



DATE: February 15, 2023

AGENDA ITEM # 3

TO: Design Review Commission
FROM: Jia Liu, Associate Planner
SUBJECT: SC22-0029 – 5790 Arboretum Drive

RECOMMENDATION:

Approve design review application SC22-0029 subject to the listed findings

PROJECT DESCRIPTION

This is a design review application for the expansion of a second story deck to an existing two-story house. The project also includes a 190 square-foot addition at the first story and eight square-foot addition at the second floor. This project is categorically exempt from further environmental review under Section 15301 of the California Environmental Quality Act. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION:	Single-Family Large Lot, Residential
ZONING:	R1-20
PARCEL SIZE:	21,690 square feet
MATERIALS:	Clay tile roof, stucco exterior finish with wood trim, vinyl framed window to match existing house, stainless steel posts and guardrail, and wood deck and wood screening facing side neighbors.

	Existing	Proposed	Allowed/Required
COVERAGE:	3,482 square feet	4,764 square feet	5,423 square feet
FLOOR AREA:			
First floor	1,495 square feet	1,683 square feet	
Second floor	3,203 square feet	3,211 square feet	4,919 square feet
Total	4,698 square feet	4,894 square feet	
SETBACKS:			
Front	30 feet	30 feet	30 feet
Rear	85.58 feet	74.75 feet	35 feet
Right side (1 st /2 nd)	15 feet/15 feet	15 feet/-- feet	20 feet/25 feet
Left side (1 st /2 nd)	15 feet/15 feet	20 feet/25 feet	20 feet/25 feet
HEIGHT:	25.58 feet	25.58 feet	27 feet

BACKGROUND

Property History

The development of the property was originally approved in 2003 by the County of Santa Clara when the property was within the County’s jurisdiction. In 2006, the neighborhood, commonly known as Woodland Acres Neighborhood was annexed to the city’s jurisdiction. As one of the properties in the neighborhood, the subject site shall be now subject to the city’s standards.

Site Conditions

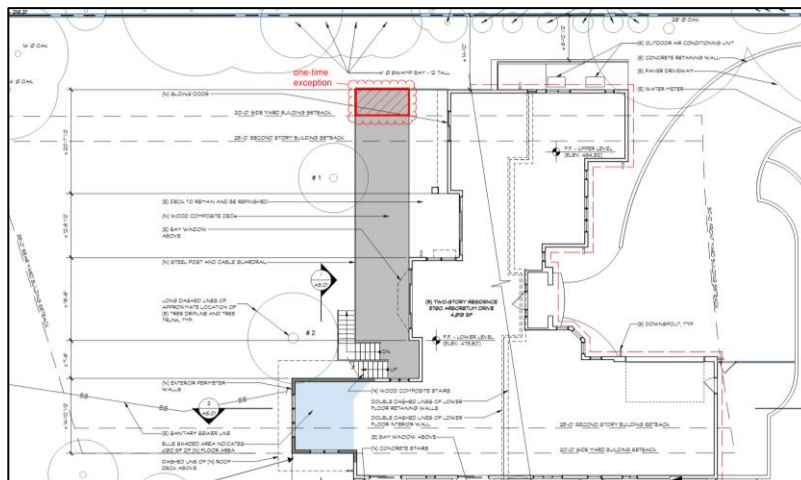
Since the site was developed, the homeowner respected the natural topography of the property and has not graded the rear yard. The rear yard currently still performs a steep slope – proximate a 30-foot elevation difference within a 100-foot rear yard, which does not make the rear yard usable to the homeowner. Per the homeowner, the intent to add the proposed decks at the first and second floor will increase more usable outdoor space to the family.

Zoning Compliance

The existing house is a legal non-conforming structure because the original development was subject to the County’s zoning regulations which some of the standards are less restrictive than the current city regulations after annexation. The non-conformities include the two side setbacks that currently requires 20-foot first story setback and 25-foot second story setback compared to the existing house’s 15-foot side setbacks for both first and second story.

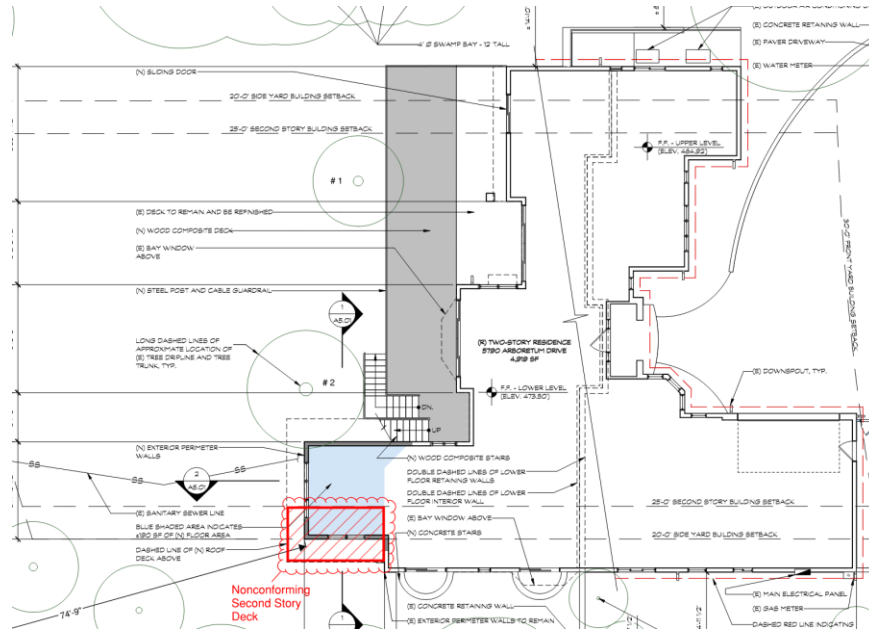
The proposed project consists of a 190 square-foot addition at the first floor, eight square-foot addition at the second floor, and expansion of decks at both first and second to the existing residence. The first and second story additions are consistent with the current zoning side setbacks and will not change the existing house roof structure. The expanded deck along the rear elevation has a 15-foot side setback at the first story, where the required minimum setback is 20 feet (See Figure 1). The deck is more than eight feet in height from the natural grade is considered an attached accessory structure as part of the main house. Section 14.10.080 E. of the Zoning Code allows an administrative approval of one non-conforming setback exception, which no more than 20 feet or 50 percent of an existing nonconforming setback, whichever is less. The depth of the expanded deck is 10 feet and seven inches, and it is found consistent and acceptable due to being less than 50 percent the length of the existing 43.5-foot-long nonconforming wall.

