



DATE: November 4, 2013

AGENDA ITEM # 3

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 13-V-13 and 13-SC-20 – 884 Santa Rita Avenue

RECOMMENDATION:

Approval of variance 13-V-13 and design review application 13-SC-20 subject to the findings and conditions of approval

PROJECT DESCRIPTION

This is a variance and design review application for the conversion of an existing, non-conforming, 626-square-foot accessory structure to second living unit. The variance is to maintain an existing side yard setback of 12 feet, where 15 feet is required. The following table summarizes the project:

GENERAL PLAN DESIGNATION:	Single-family, Residential
ZONING:	R1-10
PARCEL SIZE:	15,600 square feet (net)
MATERIALS:	Board and batten siding, composition shingles, wood doors, trim, rafters and porch column

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	4,804 square feet	4,804 square feet	5,460 square feet
FLOOR AREA:			
First floor	4,300 square feet	4,300 square feet	
Total	4,300 square feet	4,300 square feet	4,310 square feet
SETBACKS:			
Front	25 feet	N/A feet	25 feet
Rear	40 feet	15 feet	7.5 feet
Right side	25 feet	12 feet	15 feet
Left side	15 feet	N/A feet	15 feet
HEIGHT:	14 feet (main structure)	12 feet (accessory structure)	12 feet (accessory structure)

*"Existing" setbacks refer to the main structure and the "Proposed" and "Allowed/Required" setbacks refer to the accessory structure.

BACKGROUND

The subject property is located on a flag lot at 884 Santa Rita Avenue. The neighborhood is a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines. The neighborhood consists of homes with low eave lines, stucco and wood details, and gabled and hipped roofs. The street has undeveloped shoulders and does not have uniform vegetation along the street.

The existing accessory structure is non-conforming. The structure has a side yard setback of 12 feet where 15 feet is required. The flag lot and accessory structure predates the current code and were developed under code that required a 10-foot side yard setback. An application to convert the structure to a habitable guesthouse was submitted in January 2013. The application was approved administratively and included modification to the accessory structure for an interior remodel and removal of a portion of the building adjacent to the house to create a porch. The project is under construction and the applicant is now requesting to add a kitchen to the structure making it a secondary unit. By policy second living units require design review by the Design Review Commission.

DISCUSSION

Pursuant to Chapter 14.14 of the Municipal Code, a secondary unit is an allowable use in the R1-10 single family zoning district; however, the property must meet certain requirements. The property must meet the minimum lot size of fifteen thousand (15,000) square feet. The unit may be established through the conversion of existing floor area that is conforming to the present setbacks or established through new construction. In this case the property meets the minimum lot size requirement but does not meet the required setbacks and needs a setback variance to be converted.

Section 14.14.050 of the Municipal Code defines the criteria for reviewing a second living unit. In addition to meeting the zoning regulations for the R1-10 district the unit shall: 1) be clearly subordinate to the main residence, 2) have compatible building materials with the main residence, and 3) screen the front entrance from street view.

The 626-square-foot second living unit is located in the northeast corner of the flag lot behind the main structure. The secondary unit is clearly subordinate to the main residence based on the size of the unit and location on the property. The required on-site parking is one covered parking space and one uncovered parking space for each unit. The structure has an existing two car garage and two parking spaces in the driveway which will accommodate the required parking for both units.

The second living unit includes exterior building materials and design elements that are used on the main structure. The main house includes board and batten siding, composition shingles, wood doors, trim, rafters and porch columns, which are also used for the secondary unit. Although the accessory structure is not visible from the street, the design and materials are compatible with the neighborhood.

The City's General Plan encourages second living units, however a high concentration of second living units may adversely impact the neighboring properties. There is one second living unit of

record within 500 feet of the subject property at 829 Laverne Way; therefore there is not an excessive number of units in this area and the addition of this unit will not adversely impact the neighborhood.

