

Jon Maginot

From: Chris Jordan
Sent: Monday, April 22, 2019 5:22 PM
To: Jon Biggs; Jon Maginot
Subject: FW: Proposed Development at 831 Arroyo Road

From: Michael Look
Sent: Monday, April 22, 2019 5:14 PM
To: City Council <council@losaltosca.gov>
Subject: Proposed Development at 831 Arroyo Road

Dear Los Altos City Council Members,

Unfortunately, we will be unable to attend tomorrow's City Council meeting due to a prior engagement. As a result, we are writing to you to reiterate our opposition against the proposed development at 831 Arroyo Road. As we have stated during the February 7, 2019 Planning Commission meeting and March 26, 2019 Los Altos City Council Meeting, we believe the applicant's current proposed plan of development for the property would result in a structure on Arroyo Road that is **neither consistent nor compatible** with the adjacent residences and the surrounding neighborhood.

As we stated during the March 26, 2019 City Council meeting, prior subdivisions within Los Altos' Montebello Acres, resulted in the creation of houses at 830 Vista Grande Avenue, 821 Raymundo Avenue and 855 Arroyo Road that **clearly** face Vista Grande Avenue, Raymundo Avenue and Arroyo Road, respectively. The applicant's current plans, which continue to show the designation of a "side" BSL on Arroyo Road rather than a "front" BSL, despite the 25 foot distance being identical for both, appears to disregard the intent of the Planning Commission's requirement to have a house built on Arroyo Road that is consistent in terms of orientation with the rest of the neighborhood. We request that the City either require the applicant to change their submittal to reflect this requirement or at least secure assurances that the applicant fully intends to have the front of the house on the Arroyo Road lot clearly face that street.

With respect to setback requirements, as the City Council is aware, properties along Arroyo Road, Raymundo Avenue and the south side of Rincon Avenue (now Vista Grande Avenue) recorded a declaration of restrictions that states that "no dwelling house with a setback of less than 40 feet from the street line shall be erected or maintained". It is important to note that the declaration of restrictions does not apply to any of the houses on the east side of Mountain View Avenue. Any attempts by the applicant to use the front setback patterns of houses on the east-side of Mountain View Avenue as an argument for a smaller front setback on Arroyo Road are inappropriate as the "40 foot setback" requirement does not apply for those properties. Furthermore, the City's attorney, after a lengthy review of the CCR's has opined that the residents of the Harry Hoefler portion of the Montebello Acres subdivision **do** have enforcement authority. We believe, based upon these facts, any review of development plans for 831 Arroyo Road should focus on whether the design submitted is consistent and compatible with the surrounding properties located on Arroyo Road.

There is recent precedent by the City in this regard. In 2013, our neighbor at 850 Arroyo Road, diagonally across from 831 Arroyo Road, submitted initial design plans to the city to construct a **two-story** structure that included a 25 foot "front" setback per the City's R1-10 zoning code. The City's staff, however, rejected their application arguing that the proposed design was not compatible with adjacent structures on the street. As a result, our neighbor worked with the City to "reduce the bulk, mass and scale of the proposed residence" by increasing the front setback to **30** feet from their property line. (See Page 3 of the city's December 4, 2013 Design Review writeup on 850 Arroyo Road) While it is not yet clear what type of structure the applicant intends to erect at 831 Arroyo Road, the applicant has mentioned several times during Planning Commission and City Council Meetings that it intends on building a two-story structure on the lot adjacent closest to Arroyo Road. Another example is the construction that is currently taking place at 809 Arroyo Road. In this case, the house being built is a **single-story** structure. As the City Design Review Commission report dated May 3, 2017 states on page 2, "During the initial review of the application, staff identified the setbacks, height, scale, bulk and mass of the proposed house as being out of character with the surrounding neighborhood." The report goes on to state: "... the houses (in this neighborhood) have a consistent setback pattern in the front and side yards, low scale design such as low,

horizontal eave lines". As a result, the owners of 809 Arroyo Road were required to make numerous changes to their initial submission that included a front setback of **35** feet from their property line. (See Page 2 of the city's May 3, 2017 Design Review writeup on 809 Arroyo Road) We would like an explanation as to why the City is changing its application of its own design policies for 831 Arroyo Road, especially since the City Planner for 850 Arroyo Road happens to be the same planner for 831 Arroyo Road.

