STAFF REPORT  
Zoning Administration  
November 1, 2018  

Item #1

Staff Contact: Lara Tran  
(408) 299-5759/ lara.tran@pln.sccgov.org

File: 11306 - 18SP
Special Permit for a detached accessory building (pool cabaña) containing more than two internal plumbing fixtures.

Summary: Special Permit for a new 627 sq. ft. pool cabaña with more than two (2) internal plumbing fixtures (Section 4.20.020(I)), attached to a new 509 sq. ft. reconstructed garage.

Owner: Devesh Patel and Shital Patel
Applicant: Devesh Patel and Shital Patel
Lot Size: 0.4 acres
APN: 336-11-006
Supervisorial District: 5

Gen. Plan Designation: USA (Los Altos)
Zoning: R1E-20-n1
Address: 420 Valley View Drive
Present Land Use: Single Family Res.
Approved Building Site: Yes

RECOMMENDED ACTIONS
A. Accept a Categorical Exemption, under Section 15303(e) of the CEQA Guidelines, Attachment A
B. Grant Special Permit Approval, subject to conditions outlined in Attachment B.

ATTACHMENTS INCLUDED
Attachment A – Proposed CEQA Determination
Attachment B – Proposed Conditions of Approval
Attachment C – Location & Vicinity Map
Attachment D – Proposed Plans
PROJECT DESCRIPTION

The proposed project is for a new 627 square feet pool cabaña with more than two (2) plumbing fixtures. The structure includes one (1) full bath with one (1) additional plumbing fixture, resulting in a total of four (4) plumbing fixtures. The pool cabaña will also be attached to a new garage to replace an existing two-car garage that is proposed for demolition. The parcel is a corner lot with Knoll Drive abutting the front and Valley View Drive abutting the side street. The front entrance of the property is located on the Valley View Drive side. The proposed location of the pool cabaña is in the rear yard of the lot, opposite Knoll Drive, adjacent the existing pool, approximately 10 feet and 38 feet from the side property lines, and 20 feet from the rear property line. The applicant is proposing removal of one (1) walnut tree, 6 inches in diameter, and one (1) magnolia tree, 8 inches in diameter, to accommodate the construction of the pool cabaña. There is no proposed grading. The project is a modified/revised design as a result of public comments received from a nearby neighbor and based on the 15 ft. setback from the top of bank of Summerhill Channel, as recommended by the Santa Clara Valley Water District (SCVWD).

The lot is a 0.4-acre parcel located at the northwest corner of Valley View Drive and Knoll Drive, in the unincorporated area of Santa Clara County. The applicant is proposing demolition of the existing garage and breezeway and construction of a new 509 sq. ft. garage attached to the proposed new pool cabaña to accommodate the required minimum one (1) covered parking space per County Zoning Ordinance Section 4.30.030.

Setting/Location Information

The subject property is located in the northern portion of the unincorporated area of Santa Clara County, east of Highway 280, at the northwest corner of Valley View Drive and Knoll Drive. Summerhill Channel is located west on the neighboring property. The lot was created with the Summerhill Heights Subdivision Tract. The neighborhood character consists of a mix of original ranch style homes built in the 1950s and modern homes built in 2010 ranging from 1,500– 3,000 sq. ft. The property is within the Urban Surface Area (USA) of the City of Los Altos. As the property is located more than 300 ft. from Los Altos, it is not eligible for annexation due to the location.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in a residential zone.

B. Project/Proposal


2. Approved Building Site: Yes. – Summerhill Heights Subdivision, Tract 248.
3. **Zoning Standards.** The proposed project satisfies the required development standards for accessory structures, as summarized below:

- **Setbacks (R1E):** Located in rear half of lot, within the rear yard, or at least 75-ft. from the front property line.
- **Maximum Height:** 12-ft. average (between ridge and top plate with hip) or a maximum of 16 ft with a gable roof.
- **Stories:** 1 story

4. **Compliance with Development Standards (Accessory Structures) and Specific Findings (Restrictions on Plumbing Fixtures).**