The proposed second unit is adjacent to two single-family lots, one to the rear and one to the side, neither of which have an unreasonable privacy impact from the structure. The lots also have mature landscaping on either side of the fence. The structure is existing with the new active areas directed toward the existing house and away from neighboring properties.

Staff is in support of this variance because the existing 12 foot setback meets the intent of the side yard setback requirement and does not unreasonably affect surrounding properties. The addition of a secondary unit would also benefit the city's housing stock.

Occupancy and rental of second living units are restricted by the Chapter 14.14 in the Municipal Code. The occupancy of the unit is limited to two persons and main residence or secondary unit must be occupied by the property owner. The rental of the secondary unit is deed restricted as a low-income unit because it is less than 640 square feet. Conditions of approval reflect these limits and a deed restriction shall be filed with the County prior to submitting to the Building Division.

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 residence or conversion of existing small structures. Under state law, second living units are considered a single-family land use.

Cc: Adam Bittle, Architectural Allure, Applicant and Designer
Prashanth Mahendra, Owner

Attachments:

- A. Application
- B. Area Map and Vicinity Map

FINDINGS

13-V-13 and 13-SC-20 - 884 Santa Rita Avenue

1. With regard to the variance the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
 - a. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
 - b. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
 - c. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

2. With regard to review for the second living unit regulations 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 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 very 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 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:
 - a. Inappropriate location, amount, and/or design of on-site parking;
 - b. Inappropriate location with respect to the character of the existing neighborhood;
 - c. Excessive noise potential, particularly when neighboring homes are in close proximity;
 - d. An excessive number of second living units in the vicinity;
 - e. Insufficient screening of the unit; and

- f. Lack of compliance with the floor area ratio, setback, lot coverage, and other development standards of the R1 zoning districts.
- 3. With regard to design review for the second living unit 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.

CONDITIONS

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1. The approval is based on the plans received on September 13, 2013 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. A deed restriction shall be recorded prior to submitting plans to the Building Division, 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. **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 very-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 Division.
 - e. The property owner shall ensure that unreasonable noise disturbances do not occur.
4. **Prior to zoning clearance, the project plans shall contain/show:**
 - a. The conditions of approval shall be incorporated into the title page of the plans;
 - b. The location of any air conditioning equipment on the site plan and the sound rating for such equipment;
 - c. Show the measures to comply 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.);
 - d. A deed restriction, per Condition No. 3, shall be recorded in a form approved by City staff.

ATTACHMENT A



CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1105765

<input type="checkbox"/> One-Story Design Review	<input type="checkbox"/> Sign Review	<input type="checkbox"/> Multiple-Family Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/> Sidewalk Display Permit	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance(s)	<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"/> Preliminary Project Review	<input type="checkbox"/> Appeal
<input type="checkbox"/> Subdivision Map Review	<input type="checkbox"/> Commercial Design Review	Other: <u>SECOND LIVING UNIT</u>

Project Address/Location: 884 SANTA RITA

Project Proposal/Use: SECOND LIVING UNIT

Current Use of Property: SFR w/ ACCESSORY

Assessor Parcel Number(s) 167-19-002 Site Area: 15,600 SF (NET)

New Sq. Ft.: 0 Remodeled Sq. Ft.: 40 Existing Sq. Ft. to Remain: 4,260.4

Total Existing Sq. Ft.: 4,300.4 Total Proposed Sq. Ft. (including basement): 4,300.4

Applicant's Name: ADAM BITTLE

Home Telephone #: (650) 208-1204 Business Telephone #: "

