



DATE: March 1, 2017

AGENDA ITEM # 5

**TO:** Design Review Commission  
**FROM:** Sierra Davis, Assistant Planner  
**SUBJECT:** 16-SC-53 – 766 Arroyo Road

### RECOMMENDATION:

Approve design review application 16-SC-53 subject to the findings and conditions

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### PROJECT DESCRIPTION

This is a design review application for a new second living unit. The project includes a new detached accessory structure, with a 440 square-foot second living unit and a 360 square-foot workshop. The following table summarizes the project's technical details:

<b>GENERAL PLAN DESIGNATION:</b>	Single-family, Residential
<b>ZONING:</b>	R1-10
<b>PARCEL SIZE:</b>	16,783 square feet
<b>MATERIALS:</b>	Composition shingle roof, fiber cement single panel siding, wood clad aluminum window, wood trim and details

	Existing	Proposed	Allowed/Required
<b>LOT COVERAGE:</b>	2,660 square feet	3,398 square feet	5,874 square feet
<b>FLOOR AREA:</b>			
Main house	2,493 square feet	2,493 square feet	
Accessory structure	N/A	800 square feet	
Total	2,493 square feet	3,293 square feet	4,428 square feet
<b>SETBACKS*:</b>			
Front	N/A	N/A	N/A
Rear	N/A	10 feet	7.5 feet
Right side	N/A	69 feet	10 feet
Left side	N/A	10 feet	10 feet
<b>HEIGHT:</b>	N/A	12 feet	12 feet

\*Accessory structure setbacks.

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located on Arroyo Road between Springer Road and Mountain View Avenue. The lot is 16,783 square feet and exceeds the minimum size requirements for a single-family residential lots within the R1-10 zoning district. The houses in the neighborhood context vary in style, but have consistent setbacks and low-scale massing. There are no known second living units in the immediate vicinity.

### **Main House Addition**

As referenced on the grading and drainage plan, a one-story design review application for an addition to the main residence is also being proposed. One-story design review applications are processed administratively and do not require Design Review Commission approval. The proposed front elevation of the main house is included as a part of this review to provide information about the compatibility of design and materials of the accessory structure with the main house.

## **DISCUSSION**

### **Development and Design Standards for Second Living Units**

As outlined in the Municipal Code (Chapter 14.14), the design standards for second living units include meeting the current development regulations of the residential zoning district where it is located (R1-10), ensuring that the unit is clearly subordinate to the main house, screening it from the street, and providing two additional parking spaces (one covered) on the property.

The 16,783 square-foot site exceeds the minimum lot size requirement of 15,000 square feet for a detached second living unit in the R1-10 zoning district. The 440 square-foot second living unit is located at the rear of the property, with an attached 360 square-foot non-habitable workshop. The entrance to the second living unit faces the interior of the property. The accessory structure is screened from street view by the existing house and vegetation. The existing two-car garage and parking in the driveway complies with the City's parking requirements, with one-covered and one-uncovered parking space for each unit.

The size and location of the accessory structure at the rear of the property makes the second living unit subordinate to the main house. The proposed design and exterior building materials of the second living unit are different than the existing main residence; however, plans for an addition and remodel of the main residence are planned. Once the main residence remodel and facade upgrade is complete, the two structures will have compatible materials. A front elevation that shows the proposed addition and remodel to the main house is included in the project plan.

### **Unit Size and Occupancy Limits**

Since the second living unit does not exceed 640 square feet, if it is rented, the Code requires that it be rented at below market rate, to individuals at the low-income level. The Code also requires a deed restriction that no more than two persons shall reside in the second living unit, and that either the

main house or the second living unit shall be the principal residence of the owner(s) of the property. This is included as a condition of approval.

### **Privacy and Landscaping**

The second living unit should not create any unreasonable privacy impacts because the accessory structure is only 12 feet in height with the entrance and active use area directed toward the interior of the property. There are three windows that face the rear and left side yard; however, the landscape plan includes an evergreen hedge along the south and east property line adjacent to the accessory structure. The evergreen hedge will provide a landscape buffer to the adjacent rear yards and help maintain a reasonable level of privacy. The project will not be installing over 2,500 square feet of new landscaping, so the project is not subject to the City's Water Efficient Landscape Regulations.

### **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15303 of the Environmental Quality Act because it involves the construction of a single-family land use. Under State law, second living units are considered a single-family land use.

### **PUBLIC CONTACT**

A public meeting notice was posted on the property and mailed to 13 nearby property owners on Arroyo Road and Marilyn Drive.

