



DATE: February 5, 2014

AGENDA ITEM # 5

TO: Design Review Commission
FROM: Sean K. Gallegos, Assistant Planner
SUBJECT: 13-SC-30 – 860 S. El Monte Avenue

RECOMMENDATION:

Approve design review application 13-SC-30 subject to the findings and conditions of approval

PROJECT DESCRIPTION

This is a design review application for a 154 square-foot, single-story addition and a conversion of 644 square feet to create a second living unit. The project also expands a deck off the master bedroom. The following table summarizes the project:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 29,185 square feet
MATERIALS: Shingle siding, vertical siding, composition shingles, wood doors, trim, rafters and porch column

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	2,841 square feet	2,995 square feet	8,755 square feet
FLOOR AREA:			
First floor	1,429 square feet	1,583 square feet	
Second floor	2,775 square feet	2,775 square feet	5,668 square feet
Third Floor	812 square feet	812 square feet	
Total	5,016 square feet	5,170 square feet	
SETBACKS:			
Front	53 feet	not apply	25 feet
Rear	50 feet	39 feet	25 feet
Right side	71 feet	not apply	10 feet / 17.5 feet
Left side	32 feet	26 feet / not apply	10 feet / 17.5 feet
HEIGHT:	31 feet	13 feet	27 feet

BACKGROUND

The subject property was annexed into the City of Los Altos in August of 1964 with the structure constructed prior to 1964. The existing residential structure is non-conforming due to being three stories and a height of 31 feet, where two stories and a 27 feet height is permitted in the R1-10 zoning district.

DISCUSSION

The development and design standards for second living units (LAMC Section 14.14.050) define the criteria for reviewing a second living unit. In addition to meeting the development standards for the R1-10 district, the second living 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 29,185-square-foot site exceeds the minimum lot size of 13,000 square feet for an integral secondary dwelling unit in the R1-10 zoning district. The second living unit is 798 square feet, which complies with the 800-square-foot limit. The project also complies with the City parking requirements in which one covered and one uncovered parking space is required for each dwelling. An existing two-car garage will provide the required two covered parking with uncovered parking provided in the driveway.

The proposed second living unit uses materials compatible with the design concept and incorporates materials that are found in the neighborhood. The building materials are of high quality, including: vertical siding, wood doors, and wood trim that match the primary residential structure and are compatible with the neighborhood.

The second living unit is not visible from the street. The entrance to the second living unit faces forward but it is substantially screened from street view by vegetation and its orientation.

The City's General Plan encourages second living units; however a high concentration of second living units may adversely impact the neighboring properties. There are no second living units of record within 500-feet of the subject property; therefore, there is not a high concentration of units in this area and the addition of this unit will not adversely affect the neighborhood.

Privacy and Landscaping

The second living unit is adjacent to four single family lots, one to the rear and three to the side, neither of which would have a privacy concern due to the a second living unit conversion and location inside the main house

The project also enlarges an existing deck along the rear elevation off a master bedroom. The deck primarily faces the rear yard, but has some exposure to the side property lines. Due to existing evergreen trees along the side and rear property lines, its privacy impacts are mitigated. To maintain the existing privacy screening, staff recommends retention of the existing evergreen screening along the side and rear property lines to mitigate privacy impacts (Condition No. 5).

Unit Size and Occupancy Limits

If the second living unit exceeds 640 square feet, it is limited to very low-income rent levels as required by Section 14.14.040 of the Municipal Code. However, if it is not rented, such as in the case when an immediate family member occupies the second living unit, the income limits do not apply. These requirements are included in the conditions of approval.

The Code requires a deed restriction that no more than two persons shall reside in a second living unit, and that either the principal living unit or the second living unit shall be the principal residence of owners of the property.