Lastly, we would like to address some disturbing claims that the applicant has made in its recent "Justification Letter" to the city. First, the applicant writes that our house at 840 Arroyo Road "appears" to have a 25 foot front setback. Let us be clear on this matter, our front setback is at least 30 feet from our property line or 40 feet from Arroyo Road which is not only in compliance with the neighborhood's CCRs but also consistent with the vast majority of homes on Arroyo Road. We believe the City can easily independently verify that by reviewing our plans on file. Additionally, we suggest that the applicant research the issue before making such disparaging claims by either viewing our plans that are on file with the City or contacting us to physically measure the distance. This raises an important point, the fact that the applicant believes that our house visually looks "close" in proximity to the street only **supports** our argument that a front setback less than 30 feet from the property line would stand out and be inconsistent with houses on the street. Second, the applicant attempts to use a Google map to argue that "there are a significant number of homes built at the City setback of 25". As the applicant's map claims, the houses at 766 Arroyo Road, 790 Arroyo Road, 830 Arroyo Road and 840 Arroyo Road all have front setbacks of less than 30 feet. An actual physical measurement of the setbacks, rather than visual estimates, demonstrates that all but the 830 Arroyo Road property have at least a 30 foot front setback from property lines. How does **1 out of 36** houses on Arroyo Road qualify as a significant number? Just to completely close this issue, it is true that the house at 830 Arroyo Road is 25 feet from its property line. The house at that address is a single-story structure that only required "ministerial" review by the city as the City Council is aware. Had the neighbors received notice about the proposed smaller setback, we would have objected.

In the spirit of trying to come together as a community, if the applicant at 831 Arroyo Road commits to building a similar type (i.e. single-story, low scale) house as 830 Arroyo Road on the corner lot, we believe the neighborhood would likely view the proposed design more favorably as it would be more in-line with other houses in the immediate area. Finally, the applicant claims that our neighborhood's CC&Rs are not enforceable. As your City's attorney has opined and our discussions with attorneys have proven, the neighborhood does have legal standing and enforcement authority on this matter.

In closing, we believe the current plans to develop 831 Arroyo Road are not consistent nor compatible with the houses in the surrounding neighborhood and there has been recent precedent requiring at least a 30 foot front setback on Arroyo Road. We therefore request that the application be rejected. We encourage our City Council to support the 90% of Montebello Acres residents that oppose this development application and vote to oppose this resolution.

Sincerely,

Michael and Laurie Look

831 Arroyo Subdivision & the Housing Element of the General Plan

Submitted @ Los Altos City Council Meeting

April 23, 2019

DATE

An Orderly & Compatible Development Pattern

- *The proposed subdivision at 831 Arroyo does not comply with the Housing Element in the City's General Plan which states, "the City shall ensure that the development permitted in the creation of land divisions results in an orderly and compatible development pattern, within the subdivision and in relation to its surroundings."*
- Two large homes both of which are positioned on lots significantly less than the neighborhood average of 17,500 sq. feet isn't compatible with the surrounding neighborhood.
- This subdivision increases the density in an open area with wide setbacks—again, not compatible with Montebello Acres.

An Orderly & Compatible Development Pattern

Cont'd

- There's an infrequency of 2-story homes across Montebello Acres, more than 80 percent of our homes are low profile, single story homes that **support an open spacious feeling in the neighborhood**. The developer plans to build two 2-story luxury homes on 23,433 sq. feet.
- Our **generous setbacks are now larger than today's city setbacks** since they were crafted in the 1940s when Montebello Acres was established. Today's city standards were established long after our development was done. These front setbacks add to the character and spacious wide vistas of our neighborhood.