Cc: David V. Hernandez, Heritage Architecture, Applicant and Architect  
Michelle Kozo, Property Owner

#### **Attachments:**

- A. Application
- B. Area, Vicinity and Public Notification Maps
- C. Material Board

## FINDINGS

### 16-SC-53 – 766 Arroyo Road

1. With regard to design review for the detached second living unit and workshop, the Design Review Commission 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;
  - 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;
  - 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 structure 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 structure has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.
2. With regard to the new second living unit, the Design Review Commission finds the following in accordance with Section 14.14.030 of the Municipal Code:
  - a. The second living unit will provide a public benefit because the proposed second living unit will be maintained as affordable for a very low-income household;
  - b. Appropriate administrative measures, including disclosure of the maximum rent allowed and the income level of the occupant(s), have been required which will ensure that if the second living unit is rented or leased, it will be at a rate which is affordable to a person or persons of low-income levels as required by Section 14.14.040, and that the income level of the resident(s) of the second living unit meets the appropriate limits for a very low-income household as determined by the city based on state and federal guidelines;
  - c. Required parking areas are located on the site;
  - d. The parcel size is adequate in size to maintain a second unit and related parking in terms of its status as an accessory use both visually and functionally; and

- e. Appropriate conditions have been applied as necessary to ensure that the second living unit will not adversely impact neighboring property owners due to:
  - i. Inappropriate location, amount, and/or design of on-site parking;
  - ii. Inappropriate location with respect to the character of the existing neighborhood;
  - iii. Excessive noise potential, particularly when neighboring homes are in close proximity;
  - iv. An excessive number of second living units in the vicinity;
  - v. Insufficient screening of the unit; and
  - vi. Lack of compliance with the floor area ratio, setback, lot coverage, and other development standards of the R1 zoning districts.

## CONDITIONS

16-SC-53 – 766 Arroyo Road

### **GENERAL**

**1. Approved Plans**

The approval is based on the plans and materials received on February 17, 2017, except as may be modified by these conditions.

**2. Second Living Unit Deed Restriction**

A deed restriction shall be recorded setting forth the occupancy requirements that not more than two persons shall reside in the second living unit and that the principal residence of the property owner shall be maintained on the property.

**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. 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**

**5. Conditions of Approval**

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

**6. 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."

**7. 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.

**8. 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.

**9. 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**

### **10. Tree Protection**

Tree protection fencing shall be installed around the dripline of tree No. 6, 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.

### **11. Record Deed Restriction**

A deed restriction, per Condition No. 2, shall be recorded in a form approved by city staff.

## **PRIOR TO FINAL INSPECTION**

### **12. Landscaping Installation**

All landscaping, street trees and privacy screening trees shall be maintained and/or installed as shown on the approved plans and as required by the Planning Division.

### **13. 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).

## **SECOND LIVING UNIT RENTAL TERMS**

### **14. At the time an initial rental contract is executed:**

- a. The owner shall furnish the tenant(s) with a written disclosure of the maximum rent allowed in order for the unit to meet the affordability requirements for a person or person(s) of low income level. The maximum rent disclosure shall be signed by the tenant(s) and a copy retained by the property owner.
- b. The tenant(s) shall execute an affidavit certifying that their household income level currently meets the requirements of the use permit and this article. The affidavit shall be signed by the tenant(s) and a copy retained by the property owner.
- c. Upon request, the property owner shall furnish a copy of the signed rent disclosure, rental contract/lease and tenant affidavit to the city.
- d. The property owner shall ensure that the property and improvements thereon are maintained in a commonly acceptable manner as determined by the planning department.
- e. The property owner shall ensure that unreasonable noise disturbances do not occur.
- f. The low income affordability of the second living unit shall be maintained at all times.







# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # 1107529

<input checked="" type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input type="checkbox"/>	Variance	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input checked="" type="checkbox"/>	Other: <u>SECONDARY DWELLING</u>

Project Address/Location: 766 ARROYO ROAD.

Project Proposal/Use: REMODEL SINGLE-STORY SINGLE FAMILY RESIDENCE  
2 (N) SECONDARY DWELLING Current Use of Property: SINGLE-FAMILY RESIDENCE

Assessor Parcel Number(s): 189-29-084 Site Area: 16,783.38 (0.39 AC)  
800 PGST. HOUSE

New Sq. Ft.: 1071.78 @ Altered/Rebuilt Sq. Ft.: 1785.91 Existing Sq. Ft. to Remain: 706.63  
MAIN RES.