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: Hue Truong, Applicant and Owner

Attachments:

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

FINDINGS

13-SC-30—860 South El Monte Avenue

1. With regard to design review for the second living unit and master bedroom deck, the Design Review Commission Committee 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 second living unit, the Design Review Commission finds the following in accordance with Section 14.14.030 (A-F) 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 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 very low-income household as determined by the City based on State and Federal guidelines;
 - c. The 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;

- e. If a property has frontage on more than one street, the access for the main residence and second living unit has been combined in such a way as to reduce the prominence and visibility of the second living unit parking to the surrounding neighborhood; provided, however, that on a corner lot, the appropriateness of combining the access of the main residence and the second living unit shall be determined on a case-by-case basis; and
- f. 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.

CONDITIONS

13-SC-30—860 South El Monte Avenue

1. The approval is based on the plans received on January 21, 2014 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. **Prior to building permit submittal, the project plans shall contain/show:**
 - a. The conditions of approval shall be incorporated into the title page of the plans.
 - b. Verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code from a Qualified Green building Professional.
 - c. The location of any air conditioning units on the site plan and the manufacturer's sound rating for each unit. Please note, the plans cannot be submitted for building permit review if this information is not provided.
 - d. 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.).
 - e. Submit a deed restriction that shall be recorded in a form approved by city staff.
3. **Prior to final inspection:**
 - a. Submit verification that the addition was built in compliance with the City's Green Building Ordinance (Section 12.26 of the Municipal Code).
 - b. 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.
4. **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 department.
 - e. The property owner shall ensure that unreasonable noise disturbances do not occur.
5. The site plan shall be revised to incorporate all interior side, and rear yard street trees and privacy screening over 4-inches in circumference, and the trees/screening shall be maintained and/or installed as required by the Planning Division.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1105907

<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	<input checked="" type="checkbox"/> Other: <u>SECOND LIVING UNIT</u>

Project Address/Location: 860 South El Monte Ave.
 Project Proposal/Use: Single Family + Second Living Unit
 Current Use of Property: Single Family
 Assessor Parcel Number(s) 336-07-066 Site Area: 29,185
 New Sq. Ft.: 171.8 Remodeled Sq. Ft.: 440 Existing Sq. Ft. to Remain: 4,582
 Total Existing Sq. Ft.: 4,582 Total Proposed Sq. Ft. (including basement): ~~171.8~~ 4,754

Applicant's Name: Hue Truong / htruong8@yahoo.com
 Home Telephone #: 408-607-7700 Business Telephone #: _____
 Mailing Address: 860 S. El Monte Ave
 City/State/Zip Code: Los Altos, CA 94022

Property Owner's Name: Hue Truong
 Home Telephone #: 408-607-7700 Business Telephone #: _____
 Mailing Address: 860 S. El Monte Ave
 City/State/Zip Code: Los Altos, CA 94022

Architect/Designer's Name: Peter Valdez Telephone #: (408) 466-7578

*** 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. ***

Does your project comply with any Deed Restrictions, Conditions, Covenants, and Restrictions (CC&R's), or any other recorded conditions of the subdivision in which it is located? Examples are restrictions that limit development to one-story height or may require setbacks greater than those required by City Codes. You are responsible for researching your title insurance report to find the CC&R's for your property. If you do not have a copy of the title report, you may obtain the information from a title insurance company or the County Recorder's Office. Yes No N/A

If No, please explain below in what way your project does not comply with the restrictions and why you propose such variations.

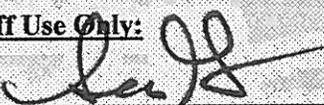
I certify that the above information is true and correct.

Date: 11/14/2013

Property Owner/Applicant or Authorized Agent Signature: 

(If signing as an authorized agent, please submit evidence of written authorization)

For City Staff Use Only:

