



DATE: December 16, 2015

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 15-SC-46 – 1198 Richardson Avenue

RECOMMENDATION:

Approve design review application 15-SC-46 subject to the findings and conditions

PROJECT DESCRIPTION

This is a design review application for a new second living unit. The project includes a new 800-square-foot second living unit located in the rear yard. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 20,013 square feet
MATERIALS: Composition shingle roof, stucco siding, wood details

	Existing	Proposed	Allowed/Required*
LOT COVERAGE:	2,269 square feet	3,405 square feet	7,004 square feet
FLOOR AREA:			
Main house	2,101 square feet	2,101 square feet	
Second living unit		800 square feet	
Total	2,101 square feet	2,901 square feet	4,751 square feet
SETBACKS:			
Front	N/A	N/A	25 feet
Rear	N/A	10 feet	7.5 feet
Right side	N/A	10 feet	2.5 feet
Left side	N/A	46 feet	2.5 feet
HEIGHT:	N/A	12 feet	12 feet

*Setbacks and height reflect accessory structure requirements for detached accessory structures in the rear yard.

BACKGROUND

Neighborhood Context

The subject property is located mid-block on Richardson Avenue, in between Kensington Avenue and Grant Road. The subject property is approximately half an acre (20,000 square feet) and exceeds the minimum size, depth and width requirements for single-family residential lots within the R1-10 zoning district, which is characteristic of properties in this neighborhood. The neighborhood has a consistent Ranch style house character, with low scale homes, horizontal eave lines, and consistent setbacks. There is an existing single-story, Ranch-style house on the property; however, the evergreen hedge in the front yard obscures the view of the house from the street. There are no known second living units in the immediate area.

An application for a second living unit was previously submitted in 2012. The application was reviewed and approved by the Design Review Commission on December 19, 2012. The application expired because the building permit application was not submitted within two years of approval.

DISCUSSION

Development and Design Standards for Second Living Units

As outlined in the Municipal Code, the design standards for second living units include meeting the current development regulations of the residential zoning district where it is located R1-10, ensuring that the unit is clearly subordinate to the main house, screened from the street and two additional parking spaces (one covered) provided on the property.

The 20,013-square-foot site exceeds the minimum lot size of 15,000 square feet for a detached secondary dwelling unit in the R1-10 zoning district. The second living unit is 800 square feet of floor area, with a 312-square-foot covered patio which counts only towards lot coverage. The project complies with the City parking requirements, with the existing two-car garage located in the main house providing one covered parking space for each dwelling. The driveway provides the two uncovered parking spaces for each dwelling.

The size and location at the rear of the site makes the second living unit subordinate to the main house. The proposed design and exterior building materials of the second living unit are compatible with the design and rustic materials used on the main house. The entrance to the second living unit faces the front of the lot, but is screened from street view by the house and existing landscape and fence.

Unit Size and Occupancy Limits

Since the second living unit exceeds 640 square feet, if it is rented the code requires that it be rented at below market rate, to individuals at the very low-income level. The Code also requires a deed restriction that no more than two persons shall reside in the second living unit, and that either the principal living unit or the second living unit shall be the principal residence of the owner(s) of the property. This is included as a condition of approval.

Privacy and Landscaping

The second living unit should not create any unreasonable privacy impacts, because the entry and living space is oriented toward the middle of the lot. The covered terrace is ancillary to the second living unit and should not create unreasonable impacts to adjacent properties. To enhance the privacy to the neighboring lots to the south and west, fast-growing evergreen screening trees along the rear and right side property line are proposed. The fence should also be replaced with a six-foot tall solid fence along the west property boundary. Both of these elements are included as conditions of approval.

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 land use. Under state law, second living units are considered a single-family land use.

PUBLIC CONTACT

A public meeting notice was posted on the property and mailed to 12 nearby property owners on Richardson Avenue and Miguel Avenue.

