



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: February 13, 2018

Subject: Resolution No. 2018-02: Appeal of Design Review Application – 571 Cherry Avenue

Prepared by: Sean K. Gallegos, Associate Planner

Reviewed by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2018-02

Initiated by:

Applicant

Fiscal Impact:

None

Environmental Review:

Categorically exempt per section 15301 of the California Environmental Quality Act

Policy Questions for Council Consideration:

- None

Summary:

- Approve Resolution No. 2018-02 to uphold the appeal and approve the Design Review Application No. 17-SC-30 for the proposed one-story addition and remodel to the Historic Landmark house at 571 Cherry Avenue.

Staff Recommendation:

Move to adopt Resolution No. 2018-02 to approve Design Review Application No. 17-SC-30 subject to the recommended findings and conditions



Subject: Resolution No. 2018-02: Appeal of Design Review Application – 571 Cherry Avenue

Purpose

Approve Resolution No. 2018-02 to uphold the City Council’s action on January 23, 2018 to approve Design Review Application No. 17-SC-30.

Background

The proposed project, which involves a designated Historic Landmark house with a Mills Act agreement, includes demolition of an existing, non-historic addition at the rear of the house and a detached accessory structure, and construction of a 2,332 square-foot addition at the rear of the house.

On August 28, 2017, the Historical Commission held a public meeting to consider a Historic Alteration Permit for exterior alterations and an addition to the Historic Landmark structure. The Historical Commission voted to approve the Historic Alteration Permit.

On October 2, 2017, the Design Review application for the one-story addition was administratively denied by the Community Development Director. While the structure complied with the Secretary of the Interior’s Standards for Rehabilitation of a historic structure, staff found that the proposed one-story addition did not meet all of the required design review findings per Section 17.76.060 of the Zoning Code.

On November 15, 2017, the Design Review Commission held a public meeting to consider the applicant’s appeal of the denial. Following public comment and discussion, the Commission voted unanimously (5-0) to deny the appeal of the design review application and uphold the staff’s denial findings.

On January 23, 2018, the City Council held a public meeting to consider the appeal of Design Review Commission’s action. Following public comments and discussion, the Council voted unanimously to uphold the applicant’s appeal and approve Design Review Application 17-SC-30. As part of the motion, City Council directed staff to modify Resolution No 2018-02 with positive findings and conditions of approval.

Discussion/Analysis

Per Council direction, Resolution No. 2018-02 has been modified to include language that approves Design Review Application No 17-SC-30 for the proposed one-story addition and remodel to the Historic Landmark house.

Options

- 1) Approve Resolution No. 2018-02 to uphold the appeal and approve the Design Review Application 17-SC-30 subject to the listed findings and conditions



Subject: Resolution No. 2018-02: Appeal of Design Review Application – 571 Cherry Avenue

Advantages: The property owners would be allowed an addition to the existing Historic Landmark house with an updated and enlarged building.

Disadvantages: The project would allow an addition and modification to an existing Landmark structure.

2) Deny the appeal and uphold the Design Review Commission's decision

Advantages: The existing Historic Landmark house would remain unchanged and a revised design would be required if the property owners continued to pursue an addition to the house.

Disadvantages: The property owners would not be allowed to construct an addition to the house as currently proposed.

Recommendation

The staff recommends Option #1.

RESOLUTION NO. 2018-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING AN APPEAL OF A DESIGN REVIEW APPLICATION FOR A
NEW ONE-STORY ADDITION AT 571 CHERRY AVENUE**

WHEREAS, the City of Los Altos received a development application from Chapman Design Associates, for a 2,332 square-foot one-story addition to an existing one-story Historic Landmark house, which includes Design Review Application 17-SC-30, referred herein as the “Project”; and

WHEREAS, said project is exempt from environmental review because it involves the addition to a single-family dwelling in a residential zone in accordance with Section 15301 of the California Environmental Quality Act of 1970 as amended (“CEQA”); and

WHEREAS, the Design Review Application was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Community Development Director administratively reviewed the one-story design review application and denied the Project; and

WHEREAS, the applicant appealed the denial of the Project to the Design Review Commission; and

WHEREAS, the Design Review Commission held a duly noticed public meeting on November 15, 2017, at which all public comment was duly considered and the Design Review Commission voted to deny the appeal and uphold the Project’s denial; and

WHEREAS, the applicant appealed the denial of the Project to the City Council; and

WHEREAS, the City Council held a duly noticed public meeting on January 23, 2018, at which all public comment was duly considered and voted to uphold the appeal and approve the Project, and directed staff to update the resolution with positive findings and conditions of approval for the Project; and

WHEREAS, the location and custodian of the documents or other materials, which constitute the record of proceedings upon the City Council’s decision was made are located in the Office of City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby approves the Project, subject to the findings and conditions attached hereto as Exhibit “A” and incorporated by this reference.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 13rd day of February 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jean Mordo, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to design review for a one-story addition to the existing Historic Landmark structure at 571 Cherry Avenue, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code that:

1. The proposed addition complies with all provision of the Chapter 14.76, Design Review, because it conforms with all applicable development standards in the R1-10 (single-family) District and design review requirements;
2. 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, avoids unreasonable interference with views and privacy and considers the topographic and geologic constraints imposed by the particular building site conditions because the addition maintains the structure's existing finished floor height and the one-story design of the structure, and when combined with fencing and landscaping avoids any unreasonable privacy impacts to adjacent properties;
3. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes will be minimized and will be in keeping with the general appearance of neighboring developed areas because the project minimizes grade changes for the site, and maintains most of the existing landscaping and trees to maintain consistency with the immediate neighborhood context;
4. The orientation of the proposed addition in relation to the immediate neighborhood will minimize the perception of excessive bulk because the addition has a setback of 75 feet from the front property line and the building elevations have variation and relief that **will not** result in large blank wall surfaces;
5. 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 because the addition is setback 40 feet from the front of the existing house, the placement of the garage minimizes the addition and the addition incorporates high quality exterior materials; and
6. The proposed structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection because the site maintains its existing natural grade and the project will comply with the New Development and Construction Best Management Practices and Urban Runoff Pollution program to prevent storm water pollution and minimize erosion.

CONDITIONS

GENERAL

1. **Approved Plans**

The approval is based on the plans and materials received on October 10, 2017, except as may be modified by these conditions. The scope of work is limited to that shown on the plans.

2. **Protected Trees**

All existing trees and new privacy screening trees shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

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. **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.

5. **Landscaping**

The landscape plan is subject to the City's Water Efficient Landscape Regulations pursuant to Chapter 12.36 of the Municipal Code.

6. **Fire Sprinklers**

Fire sprinklers shall be required pursuant to Section 12.10 of the Municipal Code.

7. **Underground Utilities**

Any new utility service drops shall be located underground from the nearest convenient existing pole 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.

PRIOR TO BUILDING PERMIT SUBMITTAL

9. **Conditions of Approval**

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

10. **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."

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. Green Building Standards

Provide verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.

13. Underground Utility Location

Show the location of underground utilities pursuant to Section 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.

14. Air Conditioner Sound Rating

Show the location of any air conditioning units on the site plan and the manufacturer's specifications showing the sound rating for each unit.

15. 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

16. Tree Protection

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, of existing trees 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.

PRIOR TO FINAL INSPECTION

17. 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.

18. Green Building Verification

Submit verification that the house was built in compliance with the City's Green Building Ordinance (Section 12.26 of the Municipal Code).