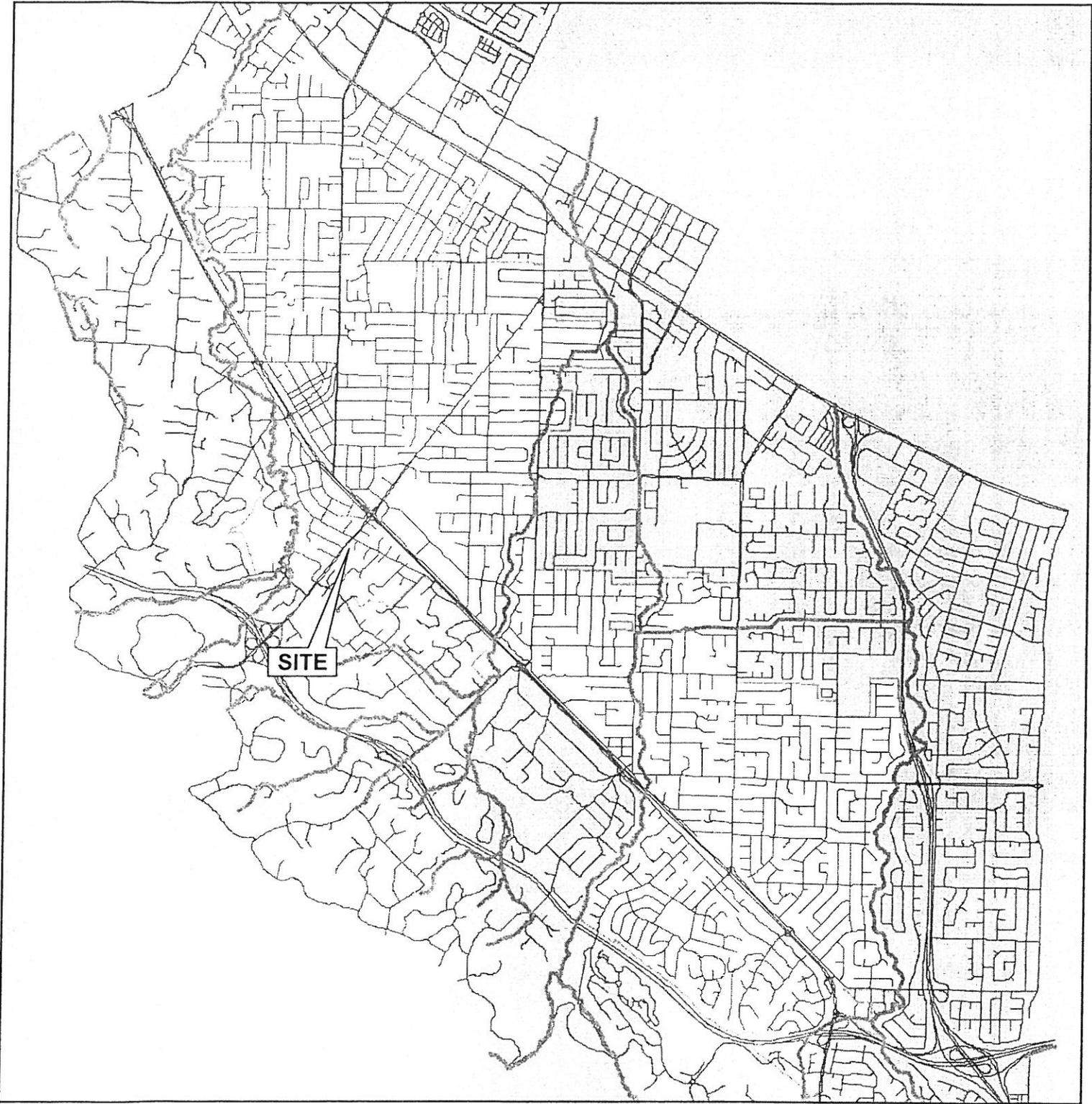
Received by:  Date: 11/14/13

Fire Department Review Required? YES / NO If YES, Date Notified: 11/15/13

Is the submittal package complete? YES / NO

If NO, what items still need to be submitted?
1) Publication Notification envelopes

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 13-SC-30
APPLICANT: H. Truong
SITE ADDRESS: 860 S. El Monte Avenue

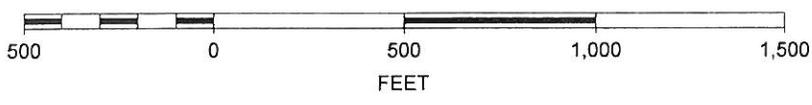


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



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