General Plan, Housing Element, page 1:

- *“The focus of the updated Housing Element will be on policies and programs that can **balance the desire of residents to maintain the character of residential neighborhoods, manage traffic, and minimize visual and other impacts of new development, while addressing the needs of low- and moderate-income households and special needs groups...**”*
 - It would be disingenuous to say that this subdivision supports the needs of low-and moderate income households and special needs groups since generally this demographic isn’t going to purchase a \$3-5M home.
 - Therefore, the italicized part is relevant since it addresses a focus on “balanc[ing] the desire of residents to maintain the character of residential neighborhoods”

General Plan, Housing Element, Policy 1.7

- *“Enhance neighborhood character by promoting architectural design of new homes, additions to existing homes, and residential developments that is [sic] compatible in the context of surrounding neighborhoods.”*
- The proposed subdivision creates neighborhood and lot density, incongruous lot sizes, and is not compatible with the context or character of Montebello Acres.

General Plan, Housing Element, Policy 1.8

- *“Consider neighborhood desires regarding the character of future development through the establishment of development or design regulations.”*
 - More than 90 percent of the residents of Montebello Acres have voiced that they do not want this subdivision.

Montebello Acres Has Consistent Character

- The designation of our neighborhood isn't a diverse character neighborhood but it's a **Consistent Character neighborhood**.
- Not standard R110 lots with 25-foot setbacks
- There's an infrequency of 2-story buildings, more than 80 percent of our homes are low profile, single story homes that provide an open spacious feeling to the neighborhood.
- Our generous 40+ foot setbacks are now larger than today's city setbacks since they were crafted in the 1940s as Montebello Acres was being created. Today's city standards were established long after our development was done.



831 Arroyo Subdivision

Speakers:

Nancy Ellickson, 820 Raymundo

Carol Stratford, 713 Arroyo

David Blake, 713 Arroyo

23 April 2019

Consistent Character Neighborhood

- Consistencies are
 - Large Lots of more than 17,500 sq. feet, not standard R-110 lots
 - Generous setbacks of at least 40 feet
 - Primarily low profile homes---~83 percent



More than 90% of the Neighbors Agreed

“We, the undersigned Montebello Acres residents, request that the Los Altos City Council confirm the decision of the Planning Commission requiring that the complete front exterior of the proposed new residence at **831 Arroyo Road** face Arroyo Road thereby conforming with the character and setback of homes on the same side of the street.”

