

**MINUTES OF THE REGULAR MEETING OF THE DESIGN REVIEW COMMISSION OF
THE CITY OF LOS ALTOS, HELD ON WEDNESDAY, APRIL 6, 2022, BEGINNING AT 6:00
P.M. HELD VIA VIDEO/TELECONFERENCE PER EXECUTIVE ORDER N-29-20**

Please Note: Per California Executive Order N-29-20, the Commissions will meet via teleconference only. Members of the Public may call (650) 419-1505 to participate in the conference call (Meeting ID: 147 172 8228 or via the web at <https://tinyurl.com/47m86y9y>). Members of the Public may only comment during times allotted for public comments. Public testimony will be taken at the direction of the Commission Chair and members of the public may only comment during times allotted for public comments. Members of the public are also encouraged to submit written testimony prior to the meeting at DRCpubliccomment@losaltosca.gov. Emails received prior to the meeting will be included in the public record.

**ESTABLISH QUORUM FOR STUDY SESSION - 6:00 PM JOINT STUDY SESSION WITH
PLANNING COMMISSION**

DRC PRESENT: Vice-Chair Ma, Commissioners Harding and Kirik
DRC ABSENT: Chair Blockhus and Commissioner Bishop
PC PRESENT: Chair Doran, Vice-Chair Mensinger, Commissioners Ahi, Roche and Steinle
PC ABSENT: Commissioners Bodner and Marek
STAFF: Interim Planning Services Manager Golden, Senior Planner Gallegos, Associate Planner Liu, City Attorney Houston and Deputy City Attorney Ramakrishnan

1. Review and Update SB9 Objective Standards

Review the City's SB9 Objective Standards, conduct Study Session to consider any appropriate modifications to the standards, provide direction to staff and/or recommendations to City Council, and consider possible formation of one or more ad hoc subcommittees to study the issue further.

STAFF PRESENTATION

Associate Planner Liu provided a presentation on the SB9 Objective Standards.

City Attorney Houston provided information on subcommittees and Brown Act rules.

COMMISSIONER QUESTIONS

Chair Doran asked for point of order and clarification and if they take public comment and then discussion.

Interim Planning Services Manager Golden advised to discuss and then take public comment.

Deputy City Attorney Ramakrishnan made comments on the last review to help frame the discussion for tonight's meeting.

Vice-Chair Ma asked what the timeline is after subcommittee formation and clarification on forming the subcommittees.

Interim Planning Services Manager Golden stated that the City Council directed staff to return in May, but staff will advise the Council in May if there is still discussion occurring with subcommittees. He said that the subcommittees shall not exceed a quorum of each of the commissions.

COMMISSIONER COMMENTS

Commissioner Kirk discussed injecting some of the DRC subcommittee issues on balconies, privacy, and double height spaces related to bulk and mass into the SB9 language to help formulate some good criteria for the administrative review for approval.

Vice-Chair Ma asked with the density getting higher with more housing, how does this relate to our tree protection policy, privacy impacts, and is it objective or subjective on tree removal?

Chair Doran asked if there is document discussion addressing fire access on secondary unit developments on lots.

Associate Planner Liu said that staff has not evaluated this, but we will reach out to Santa Clara County Fire to understand their requirements on driveway widths or turnarounds.

Deputy City Attorney Ramakrishnan said the Statute does require access but does not define what it is.

Vice-Chair Ma said they did not provide a report to outline the subcommittee meeting, but information was conveyed verbally, and the items outlined by the DRC regarding SB9 are in the agenda report.

Interim Planning Service Manager Golden provided some clarification on the previous review of SB9, this second review before the Commissions tonight, and said the goal for tonight is the creation of subcommittees and what the next step is for the Commissions.

PC COMMENTS

PC Comments or discussions to be included in further discussion with SB9.

