

RESOLUTION NO. 2020-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING A DESIGN REVIEW APPLICATION FOR A NEW TWO-STORY
RESIDENCE AT 126 MOUNT HAMILTON AVENUE**

WHEREAS, the City of Los Altos received a development application from Studio S Squared Architecture Inc., for a new two-story residence, which includes Design Review Application SC19-0010, referred herein as the “Project”; and

WHEREAS, said project is exempt from environmental review because it involves a new two-story 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 Design Review Commission held a duly noticed public meetings on April 15, 2020 and May 20, 2020, at which all public comment was duly considered; and

WHEREAS, the Design Review Commission made the positive findings per the Zoning Code Section 14.76.060 and approved the two-story design review application; and

WHEREAS, a timely appeal was filed by Eugene Hyman on June 1, 2020; and

WHEREAS, at a duly noticed public meeting of August 25, 2020, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the appellant and applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the appellant had presented sufficient evidence to support modification of the design review application; and

WHEREAS, on September 13, 2020 the City Council adopted Resolution 2020-32 which upheld the appeal in part and required the applicant to modify the new two story residence at 126 Mount Hamilton and to return to the City Council for final review and approval; and

WHEREAS, at a duly noticed public meeting of October 27, 2020, the City Council thoroughly and extensively evaluated and considered the revised modifications presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had presented sufficient evidence to support approval of the design review application; 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 Design Review Application SC19-0010, subject to the findings

and conditions attached hereto as "Exhibit A" and "Exhibit B," 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 27th day of October 2020 by the following vote:

AYES: Council Members Bruins, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES: Council Member Enander
ABSENT: None
ABSTAIN: None


James C. Pepper MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to the new two-story house, the City Council finds the following in accordance with Section 14.76.050 of the Municipal Code:

- a. The proposed structure complies with all provision of this chapter in that it meets site development standards related to height, setbacks, floor area ratios, and other standards for development that are specified in the Municipal Code;
- b. The height, elevations, and placement on the site of the proposed structure, 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 because it has been built at the height limits and at locations identified by the Municipal Code;
- 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 as demonstrated by the proposed landscaping and site elevation plans included with the project packet;
- d. The orientation of the proposed structure in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass because it complies with the height limits of the zone district in which it is located and proposes plate heights on the first and second levels that relate well to the wall plate heights of other residential structures in the area;
- e. As modified, the 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, such roofing material and exterior materials, have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings. As demonstrated in the revised front elevation, the project now uses only one roofing type (hip roof) to reduce the visual complexity of the second story. The use of metal panel simulated shake roofing as well as horizontal siding and stone wainscoting as the predominant exterior materials maintains a relationship with the facades seen in the neighborhood context. The proposed design uses a similar neutral color palette to match the surrounding homes within the neighborhood. The lowered front entry element and revised hip roof stays consistent with the horizontal eave line of the surrounding neighboring properties; and
- f. The proposed structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection as evidenced by the proposed elevations and grading plan.

EXHIBIT B

CONDITIONS

GENERAL

1. **Expiration**

The Design Review Approval will expire on October 27, 2022 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 and materials received on September 2, 2020 after the City Council meeting of August 25, 2020, except as may be modified by these conditions.

3. **Pool Equipment Relocation**

Relocate the pool equipment along the rear elevation. The swimming pool motor and equipment are required to be enclosed within a noise attenuating structure.

4. **Protected Trees**

As shown in the site plan, Trees Nos. 1-8, 10, 12-15, and 17-19 shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

5. **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.

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 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**

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 IN BUILDING PERMIT PLAN SUBMITTAL

10. Conditions of Approval

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

11. 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.

12. Tree Protection Note

On the Site Plan, show all tree protection fencing around Trees Nos. 1-8, 10, 12-15, and 17-19 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. 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.

14. 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.

15. 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.

16. Air Conditioner Sound Rating

Show the location of any air conditioning units on the site plan including the model number and manufacturer of the units. 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.

17. 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

18. Tree Protection

Tree protection fencing shall be installed around the driplines of Trees Nos. 1-8, 10, 12-15, and 17-19 as shown in 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

19. Tree Protection Letter

Submit a letter from Kevin Kielty (Kielty Arborist Services) confirming that the tree protection measures were implemented during project construction.

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 (Section 12.26 of the Municipal Code).