Mailing Address: 550 15TH STREET, SUITE M13

City/State/Zip Code: SAN FRANCISCO, CA 94103

Property Owner's Name: PRASHANTH MAHENDRA

Home Telephone #: (408) 748-5977 Business Telephone #: N/A

Mailing Address: 650 DISTEL DRIVE

City/State/Zip Code: LOS ALTOS, CA 94022

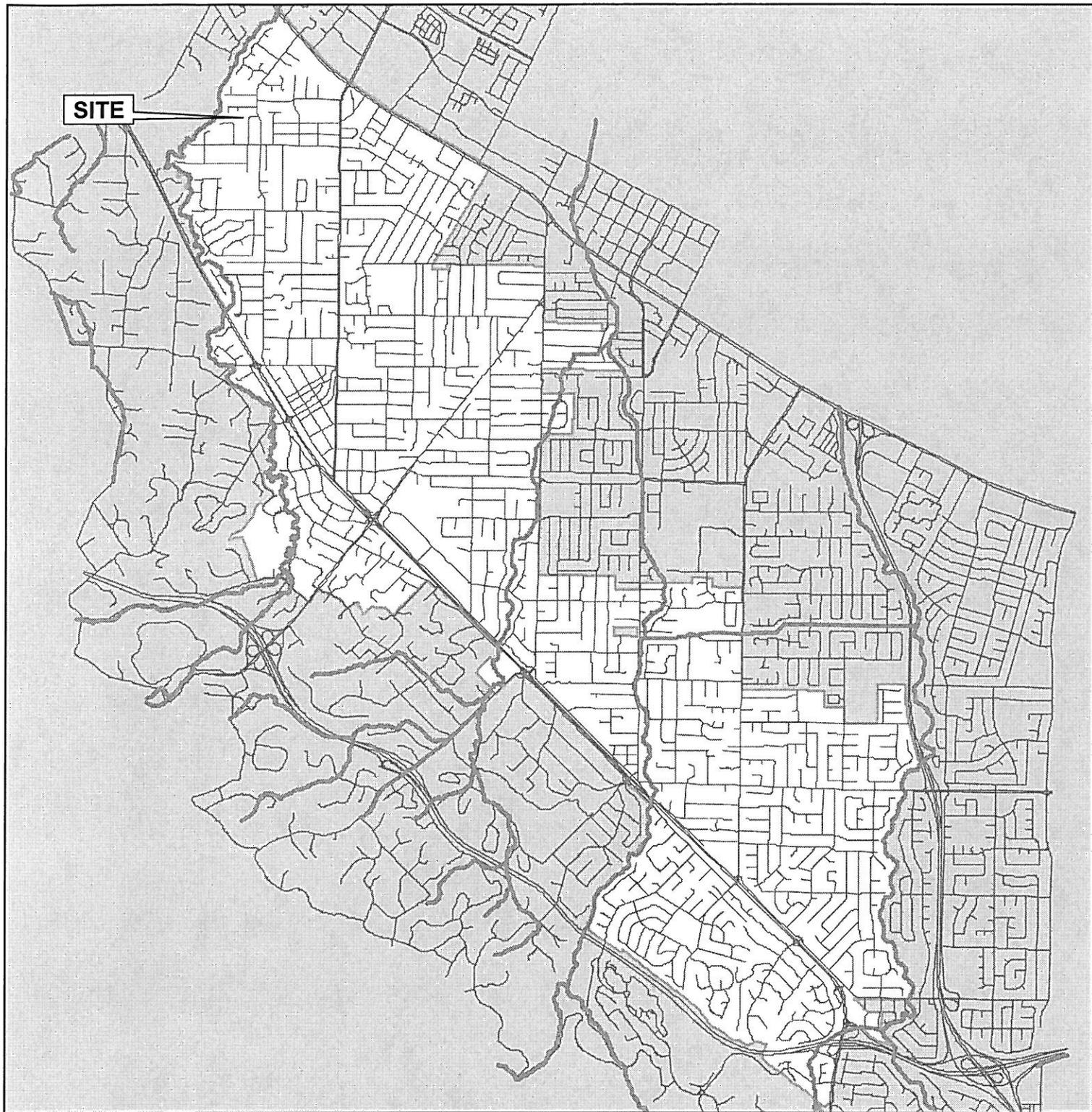
Architect/Designer's Name: ADAM BITTLE Telephone #: (650) 208-1204