Commissioner Ahi

- The flag lot scenario concerned him when it is the only feasible option for a lot. When you limit the height to one-story (20 feet) and the access corridor to 20 feet, it will constrain development on a lot of lots.
- FAR and Lot Coverage are both at 35% and when implementing SB9, it appears incorrect. It does not match the community and if we want these new projects to fit into Los Altos, we need it to work and we must think about it about it in that way.
- Suggested a solution is to keep the lot coverage at 30% and the FAR could be increased to 40% or 45% so you have a more balanced unit, and it doesn't look awkward.
- The plate heights are a little odd when 9 feet at the first story and 8.5 feet at the second story is the standard.
- He questioned the reason for having a 9-foot, 3-inch plate height for the first story and 8-foot, 3-inch second story plate height was and said it should be addressed to be consistent with the standard.
- Parcels are different in Los Altos, and we need to look to see what works in Los Altos neighborhoods.

Commissioner Roche

- The rear yard setback at 4 feet is an issue because it is very close to the neighbor and wants this to be reviewed.
- Different elevations of sites should be a consideration due to potential privacy impacts between neighbors.
- Consideration of window design and sill heights on second stories for privacy.

Deputy City Attorney Ramakrishnan stated that the four-foot rear setback is mandated by State law.

Chair Doran

- How will SB9 conflict with the building code.
- She needs more time to look at document.
- She wants to be part of subcommittee.
- When you decrease setbacks, what happens to the homes built that had to adhere to the building code.

Deputy City Attorney Ramakrishnan stated that building codes still apply with SB9. SB9 does not alter the building code, it alters zoning code and land use.

Vice-Chair Mensinger

- Can you build one house with four-foot setbacks under SB9?

Deputy City Attorney Ramakrishnan answered yes.

City Attorney Houston ask the Commissioners to please read the Department of Housing and Community Development's (HCD) FAQ's if they haven't already.

Vice-Chair Mensinger

- From a policy perspective, why is the state compelling us to use the setback in SB9?

Deputy City Attorney Ramakrishnan stated in general, there is a sense among legislature that local agencies impose too many regulations that limit housing development and setbacks are one of those issues.

Vice-Chair Mensinger

- We should look at the objective standards in reviewing all projects as having 4-foot setbacks as a starting point.

Commissioner Kirik

- Concerned SB9 is being used for circumventing the DRC concerns and neighbors on projects.
- Respect the existing Residential Design Guidelines and restrict the development of SB9 projects to preserve the character of Los Altos.
- He does not want to see dense clusters and upset neighbors in Los Altos.

Commissioner Ahi

- Responded that the goal is not to restrict housing development, but to have an incentive to promote more housing to meet the intent of SB9. It is a balance.

Deputy City Attorney Ramakrishnan

- We cannot have restrictions just to have restrictions.
- We can adopt objective standards with an intent to preserve the community character of Los Altos.

Chair Doran commented on the different perspectives of each Commission and the importance of being on the same page in the subcommittees.

Deputy City Attorney Ramakrishnan said it is great both Commissions are here to provide their expertise and input.

Vice-Chair Ma said the essence of SB9 is to create more housing units, but there needs to be a balance. We should use our local ordinance and Residential Design Guidelines as a basis in reviewing projects to preserve the character of single-family neighborhoods in Los Altos. He then asked for clarification on a project using SB9 to build a single house on the lot with a four-foot setback.

Deputy City Attorney Ramakrishnan clarified that yes, a two-story single-family home could be built with a four-foot setback and not be reviewed by the DRC. Only projects that do not qualify for SB9 or if the applicants voluntarily want to go through a different review process would you the DRC review a project.

Interim Planning Services Manager Golden clarified staff's recommendation in the staff report and how the Commissions may want to move forward.

Chair Doran and Vice-Chair Ma opened the meeting for public comment.

PUBLIC COMMENT

Anne Paulson said whatever standards the City chooses, make them easy to evaluate. Sometimes we get complex standards that make it hard for staff to follow and the applicant to understand like with ADUs and projects take longer.

Tim appreciates staff's support of SB9 development for taking care of his family.

Jeannine Valadez supports increased housing and multi-generational housing, supports the objective standards to incentivize housing development. Does not appreciate standards to block housing development.

Jill Woodford supports SB9 but concerned with the wrong development happening that does not respect privacy. She suggested increasing the ADU size to 1,500 square feet and relaxing the ADU restrictions to support SB9 for multi-generational housing and care giving.

The Alon family spoke in support of SB9 and multi-generational housing for care giving and relaxing the ADU regulations.