Cc: Dan Askari, Owner
Scott Stotler, Stotler Design Group

Attachments:

- A. Application
- B. Area, Vicinity and Public Notification Maps

FINDINGS

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1. 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.

2. With regard to the new second living unit, 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 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 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. 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:
 - i. Inappropriate location, amount, and/or design of on-site parking;
 - ii. Inappropriate location with respect to the character of the existing neighborhood;
 - iii. Excessive noise potential, particularly when neighboring homes are in close proximity;
 - iv. An excessive number of second living units in the vicinity;
 - v. Insufficient screening of the unit; and
 - vi. Lack of compliance with the floor area ratio, setback, lot coverage, and other development standards of the R1 zoning districts.

CONDITIONS

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1. The approval is based on the plans received on December 4, 2015 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. Fast-growing, evergreen screening trees, minimum 15-gallon in size, shall be planted along the south and west property boundaries. Said trees shall be protected under this application and may not be removed without a tree removal permit from the Community Development Department.
3. A six-foot tall solid fence shall be installed along the west property boundary.
4. Exterior lighting on the second living unit shall be shrouded or directed downward.
5. 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.
6. Fire sprinklers may be required pursuant to Section 12.10 of the Municipal Code.
7. 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.
8. **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. A completed Green Point checklist, signature from a licensed Green Point Rater and verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code;
 - c. The location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches should avoid the drip-lines of all protected trees;
 - d. The location of any air conditioning equipment on the site plan and the sound rating for such equipment;
 - e. 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.); and

f. A deed restriction, per Condition No. 5, shall be recorded in a form approved by city staff.

9. Prior to final inspection:

a. Provide verification that the house was built in compliance with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code.

10. 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.

ATTACHMENT A



CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1106943

<input type="checkbox"/> One-Story Design Review	<input type="checkbox"/> Commercial/Multi-Family	<input type="checkbox"/> Environmental Review
<input type="checkbox"/> Two-Story Design Review	<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Rezoning
<input type="checkbox"/> Variance	<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"/> Sidewalk Display Permit	<input type="checkbox"/> Appeal
<input type="checkbox"/> Historical Review	<input type="checkbox"/> Preliminary Project Review	<input checked="" type="checkbox"/> Other: <u>Second Living Unit</u>

Project Address/Location: 1198 Richardson Ave Los Altos Ca 94024

Project Proposal/Use: Secondary unit Current Use of Property: single family home

Assessor Parcel Number(s): 318 02 013 Site Area: _____

New Sq. Ft.: 799.50 Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____

Total Existing Sq. Ft.: _____ Total Proposed Sq. Ft. (including basement): 799.50

