



DATE: September 21, 2022

AGENDA ITEM # 3

**TO:** Design Review Commission  
**FROM:** Jia Liu, Associate Planner  
**SUBJECT:** SC22-0003 – 540 Patrick Way

**RECOMMENDATION:**

Approve design review application SC22-0003 subject to the listed findings

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**PROJECT DESCRIPTION**

This is a design review application for a new two-story house. The project consists of 2,375 square-foot living space at the first story and 1,201 square-foot living space at the second story with a 491 square-foot, attached two-car garage. This project is categorically exempt from further environmental review under Section 15303 of the California Environmental Quality Act. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 13,170 square feet  
**MATERIALS:** Standing seam metal roof, board and batten siding with stone veneer wainscoting, wood windows and doors with wood trims.

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,478 square feet	3,676 square feet	4,067 square feet
<b>FLOOR AREA:</b>			
First floor	2,478 square feet	2,866 square feet	4,067 square feet
Second floor	--	1,201 square feet	
Total	2, 478 square feet	4,067 square feet	
<b>SETBACKS:</b>			
Front	24.75 feet	25.33 feet	25 feet
Rear	77.33 feet	82.00 feet	25 feet
Right side (1st/2nd)	9.83 feet/--	10.25 feet/21.92 feet	10 feet/17.5 feet
Left side (1st/2nd)	9.92 feet/--	10.00 feet/26.00 feet	10 feet/17.5 feet
<b>HEIGHT:</b>	14 feet	26.58 feet	27 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located on Patrick Way between Pine Lane and Los Altos Avenue. The surrounding neighborhood is considered a Diverse Neighborhood as defined in the City's Residential Design Guidelines. The homes in the immediate neighborhood context are a combination of one-story and two-story houses, with four two-story homes at 530, 531, 541, and 551 Patrick Way. Properties in the immediate neighborhood share similar front setback patterns with low to moderate scale horizontal eave lines with wall plates that appear to be between eight to nine feet and six inches in height at the first story and eight to nine in height at the second story. Most garages are attached to the existing homes in the front yard facing the street in addition to 521 Patrick Way that has a detached two-car garage. Roof forms are a combination of simple and complex roof lines due to certain houses renovations/upgrades in the neighborhood over the years. A mix of roofing materials are found in the immediate neighborhood including wood shake, composition shingle, and tiles. The exterior materials commonly used include stucco and wood siding with stone veneer or brick accents. Landscapes in the front consist of mature street trees on most properties with dense screening shrubs further in.

## **DISCUSSION**

### **Design Review**

According to the Residential Design Guidelines, in Diverse Character Neighborhoods, a good neighbor design has its own design integrity while incorporating some design elements, materials, and scale found in the neighborhood.

The subject property is a regular rectangular lot with a property width of 82.48 feet and depth of 159.66 feet. The proposed side setbacks of the structure will be 10 feet for the first story and at least 21 feet away for the second story. Rear setbacks are 82 feet for both first and second story. The proposed structure's footprint, compared to the existing house's footprint, will remain at the proximate location within the first half of the subject lot. Landscaping and amenities improvements are also proposed including but not limited to reconfiguration of a swimming pool and construction of a detached accessory structure in the rear yard, which are not part of this design review and shall be reviewed under a separate building permit prior to commencement of the construction.

The overall height of the proposed residence is 26.58 feet, consistent with the maximum height of 27 feet in the R1-10 zoning district. At the first story, three wall plates are proposed for the living area including the main plate height of nine feet at the rooms along the front elevation and kitchen, nine feet and six inches at the family room and Bedroom No. 5, and 12 feet at the dining room facing the rear yard. At the second floor, a major plate height of seven feet and six inches is designed for most rooms in addition to the master bedroom that has an eight-foot plate height that will face the rear yard. Regarding the roof pitches, the proposed two-story house has a 2.75:12 sloped roof for the main gable ridge with two 5.5:12 sloped front facing gables at the first story while a 5.5:12 consistent sloped roof is design at the second story with standing seam metal material.