Springer Rd

Vista Grande Ave

Vista Grande Ave

Vista Grande Ave

Vista Grande Ave

Springer Rd

Ray

undo A

Springer Rd

Arroyo Rd

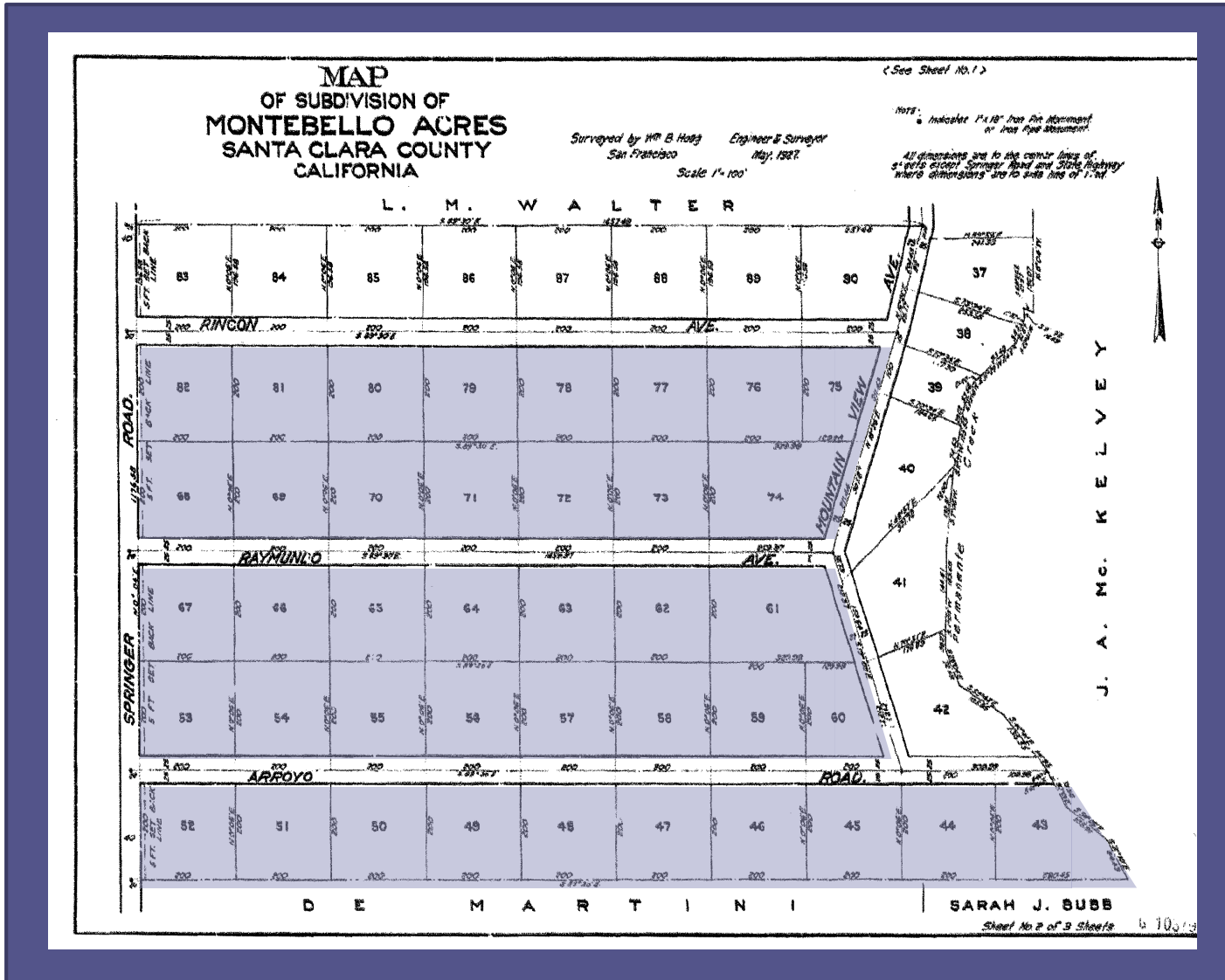
Arroyo Rd

Arroyo Rd

Arroyo Rd

Hale Creek

Montebello Lots 43-82 Subject to Deed of Restrictions



Setback Deed Covenant

What the Covenant States

- “No dwelling house with a setback of less than 40 feet from the street line shall be erected or maintained on the lots above described.”

How the Covenant is Measured

- Setback is measured from the outside edge of the rolled curb (where the asphalt begins) to the closest front wall of the house.

In regard to the covenants:

- Failure to enforce the covenants, “shall in no event be deemed a waiver of the right to do so thereafter.”