*** 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)

13-V-13 and 13-SC-20

AREA MAP



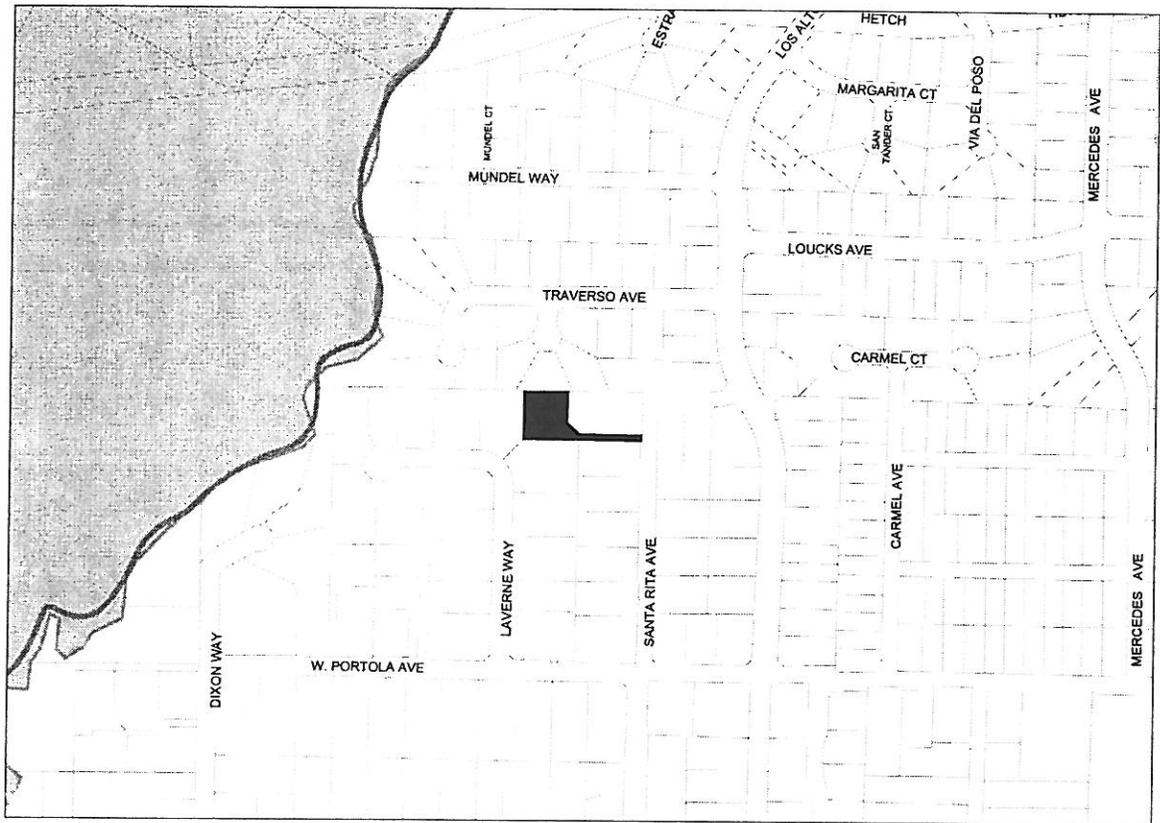
CITY OF LOS ALTOS

APPLICATION: 13-V-13 and 13-SC-20
APPLICANT: A. Bittle/P. Mahendra
SITE ADDRESS: 884 Santa Rita Avenue

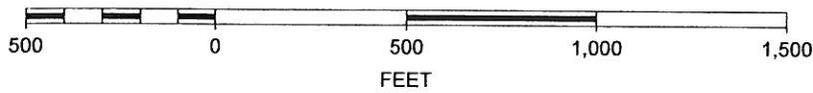


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 13-V-13 and 13-SC-20
APPLICANT: A. Bittle/P. Mahendra
SITE ADDRESS: 884 Santa Rita Avenue