The front elevation is found compatible in design with the surrounding neighborhood by using design elements that have integrated gable and hipped roof forms, consistent horizontal eave lines, recessed garage for a less predominant appearance, and board and batten siding with stone veneer wainscoting for additional architectural textures. Additionally, the project is utilizing high quality materials such as the standing seam metal roof material, board and batten siding exterior with stone veneer wainscoting,

and wood window and door with wood framed trims, which are integrated into the overall architectural design of the residence and found to relate to the surrounding neighborhood.

Overall, according to the Residential Design Guidelines, the project appears to be an appropriate design within this Diverse Character Neighborhood setting. The proposed house has design elements, materials, and scale found in the neighborhood and meet the intent of the design review findings.

### **Privacy**

On the right (south) elevation, three small windows are proposed at the second floor with the same of windowsill height of three feet and six inches. On the left (north) elevation, three windows are proposed including one small windows with the sill height of three feet and six inches at Bedroom No. 3, one medium-sized window at the master bedroom with a sill height of three feet, and one large, three-panel horizontal window at master room designed as a dormer. The additional two windows are shown on the left elevations are skylights on the roof.

Normally along the side elevations, the Design Review Commission would see a minimum of four-foot and six-inch windowsill height in order to minimize the privacy impact resulted from the new side fenestration at the second story. As described, the proposed side windows have sill heights less than the standard, ranging from three feet to three feet and six inches; however, staff considers the proposed window design is acceptable due to the following:

- The plate height of the second story at the edges of the second story is seven feet and half inches, which is lower than common plate heights at the second story for new constructions. The proposed sill heights are proportionally designed to support the second story functions. If staff recommended the standard four-foot and six-inch sill height standard, staff believes the windows will be not proportionate and useless for each room.
- On the right elevations at the second story, two of the three proposed windows located in bathrooms will be frosted. The other window in Bedroom No. 2 is located closer to the front yard. The line of sights from this window will reach to the side and front yard of the adjacent property at 550 Patrick Way, which should reduce potential privacy impacts.
- On the left elevation at the second story, there are two side windows located in Bedroom No.3 and the master bedroom, respectfully. The proposed setback of the Bedroom No. 2 window is 26 feet from the property line, which is greater than the required setback. This window will have diminished privacy impacts due to being located on the first half of the lot and the sight line views being limited to the side yard and front yard of the adjacent property at 530 Patrick Way. The master bedroom windows will be greater than 38 feet from the side property line, and its increased setback will reduce potential privacy impacts from the window.
- Along both side property lines, the applicant proposes to retain existing evergreen vegetation and plant new evergreen screening vegetation will be planted to mitigate the privacy impacts.
- At last, per the neighborhood feedback as provided in Attachment E, the neighbors at both sides do not appear to have privacy concerns regarding the second story windows.

With the assessments above, staff finds that the proposed side windows at the second story are acceptable and should not have privacy impacts.

Along the rear second story elevation, there are two windows proposed: one medium-sized window with a sill height of three feet, four inches and one large window for the master bedroom with a sill height of three feet. An additional large fenestration next to the bedroom window is designed for the double ceiling

height at the dining room area which will not cause any privacy issue. The windows have a proposed rear yard setback of 82 feet, and staff finds the distance mitigates privacy impact to the rear neighbor. Moreover, existing mature evergreen screening vegetation along the rear property line should further mitigate the privacy related concerns. Overall, staff found this new two-story house is consistent with the Residential Design Guidelines to minimize the privacy impact through various design measures and considerations.

**Landscaping and Trees**

Fifteen existing trees are depicted within the proximity of the subject site and further assessed by the provided arborist report (Attachment B). Four non-protected trees will be removed. One Magnolia in 21-inch diameter located in front yard to the left will be removed due to its declining condition. Other trees and exiting screening vegetation will be retained onsite with proper tree protection measures during the construction.