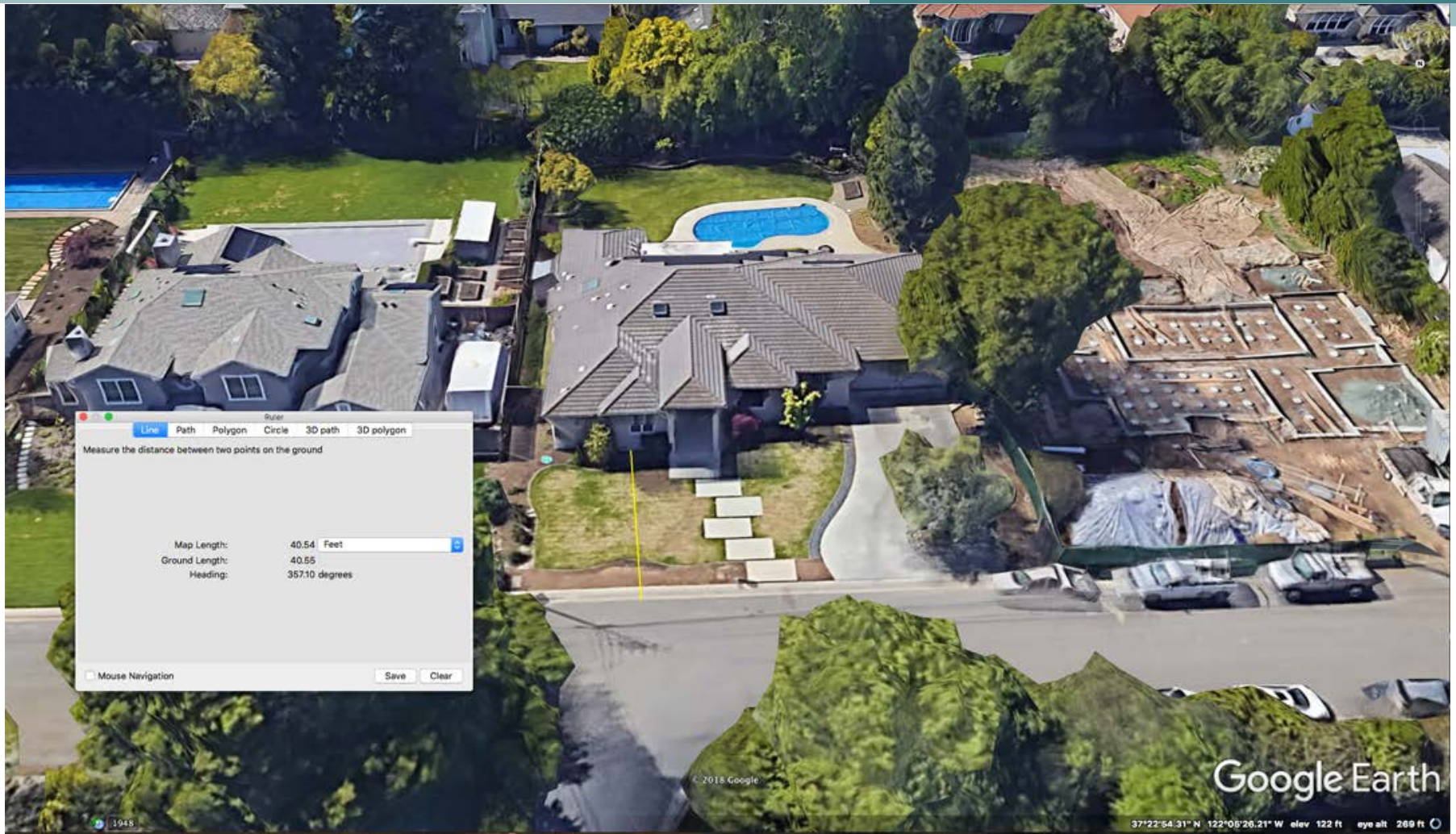
Consistency in Measurement



This example shows: 10-foot City Right of Way + 40-foot Setback = 50 feet from Street

Covenant is 40 feet from Street.