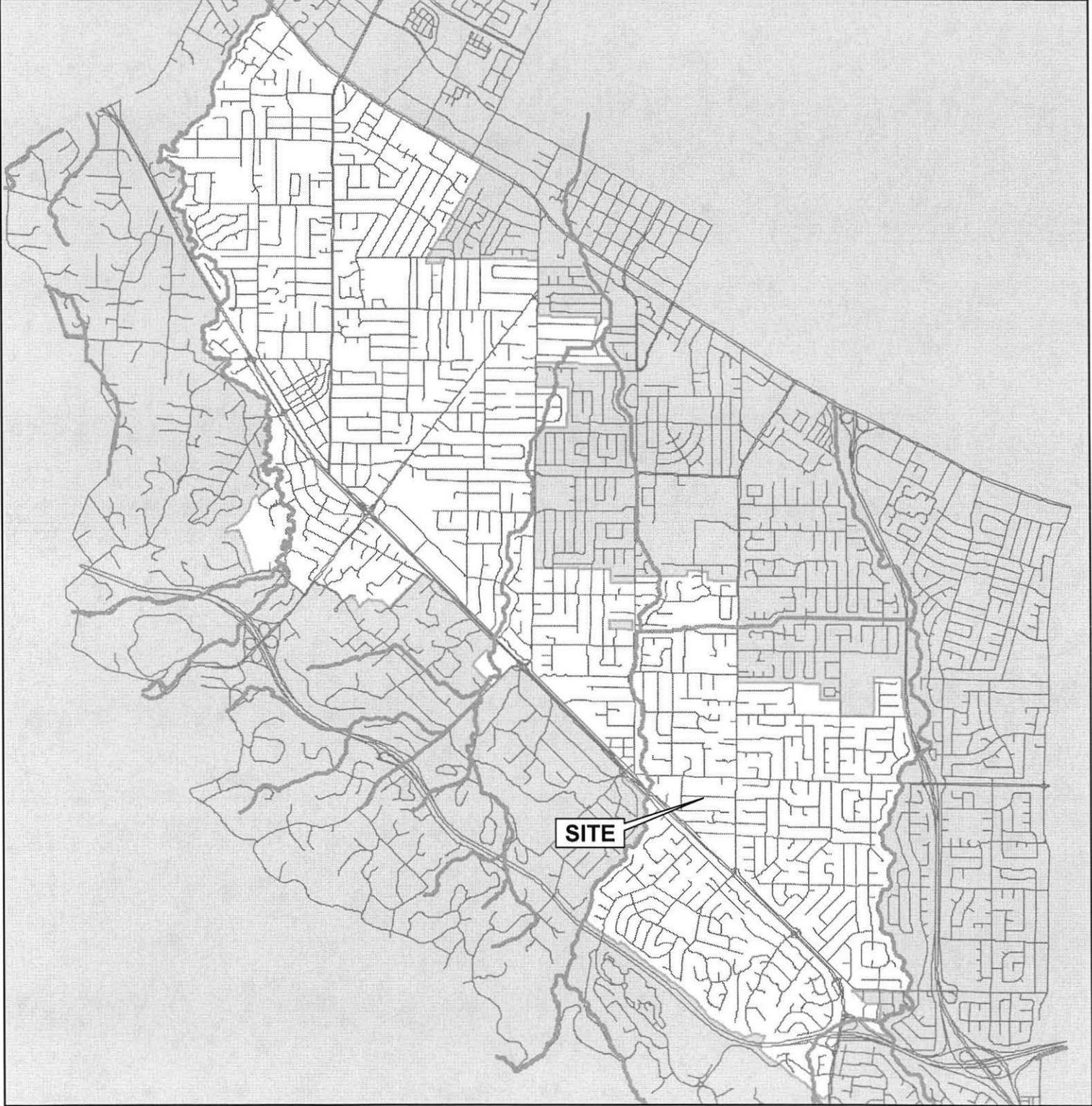
Applicant's Name: Adam Askari
 Telephone No.: 408 921 1882 Email Address: DrAdamAskari@gmail.com
 Mailing Address: 2881 Hembock Ave
 City/State/Zip Code: San Jose CA 95128

Property Owner's Name: same as above
 Telephone No.: _____ Email Address: _____
 Mailing Address: _____
 City/State/Zip Code: _____

Architect/Designer's Name: Stotler Design Group
 Telephone No.: 650 559 0438 Email Address: info@stotlerdesigngroup.com
 Mailing Address: 349 First St Suite A
 City/State/Zip Code: Los Altos CA 94022