The proposed pool cabaña and attached garage have an average height of 11 ft. -11 in. from grade. which is below the 12 ft. average height for accessory structures (measured between ridge and top plate with hip roof). The maximum height of the structure is 15 ft. The location of the pool cabaña conforms to the development standards stipulated for accessory structures (located in the rear yard of the property or at least 75 ft. from the front property line), and the pool cabaña is not designed to be used for dwelling purposes or overnight accommodations. The proposed layout of the pool cabaña includes one (1) full bath and a sink. The proposed accessory building is approximately 627 sq. ft. in size. As such, the pool cabaña is of an appropriate size and design for the intended use and complies with the specific findings for “Restrictions on Plumbing Fixtures,” pursuant to Section 4.20.020(I)(2).

5. **Special Permit:**

In addition to specific findings identified in Section 4 above, accessory structures (such as a pool house) with more than two (2) internal plumbing fixtures are also subject to a Special Permit (Chapter 5.60). In the following discussion, the scope of review findings for a Special Permit are delineated in **bold** type, and an explanation of how the project meets the required findings is in plain text below. The Zoning Administrator is required to make findings to approve the project.

**A. The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;**

As discussed in Section 4 of this report, the project conforms to all standards stipulated in County General Plan and Zoning Ordinance. The proposed pool cabaña meets the accessory average height of 12 ft., or the maximum 16 ft. height total. The height of the proposed pool cabana is 15 ft. and will be maintained within the overall height limit of 16 ft.

The location of property is within the -n1 (Los Altos) combined zoning district which has a floor area limitation. Per County Zoning Ordinance Section 3.40.030(2)(c), floor area would include cumulative area of accessory structures over 500 sq. ft. The project proposes an accessory structure (pool cabaña) of
627 sq. ft., attached to a new 509 sq. ft. garage. The two (2) accessory structures would count towards the overall floor area of the entire property as they are over 500 sq. ft. Staff reviewed the floor area calculations signed and stamped by Chris Spaulding Architect to confirm the project will not exceed the allowable floor area of 4,343 sq. ft., or 23.5% of the total lot area (18,430 square feet).

B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

The site is adequate to accommodate the proposed pool cabaña. The subject site is approximately 0.4 acres, and the proposed pool cabaña satisfies the required setbacks for residential accessory structures, (rear yard or at least 75 ft. from front property line). The proposed layout in the pool cabaña is of an appropriate design to have one (1) full bath and one (1) extra plumbing fixture (sink), minimally sized. The SCVWD confirmed they do not have jurisdiction over the portion of Summerhill Channel located in the rear of the property. However, in response to comments received from a neighbor concerned with structure setbacks to the waterway, SCVWD recommended at least a 15 ft. setback from the top of bank of Summerhill Channel. The applicant’s revised project design shows the proposed pool cabaña located 15 ft. from the top of bank of Summerhill Channel, outside the 5 ft. public utility easement (P.U.E.). The revised project design will not create any new additional impacts to neighboring properties. As such, the area of the property and the location of the proposed structure offers adequate separation and provides a buffer between the proposed use and the surrounding uses and/or neighborhood.

C. The proposed use will not be detrimental to the public health, safety, or general welfare. In this respect the zoning administrator shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable) and handicapped access will be provided;

   The applicant will demolish the existing garage and build new 509 sq. ft. detached garage adjacent to the proposed pool cabaña to accommodate the required minimum one (1) covered parking space per County Zoning Ordinance Section 4.30.030.

2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

   Fire sprinklers will not be needed for the proposed structures as the pool cabaña is not used for dwelling purposes and is not connected to the
existing residence. The existing breezeway will be demolished to separate the pool cabaña from the main residence. The structures are appropriately designed for safe and adequate access for fire and emergency access.

3. **The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;**

The property is an urban lot and has sewer service with the City of Los Altos. The proposed structure has access to a sewer lateral and would also be connected to the sanitary sewer system. LDE reviewed and conditioned the project to meet stormwater treatment measures in Attachment B.

4. **The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;**

The project would be permitted “by-right” if the application only included two (2) plumbing fixtures. Although there will be temporary noise and dust generated from construction, the impacts will be temporary and won’t have long term impacts to adjacent properties or neighborhood.