Total Existing Sq. Ft.: 2492.54 Total Proposed Sq. Ft. (including basement): 4364.32

Applicant's Name: HERITAGE ARCHITECTURE, DAVID V. HERNANDEZ, ARCHITECT  
Telephone No.: (408) 772-3502 Email Address: dvhernandez@pacbell.net  
Mailing Address: P.O. BOX 8033  
City/State/Zip Code: SAN JOSE, CA, 95155

Property Owner's Name: Michelle Kozo  
Telephone No.: (650) 713-1212 Email Address: MICHBANNON@YAHOO.COM  
Mailing Address: 766 ARROYO RD.  
City/State/Zip Code: LOS ALTOS, CA, 94024

Architect/Designer's Name: DAVID V. HERNANDEZ, ARCHITECT  
Telephone No.: (408) 772-3502 Email Address: dvhernandez@pacbell.net  
Mailing Address: P.O. BOX 8033  
City/State/Zip Code: SAN JOSE, CA, 95155

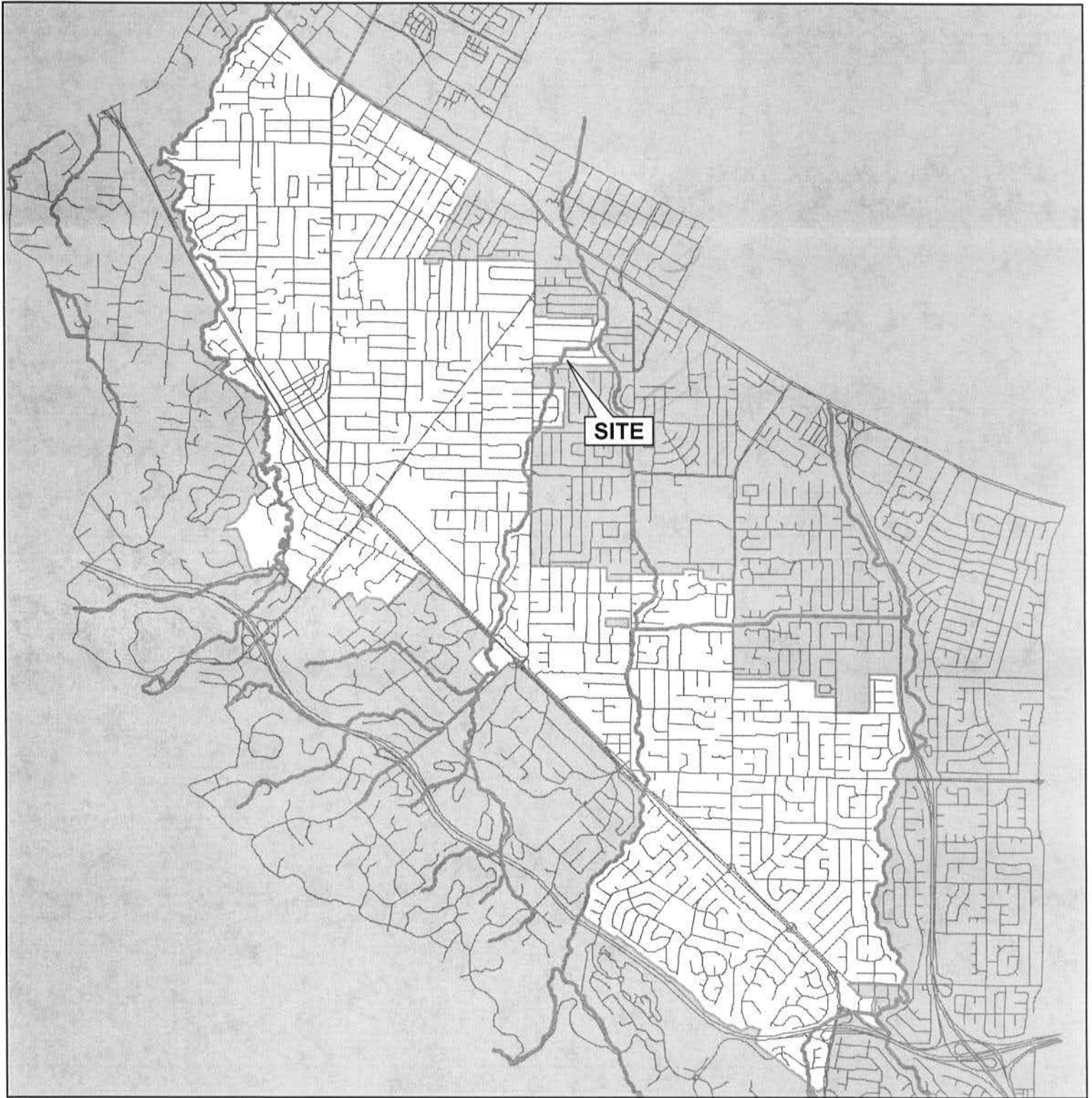
\*\*\* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. \*\*\*

(continued on back)