*** 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. ***

AREA MAP



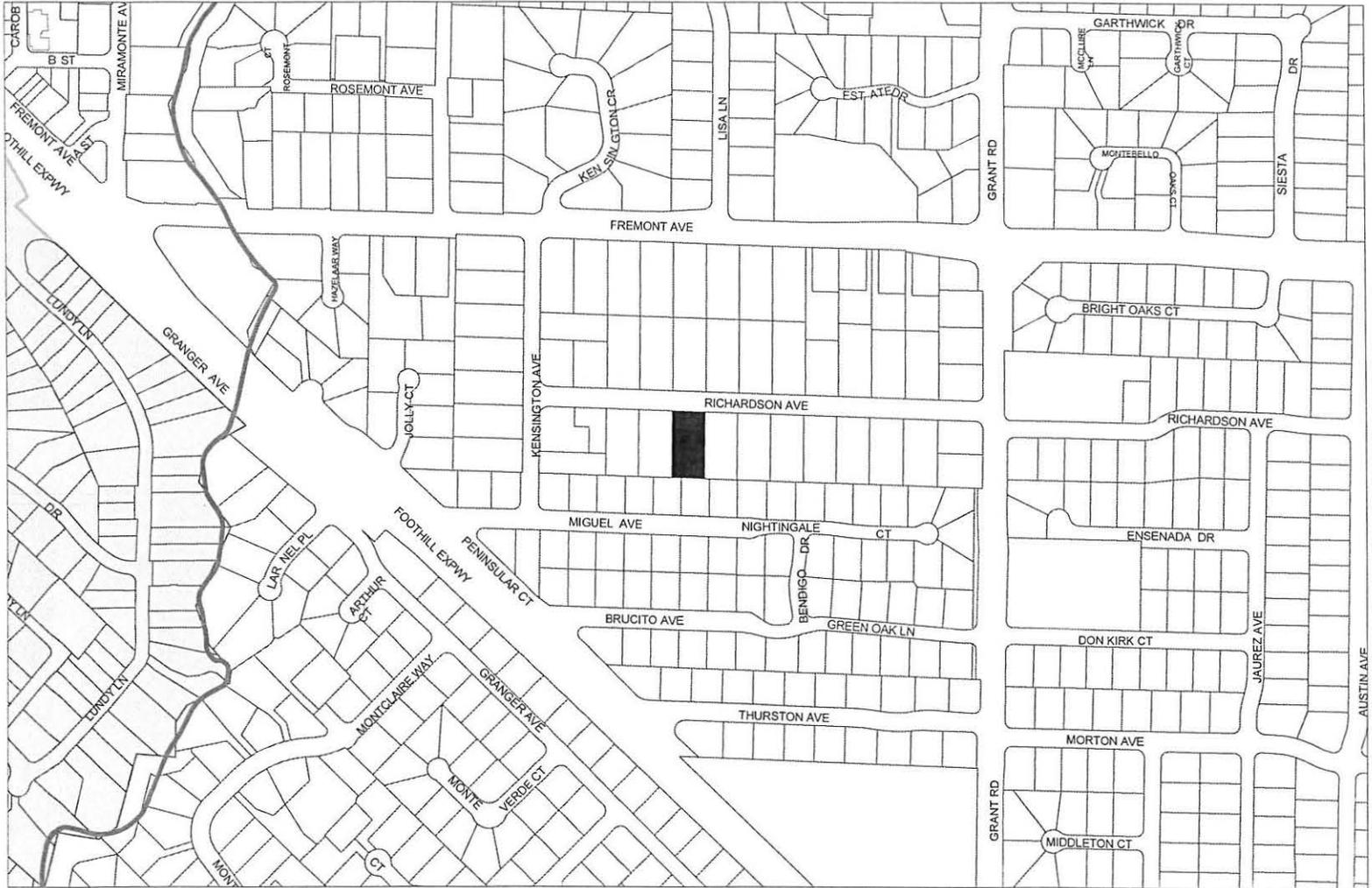
CITY OF LOS ALTOS

APPLICATION: 15-SC-46
APPLICANT: A. Askari
SITE ADDRESS: 1198 Richardson Avenue