A new landscaping plan is proposed including a number of proposed evergreen screening vegetation. The proposed screening vegetation will be planted along all the property lines and are outlined in Table 1 below.

**Table 1: Screening Plant List**

Location	Common Name	No.	Size	Description
Right property line	Purple Hopseed Bush	5	24-inch box	12'-16 tall x 6'-8' wide
Left property line	Yew Pine	4	24-inch box	25'-40' tall x 15'-20' wide

Most of the existing screening vegetation will remain including five mature photinia/osmanthus shrubs along the left property line and a row of mature pittosporum shrubs along the rear property for screening.

In addition to the evergreen screening plants, the landscape plan also includes three new trees with 24-in box or 36-inch box in size, a variety of shrubs/hedges, and groundcover plants throughout the site. Since the project includes a new house and new landscaping area that exceeds 500 square feet, it is subject to the City’s Water Efficient Landscape regulations. Overall, the existing and proposed landscaping meets the intent of the City’s landscape regulations.

**Environmental Review**

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of a single-family dwelling in a residential zone.

**Public Notification and Community Outreach**

A public meeting notice was posted on the property and mailed to 13 nearby property owners on Patrick Way, Becker Lane, and Los Altos Avenue. The Notification Map is included in Attachment C.

In April 2022, a billboard of Notice of Development Proposal (Attachment D) was installed onsite for early community awareness. The applicant has also reached out to the immediate neighbors for community outreach in April. A copy of the community outreach summary and responses from the neighbors is included in Attachment E.

Cc: Alvin Chow & Ann Charng, Property Owner  
 Isabeau Guglielmo, Applicant and Architect

Attachments:

- A. Neighborhood Compatibility Worksheet

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- B. Arborist Report
- C. Notification Map
- D. Pictures of Notice of Development Proposal
- E. Proof of Community Outreach
- F. Material Boards

## FINDINGS

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With regard to design review for the new two-story house, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

- a. The proposed addition complies with all provisions of this chapter;
- b. The height, elevations, and placement on the site of the proposed addition, 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 addition in relation to the immediate neighborhood will minimize the perception of excessive bulk;
- 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 addition has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.

## CONDITIONS

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### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on September 21, 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 September 14, 2022, except as may be modified by these conditions.

**3. Protected Trees**

Trees Nos. 3-7 and 10-13 along with the approved privacy screening and new trees shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director. A Tree Protection Plan detailed in the approved arborist report shall be implemented. Prior to the occupancy of the residence, a letter signed by the subject arborist shall be provided to certify the implementation of the Tree Protection Plan.

**4. Tree Removal Approved**

Trees Nos. 1, 2, 8, 9, 14, and 15 shown on plan Sheet A-3 of the approved set of plans are hereby approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Community Development Director upon submitting written justification.

**5. Swimming Pool and Accessory Structure**

The proposed swimming pool and detached accessory structure are not part of the Design Review application approval and shall obtain a separate building permit issuance prior to commencement of the construction.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. 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**

**11. Conditions of Approval**

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

**12. Applicant Acknowledgement of Conditions of Approval**

The applicant shall acknowledge receipt of the final conditions of approval and put in a letter format acceptance of said conditions. This letter will be submitted during the first building permit submittal.

**13. Tree Protection Note**

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

**14. 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.

**15. Reach Codes**

Building Permit Applications submitted on or after January 26, 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.

**16. 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.

**17. 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.

**18. 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.



**19. Air Conditioner Sound Rating**

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. 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.

**20. 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.).

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

**21. Tree Protection**

Tree protection fencing shall be installed around the driplines, or as required by the project arborist, of trees Nos. 3-7 and 10-13 as shown on the site plan. 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.

**22. 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**

**23. 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.

**24. 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.

**25. 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).