Monica Waldman stated that street access needs to be considered in special cases in neighborhoods when it comes to lot splits for safety reasons. She also noted that basements do not count as square footage so a development can be over the maximum allowed.

Chair Doran closed the public comment period.

Chair Doran commented on the options for forming a joint subcommittee of the two Commissions.

Vice-Chair Mensinger said it may be a good idea to have a combination subcommittee of the DRC and PC members.

Vice-Chair Ma agreed and wanted to have an internal subcommittee from each commission.

Commissioner Harding nominated the current DRC subcommittee members of Vice-Chair Ma and Commissioner Kirik for the joint subcommittee.

Deputy City Attorney Ramakrishnan said it appears to be a request one joint subcommittee.

Chair Doran and Commissioner Kirik both want to have internal discussions within the commissions at their next meetings regarding subcommittee members.

Vice-Chair Ma agreed.

Chair Doran and Vice-Chair Ma re-opened the public comment period.

PUBLIC COMMENT

Peter Mills raised the issue of double lots and wanting access and driveways from the frontage of existing buildings. There are street access issues on Salano Drive and others, so there is a need to look at the objective standards and how SB9 will affect the substandard streets. He invited the commissioners to his street to understand the issue and said to contact him at his email.

Chair Doran closed the public comment period.

PC Action

Action: Upon a motion by Vice-Chair Mensinger, seconded by Chair Doran, the Commission moved to appoint up to three members of the Planning Commission to a joint subcommittee to evaluate the objective standards of SB9.

The motion was approved (5-0) by the following vote:

AYES: Ahi, Doran, Mensinger, Roche and Steinle

NOES: None

ABSENT: Bodner and Marek

DRC Action

Action: Upon a motion by Commissioner Harding, seconded by Commissioner Kirik, the Commission moved to establish two members of the Design Review Commission on a joint committee for future conversation on SB9.

The motion was approved (3-0) by the following vote:

AYES: Harding, Kirik, and Ma

NOES: None

ABSENT: Blockhus and Bishop

City Attorney Houston and Deputy City Attorney Ramakrishnan stated there is no consensus needed, and the DRC can have its own recommendations and PC can have its recommendations to the Council.

STUDY SESSION ADJOURNMENT: 7:19 PM

BREAK – Will reconvene at 7:25 PM

ESTABLISH QUORUM FOR REGULAR MEETING - 7:26 PM

PRESENT: Vice-Chair Ma, Commissioners Harding and Kirik

ABSENT: Chair Blockhus and Commissioner Bishop

STAFF: Interim Planning Services Manager Golden, Senior Planner Gallegos and Associate Planner Liu

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Peter Mills made a comment regarding SB9, and he would like the objective standards state that someone subdividing a lot shall access the housing units where there is currently access provided. No driveways or walkways from rear property line that would allow parking on both sides of the narrow street and impede access for vehicles.

ITEMS FOR CONSIDERATION/ACTION

CONSENT CALENDAR

2. Design Review Commission Minutes

Approve minutes of the regular meeting of March 16, 2022.

Action: Upon a motion by Commissioner Kirik, seconded by Commissioner Harding, the Commission approved the minutes of the regular meeting of March 16, 2022 as written.

The motion was approved (3-0) by the following vote:

AYES: Harding, Kirik, and Ma

NOES: None

ABSENT: Blockhus, Bishop

DISCUSSION

Vice-Chair Ma stated a conflict of interest for agenda item #4 at 944 Aura Way and said the project would have to be continued to another meeting.

Interim Planning Services Manager Golden suggested making a motion to continue the project to a date certain for the next meeting on May 4, 2022.

Due to lack of a quorum to make the vote, the project was continued by default to the next meeting.

3. SC21-0027 - Farnaz Khadiv – 2256 Deodara Drive

Design Review for a two-story addition to an existing two-story house. The project includes a 774 square-foot addition at the first story and a 703 square-foot addition at the second story with a new 469 square-foot basement. This project will be considered categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act. *Project Planner: Gallegos* This item was continued from the March 17, 2022 DRC meeting.

STAFF PRESENTATION

Senior Planner Gallegos presented the staff report recommending approval of design review application SC21-0027 subject to the listed findings and conditions and answered questions from Commissioner Kirik and Vice-Chair Ma.