5. **The use will not substantially worsen traffic congestion affecting the surrounding area;**

Not applicable.

6. **Erosion will be adequately controlled; and**

Standard conditions and BMP’s are conditioned and will be required through building permit review.

7. **Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.**

The Special Permit is only for the pool cabaña and the proposal of more than two (2) plumbing fixtures. The plans show the construction of a new garage to meet the residential parking requirements. The Special Permit by itself would not trigger the requirement of a Drainage Permit as the applicant is not proposing additional impervious surface that is over 2,000 sq. ft.
BACKGROUND

The property was created as part of the Summerhill Heights Tract Map No. 248, recorded on February 26, 1948. The existing residence was built in 1950 with some additions made to the main house in 1964 and 1966 (as shown in building permit history).

The current owners, Devesh Patel and Shital Patel, applied for a Special Permit on June 5, 2018, which was subsequently deemed incomplete on July 5, 2018. After submitting all required information, on September 11, 2018, Staff deemed the application complete. A public notice was mailed to all property owners within a 300-foot radius on September 25, 2018 and published in the Post Record on September 20, 2018. On September 28, 2018, Staff received comments from a neighboring property with a concern on the proximity of the proposed project to Summerhill Channel. Staff reviewed the location of Summerhill Channel and recommended the item to be continued to the November 1, 2018 Zoning Administration hearing to allow additional time from SCVWD to provide comments. Although SCVWD does not have jurisdiction on the portion of Summerhill Channel located to the rear of the proposed project, SCVWD recommended a minimum 15 ft. setback from the top of bank of Summerhill Channel.

On October 16, 2018, the applicant submitted revised plans that showed the project was modified to meet the minimum 15 ft. setback from the top of bank of Summerhill Channel, as recommended by SCVWD. The applicant also provided a land survey completed by Alpha Land Survey Inc. to show the location of the top of bank of Summerhill Channel. As the modification of the propose project is significant to warrant a new noticing, a public notice of the November 1st Zoning Administration hearing was mailed to all property owners within a 300-foot radius on October 18, 2018.

STAFF REPORT REVIEW

Prepared by: Lara Tran, Associate Planner
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator

Attachments: 1) Notice of Exemption from CEQA
2) Preliminary Conditions of Approval
3) Location and Vicinity Map
4) Proposed Plans
# ATTACHMENT A

## Notice of Exemption from CEQA

**To:** County Clerk-Recorder  
County of Santa Clara  

**Office of Planning & Research**  
PO Box 3044, Room 222  
Sacramento, CA 95812-3044

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Special Permit for a pool cabaña at 420 Valley View Drive, Los Altos</th>
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| Project Location | 420 Valley View Drive, northwest corner of Valley View Drive and Knoll Drive in unincorporated Los Altos, CA.  
Zoning R1E-20-n1. |
| Public Agency Approving Project | County of Santa  
Person or Agency Carrying Out Project  
Lara Tran, Associate Planner |
| Project Description (including purpose and beneficiaries of project) | Special Permit to construct a 627 sq. ft. pool cabaña with more than two (2) plumbing fixtures adjacent to a new 509 sq. ft. garage. The structure includes one (1) full bath with one (1) additional plumbing fixtures for a total of four (4) plumbing fixtures. The applicant is proposing demolition of the existing garage and removal of one (1) walnut tree, 6 in. in diameter, and one (1) magnolia tree, 8 in. in diameter, to accommodate the construction of the pool cabaña.  
There is no proposed grading. |
| Exempt Status check one/indicate type of State CEQA Guidelines section number: | ☑ Categorical Exemption [CEQA Guidelines 15301-15333]: |
| | ☐ Statutory Exemption [CEQA Guidelines 15260-15285]: |
| | ☐ Declared Emergency [15269(a)]: |
| | ☐ Emergency Project [15269(b)(c)]: |
| | ☐ General Rule [CEQA Guidelines 15061(b)(3)]: |
| Reasons the project is exempt: | The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in a residential zone. No unusual circumstances exist as to constitute significant environmental effects, per subsection 15000.2(c). |
| County Contact Person | Title  
Lara Tran  
Associate Planner |
| Date: 10/22/18 | Signature: |
| Name/Title: Lara Tran/Associate Planner | Approved by: |