Figure 1 One-Time Exception



The second story deck (See Figure 2) is located on top of the proposed first story addition with a side setback of 11 feet and four inches that is not consistent with the minimum side setback of 25 feet for the second story. Condition No. 3 in this staff report requires the second story deck and its railings to be revised at least 25 feet from the side property line in the construction drawings.

Figure 2: Nonconforming Second Story Balcony



DISCUSSION

Project Request

Design Review

The proposed addition and exterior modifications are proposed at the rear of the building with no changes to the front elevation and streetscape. The project uses high quality materials that match the existing residence, and staff has no concerns with the aesthetics of the design as the façade will remain as it is.

Privacy

Based on the project scope, the proposed second story deck and the expansion of the first story deck may result in privacy impacts. To minimize privacy invasion to the side neighbors, the applicant has added a solid wood screening to the side of the decks. The screening walls will be at a height of five feet and six inches. According to the Section 5.3 of the Residential Design Guidelines, second floor decks oriented toward the side should use appropriate screening measures (i.e. solid railing) when privacy invasion would otherwise result. Staff found the proposed solid wood screening meets the intent of the standard and will address the privacy impacts to the side neighbors. As a condition of approval, the solid wood railing/screening at both side of the proposed decks facing the adjacent side neighbors shall be maintained for the life of the building.

The neighboring property adjacent to rear property line is located at 2100 Woods Lane. The property appears to be in 7.8 acres in size and adjacent to nine properties fronting Arboretum Drive including the subject site. Most the property is vacant with dense vegetation except for a few structures in the front yard.

Therefore, the proposed project does not appear to cause any privacy impact to the rear neighboring property.

Landscaping and Trees

A number of trees exist onsite including evergreen screening vegetation. All the existing trees do not appear to be impacted by the proposed construction. All the trees that has a 48-inch or more in circumference shall be retained and maintained for the life of the project without obtaining a tree removal permit approval from the city. The table below describes the information of the existing evergreen screening vegetation onsite:

Table 1: Existing Screening Plant List

Location	Common Name	No.	Description
Right property line	Swamp Bay (<i>Persea palustris</i>)	10	6'-12' tall

Environmental Review

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves an alteration and addition to an existing single-family dwelling in a residential zone.

Public Notification and Community Outreach

A public meeting notice was posted on the property and mailed to 10 nearby property owners on Arboretum Drive and Woods Lane. The Notification Map is included in Attachment A.

As the proposal will mostly impact the side adjacent neighbors, upon confirmation with staff, the applicant reached out to the right and left side property owners. Correspondence letters from the neighbors are attached to the staff report in Attachment C showing no objections from the neighbors for the project.

Cc: Marwan Eways, Property Owner
Bryan Lee, Applicant

Attachments:

- A. Notification Map
- B. Pictures of Notice of Development Proposal
- C. Proof of Community Outreach
- D. Material Boards

FINDINGS

SC22-0029 – 5790 Arboretum Drive

With regard to design review for the additions and deck expansion to the existing house, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:

- a. The proposed additions and deck expansion to the existing residence complies with all provisions of this chapter;
- b. The height, elevations, and placement on the site of the proposed project, 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 additions 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 project 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 February 15, 2025 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 January 19, 2023, except as may be modified by these conditions.

3. Second Story Deck Setback

The proposed roof deck and its railings at the second story shall have a minimum side setback of 25 feet. The corresponding revisions shall be incorporated into the construction drawings.

4. Solid Wood Screening Railing/Wall

The proposed solid wood screening railing/wall for the privacy mitigation facing the side neighbors shall be maintained for the life of the structure and cannot be removed or replaced with open railing without the approval from the Development Services Director.

5. Protected Trees

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

6. 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 2,500 square feet or more of new or replaced landscape area, including irrigated planting areas, turf areas, and water features is proposed. Any project with an aggregate landscape area of 2,500 square feet or less may conform to the prescriptive measures contained in Appendix D of the City's Model Water Efficient Landscape Ordinance.

7. 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

8. Conditions of Approval

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

9. 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.

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. 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.

12. 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.

13. 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.

PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT

14. Tree Protection

Tree protection fencing shall be installed around the driplines, or as required by the project arborist, of trees Nos. 1 and 2 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

15. Landscaping Installation

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

16. 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.

17. 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).