APPLICANT PRESENTATION

Project applicant Farnaz Khadiv and owner Roza Alon provided a project presentation.

Alon Family thanked Commissioner Kirik for his insightful feedback. At the time of the November meeting, she was not thrilled. After going through the process, she is overall more pleased with the design. She thanked him for his honest feedback. With regard to first floor, we have substantially reduced the appearance of bulk and have forwarded the neighbor letters.

DRC QUESTIONS TO APPLICANT

None.

PUBLIC COMMENT

Neighbor David Norlander spoke in support of the project.

Vice-Chair Ma closed the public comment period.

Commissioner discussion then proceeded.

Action: Upon a motion by Commissioner Kirik, seconded by Commissioner Harding, the Commission approved design review application SC21-0027 subject to the staff report findings and conditions.

The motion was approved (3-0) by the following vote:

AYES: Harding, Kirik, and Ma

NOES: None

ABSENT: Blockhus, Bishop

4. SC21-0035 – Eric Keng – 944 Aura Way

Design review application for a new 4,010 square-foot two-story single-family residence with 2,692 square feet on the first story and 1,317 square feet on the second story. A 798 square-foot detached accessory dwelling unit (ADU) is also proposed, but not subject to design review. A categorical exemption under Section 15303 of the California Environmental Quality Act Guidelines will be considered for this project. *Project Manager: Golden* ***THIS ITEM WAS CONTINUED DUE TO LACK OF A QUORUM***

5. SC21-0056 – Walter Chapman - 808 Pico Lane

Design Review for a two-story addition to an existing one-story house. The development includes a 788 square-foot addition at the first floor and a 779 square-foot addition at the second floor. This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act. *Project Manager: Liu*

STAFF PRESENTATION

Associate Planner Liu presented the staff report recommending approval of design review application SC21-0056 subject to the listed findings and conditions and answered questions from Commissioner Kirik and Vice-Chair Ma.

DRC QUESTIONS TO STAFF

Commissioner Kirk asked whether the neighboring property was in PUD.

Vice-Chair Ma asked a question on landscaping and if the neighbor wants to have a taller fence and trees for privacy.

APPLICANT PRESENTATION

Project designer Walter Chapman presented the project. He said that when the plans were submitted, the owner was going to use aluminum windows, the problem with clad windows is they have less of an architectural issue, and the owner would like to go with black vinyl with trim on the windows.

Recommended Revisions

- Revise window to vinyl material with quality wood trim
- Will add lattice to rear fence to improve privacy

The property owner did not speak.

DRC QUESTIONS TO APPLICANT

Commissioner Kirik asked the applicant if he can reduce the second story plate height by lowering it to an 8-foot plate height at the second story.

Applicant Walter Chapman stated that a reduced height is too low in scale and looks like a small box on house, and the taller height gives it a more farmhouse look.

Commissioner Kirik said that the first thing that struck him is the window of neighbors, it is a different situation. He would want it addressed with lattice on fence to address privacy. He then asked why there wasn't a landscape plan and to please do something to address the neighbor issue.

Applicant Walter Chapman stated that there are quite a few trees on the site, the owner's intention is to use the yard for planting, and they didn't want to alter landscape plan. He said the willow tree is not a good choice and rather than dictating to owners, he would like the two owners to resolve the issues.

Vice-Chair Ma said he needs to hear from the neighbor.

PUBLIC COMMENT

None.

Vice-Chair Ma closed the public comment period.

Commissioner discussion then proceeded.

Action: Upon a motion by Commissioner Harding, seconded by Commissioner Kirik, the Commission approved design review application SC21-0056 subject to the staff report findings and conditions with the following additional condition:

- The applicant and neighbor at 50 Chester Circle shall work together on landscaping plantings to address concerns regarding privacy by time of final inspection.

The motion was approved (3-0) by the following vote:

AYES: Harding, Kirik, and Ma

NOES: None

ABSENT: Blockhus, Bishop

COMMISSIONERS' REPORTS AND COMMENTS

None.

POTENTIAL FUTURE AGENDA ITEMS

Make all Planning Commissioners attend five DRC meeting to understand the ministerial guidelines.

ADJOURNMENT

Vice-Chair Ma adjourned the meeting at 8:37 PM.