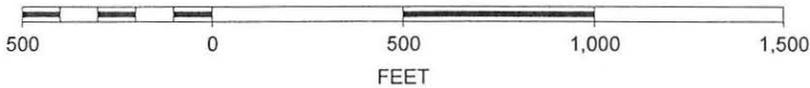


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



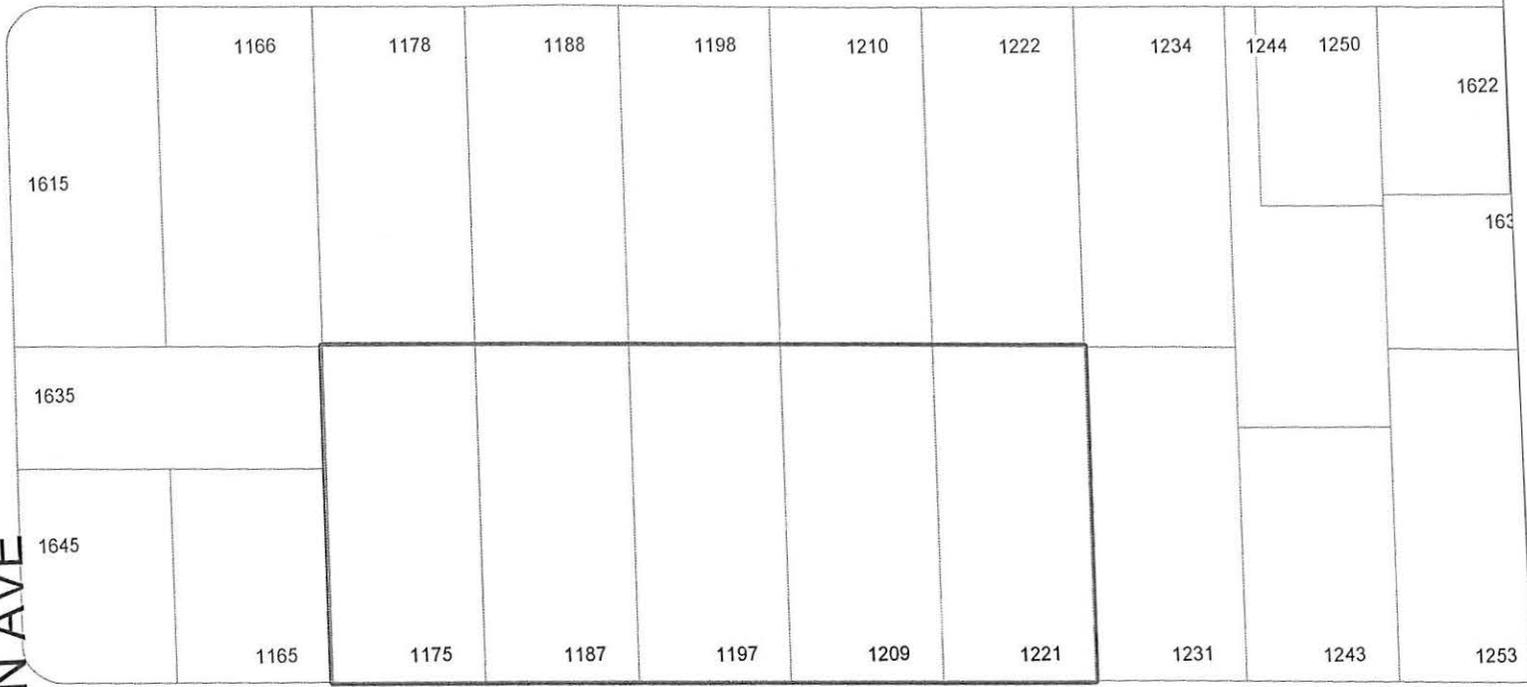
CITY OF LOS ALTOS

APPLICATION: 15-SC-46
APPLICANT: A. Askari
SITE ADDRESS: 1198 Richardson Avenue

