's recommendations was to set the proposed structure further away from the trees to preserve the roots. The design plans were updated accordingly by offsetting the building footprint by approximately three feet away from the trees. Other tree protection design elements will be incorporated into the design plans and construction mitigation measures will be implemented as recommended by the arborist as conditions of approval (See conditions #5 and 20).

The conceptual landscape plan includes a variety of groundcovers, shrubs, trees, and hardscape. As previously discussed, there is a proposed tree in the front yard and taller screening plants along the side and rear property lines. Some of the front yard landscaping directly under the dripline of the oak

trees was removed from the landscape design, as recommended by the arborist. The new or rebuilt landscaping would need to satisfy the Water Efficient Landscape Ordinance requirements since it exceeds the 500 square-foot landscaping threshold for new residences and is conditioned as such.

Overall, the project complies with the development standards in the R1-10 zoning district and complies with the Single-Family Residential Design Guidelines because it is an appropriate design within the Consistent Character Neighborhood setting, maintains an appropriate relationship to the adjacent structures, minimizes excessive bulk, and protects trees insofar as practical.

## **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 CORRESPONDENCE**

A public meeting notice was posted on the property, mailed to property owners within a 300’ radius, and published in the Town Crier. The applicant posted the public notice sign (24” x 36”) in conformance with the Planning Division posting requirements.

The applicant sent out letters to seven neighbors in the immediate area for the community outreach. No comments from neighbors have been received by staff as of the writing of this report.

Attachments:

- A. Project Plans

Cc: Andrew McIntyre, Applicant/Designer  
Rob Chang and Shelley Edwards, 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 provision 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, and height maximums as well as the daylight plane requirement 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 and will be in keeping with the general appearance of neighboring developed areas because the trees on the property or adjacent property protected by city ordinance that are suitable for preservation are being preserved and there will not be any substantial grade changes nor soil removal to construct the residence. The proposed landscaping includes trees, shrubs, and ground cover will be in keeping with the surrounding neighborhood.
- 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 proposed structure incorporates architectural design features such as a flat roof with horizontal eave lines, a stone veneer water table, building articulation and overall the narrow width of the building is less visible from the street.
- 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. The design incorporates stucco exterior siding, stone veneer water table, aluminum clad wood windows, and that is architecturally integrated with the design aesthetics. The height and scale of the proposed residence based on the overall building height and the height of each story relates well with the neighborhood.
- 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 site is relatively flat and has incorporated softscape and hardscape surfaces into the plan and proposes a drainage plan to minimize off-site stormwater drainage.

## CONDITIONS OF APPROVAL

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### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on November 15, 2025, 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 September 28, 2023, except as may be modified by these conditions.

**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 comply with the City's Shoulder Paving Policy.

**4. ADU Not Reviewed**

The proposed ADU included in the plan set is not part of this design review application. The ADU shall be reviewed during the building permit plan check process.

**5. Protected Trees**

Tree Nos. 134 and 135 as shown on Sheet A1.2 shall be protected under this application and cannot be removed without a tree removal permit from the Development Services Director. The arborist recommendations listed under "Trees That Merit Special Attention" and "Tree Protection and Preservation Guidelines" in the arborist report (Pennell Phillips, last revised September 21, 2023) shall be incorporated into the building permit plans and implemented before and during construction.

**6. 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.

**7. 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.

**8. Underground Utility and Fire Sprinkler Requirements**

New residences 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.

**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 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.

**11. 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.

**12. 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.”

**13. 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.

**14. 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.

**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 driplines 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 as shown on the site plan approved with the building permit plans. The 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 in and provide receipts to the Building Division. The City of Los Altos shall provide the property owner with 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. Tree Protection Verification**

A letter from the consulting arborist shall be submitted verifying that all recommended tree protection measures per Condition #5 were implemented before and during construction and outlining any tree mitigation measures that were completed during the construction process to further protect the trees.

**21. 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.

**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).