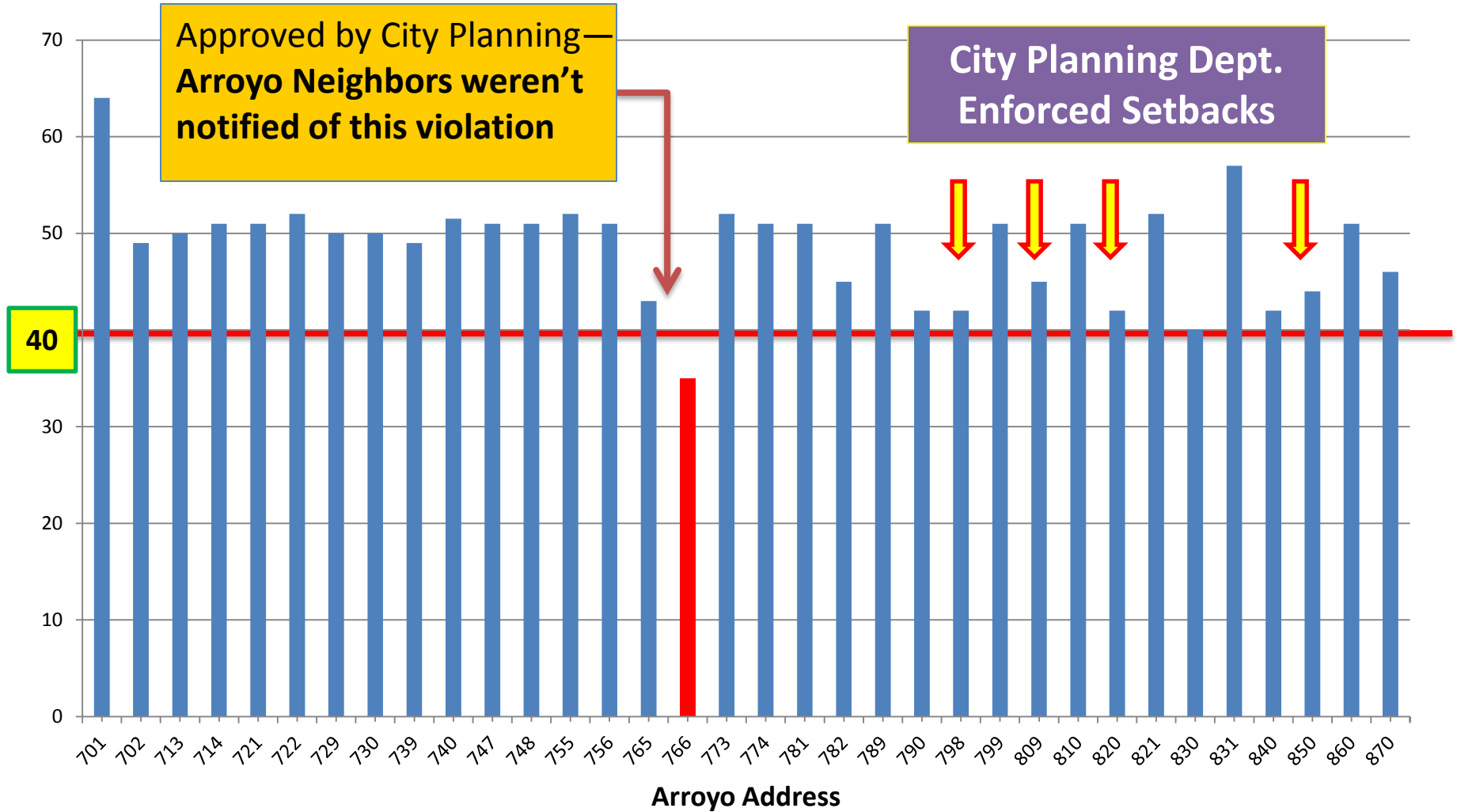
Measured from the outside curb street line to the closest front wall of the house



This is a measurement that Dr. David Blake made on Google Earth of 840 Arroyo Rd.--**a measurement made by the Architect on Google earth stated as "25 ft"**. Dr. Blake and the Architect measured this with a tape measure on 4/22, at 7:00 PM. **The correct value of the measurement was 40.5 feet—a 15.5 foot difference.**

Arroyo Road 40-Foot Setback Compliance

Setback in Feet



Arroyo Road 40-Foot Setback Compliance

Setback in Feet