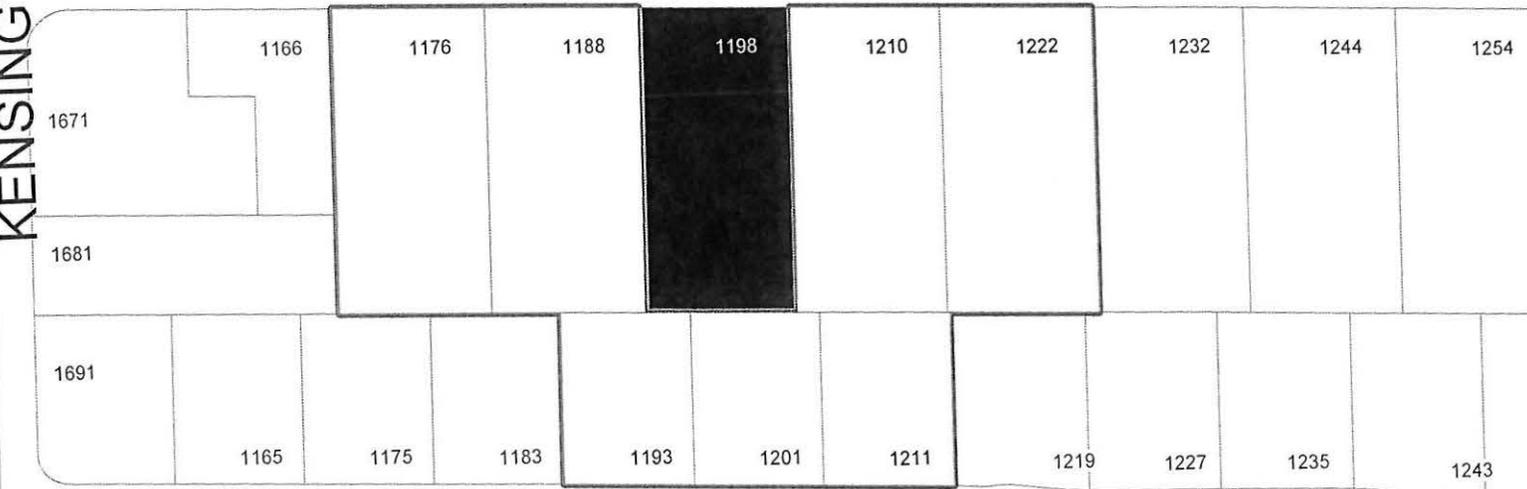
1198 Richardson Avenue Notification Map

FREMONT AVE

KENSINGTON AVE

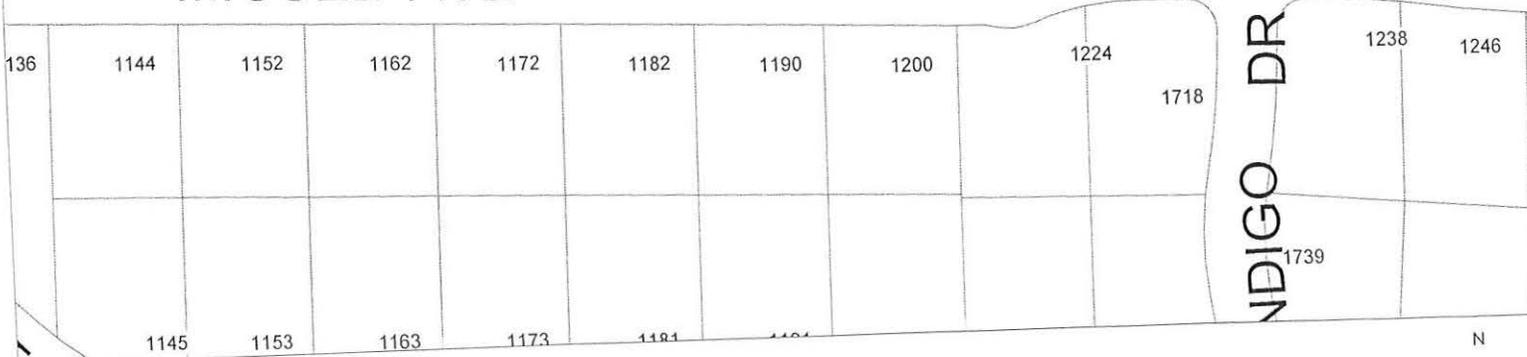


RICHARDSON AVE



MIGUEL AVE

NIGHTINGALE



INDIGO DR

SCALE 1 : 1,500