# ATTACHMENT B

## AREA MAP



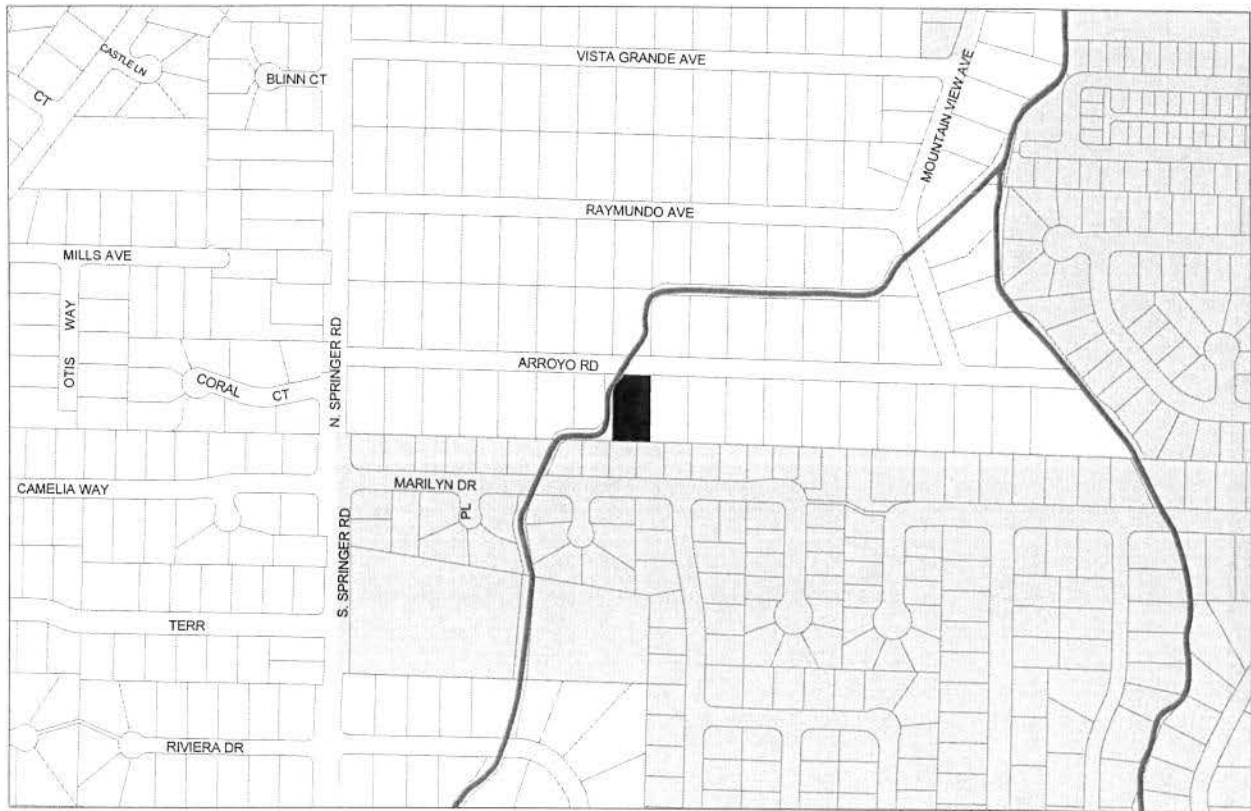
**CITY OF LOS ALTOS**

**APPLICATION:** 16-SC-53  
**APPLICANT:** Heritage Architecture/ M. Kozo  
**SITE ADDRESS:** 766 Arroyo Road

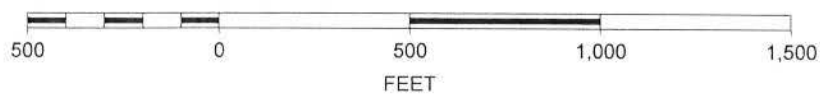


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

**APPLICATION:** 16-SC-53  
**APPLICANT:** Heritage Architecture/ M. Kozo  
**SITE ADDRESS:** 766 Arroyo Road

# 766 Arroyo Road Notification Map







ATTACHMENT C

# THE KOZO RESIDENCE

766 ARROYO ROAD, LOS ALTOS, CA.

## MATERIALS / COLOR BOARD

ROOFING :  
COMPOSITION SHINGLE BY:  
OWENS CORNING, DURATION SERIES  
ROOFING COLOR:  
BLACK ONYX



SIDING :  
FIBER CEMENT SHINGLE PANEL BY NISHIHA  
SIDING COLOR: LINEN WHITE  
PREPRIMED WHITE BY NISHIHA



WINDOWS & DOORS BY: KOLBE- KOLBE  
WOOD CLAD, EXTRUDED ALUMINUM EXTERIOR  
COLOR: BLACK - PREFINISH BY KOLBE



WOOD TRIM CASING & PROFILES BY:  
KOLBE & KELLEHER - ADVANTAGE PLUS  
PAINTED WHITE.



HERITAGE ARCHITECTURE

DAVID V. HERNANDEZ, ARCHITECT

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