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File 11306-18SP  
420 Valley View Drive  

Zoning Administration Meeting  
November 1, 2018 Item #1
ATTACHMENT B

SPECIAL PERMIT
Preliminary Conditions of Approval

11306 – 18SP

Owner/Applicant: Devesh Patel and Shital Patel
File Number: 11306-18SP
Location: 420 Valley View Drive, Los Altos (APN: 336-11-006)
Project Description: Special Permit for a pool cabaña with two (2) or more plumbing fixtures (four (4) plumbing fixtures proposed).

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Name</th>
<th>Phone</th>
<th>E-mail</th>
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</thead>
<tbody>
<tr>
<td>Planning</td>
<td>Lara Tran</td>
<td>(408) 299-5759</td>
<td><a href="mailto:lara.tran@pln.sccgov.org">lara.tran@pln.sccgov.org</a></td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Darrin Lee</td>
<td>(408) 299-5748</td>
<td><a href="mailto:darrin.lee@cep.sccgov.org">darrin.lee@cep.sccgov.org</a></td>
</tr>
<tr>
<td>Land Development</td>
<td>Darrell Wong</td>
<td>(408) 299-5735</td>
<td><a href="mailto:darrell.wong@pln.sccgov.org">darrell.wong@pln.sccgov.org</a></td>
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<tr>
<td>Engineering</td>
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<tr>
<td>Fire Marshall</td>
<td>Alex Goff</td>
<td>(408) 299-5763</td>
<td><a href="mailto:alex.goff@sccfd.org">alex.goff@sccfd.org</a></td>
</tr>
<tr>
<td>Building Inspection</td>
<td></td>
<td>(408) 299-5700</td>
<td></td>
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STANDARD CONDITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by Chris Spaulding Architect, submitted on October 16, 2018.

2. Subject pool house may not be used for dwelling purposes or overnight accommodations. Should the Applicant wish to convert the structure into a dwelling, additional review and permits by issued by Santa Clara County shall be required.

3. Accessory structures shall be located at least 75 ft. from the front setback (or located in the rear yard of property) and shall not exceed more than 12 ft. in height (or 16 ft. if there is a ridge).

4. Accessory structures shall be limited to one (1) story.
5. Two (2) off-street parking spaces are required for the residence where one (1) must be covered.

Environmental Health
6. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

Building Inspection Office
7. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

Planning
8. Prior to building permit issuance, apply for a demolition permit to remove the existing breezeway and garage.

9. Prior to building permit issuance, provide F.A.R. calculations signed and stamped by licensed architect, licensed land surveyor, or registered civil engineer.

10. Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance.

Fire Marshall
1. Prior to building permit issuance, show the nearest fire hydrant on site plan and provide flow data for the nearest fire hydrant recorded within the last year and show that 1,000 gpm. is available at 20 psi. The information is to be attached to the Building Permit submittal.

Land Development Engineering
2. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

3. The building plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period).
Include the County’s Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.

4. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.

**Drainage**

5. **Prior to building permit issuance**, the any net increase of impervious area as a part of this project shall be stated on the Building Plans. If the net increase of impervious area exceeds 2,000 s.f, the project will require a drainage permit to be separately obtained from the building permit for the conversion of the existing garage to a cabana. The drainage permit plans and calculations may be submitted concurrently with the building permit for review.

**Utilities**

6. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the building plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

**Storm Water Treatment - SF Bay watershed**

7. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to incorporate as many site design measures as possible into the project. For additional information, please refer to the C.3 Stormwater Handbook (April 2012) available at the following website:


**Department of Environmental Health**

8. **Prior to building permit issuance**, provide a sewer connection permit/project clearance from the City of Los Altos Sanitary District.

9. **Prior to building permit issuance**, provide a water service connection letter from the water purveyor.
File: 11306-18SP
APN: 336-11-006
420 Valley View Drive, Los Altos

Vicinity Map

This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.

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ATTACHMENT C