



DATE: December 14, 2016

AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Assistant Planner  
**SUBJECT:** 16-SC-42 – 309 Covington Road

**RECOMMENDATION:**

Approve design review application 16-SC-42 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

This is a design review application for a new second living unit. The project includes a new detached 798 square-foot second living unit with a 200 square-foot carport and a 797 square-foot accessory structure. The following table summarizes the project's technical details:

<b>GENERAL PLAN DESIGNATION:</b>	Single-Family, Residential
<b>ZONING:</b>	R1-20
<b>PARCEL SIZE:</b>	40,400 square feet
<b>MATERIALS:</b>	Asphalt shingle roof, wood siding and wood trim details

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,576 square feet	5,023 square feet	10,100 square feet
<b>FLOOR AREA:</b>			
House	2,576 square feet	2,576 square feet	
2 <sup>nd</sup> Living Unit	N/A	798 square feet	
Accessory Structure	N/A	797 square feet	
Carport	N/A	200 square feet	
Total	2,576 square feet	4,371 square feet	6,790 square feet
<b>SETBACKS<sup>1</sup>:</b>			
Front		81 feet	30 feet
Rear		8 feet	7.5 feet
Right side		20 feet	20 feet
Left side		23 feet	20 feet
<b>HEIGHT<sup>1</sup>:</b>		12.75 feet	18 feet

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<sup>1</sup> Regulations for accessory structures

## **BACKGROUND**

### **Neighborhood Context**

The subject lot is in a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. The site is mid-block between Bellevue Court and Campbell Avenue. Lots within this neighborhood context are approximately 40,000 square feet in area, and have larger site width and depth than other single-family residential properties in the City. Houses along this particular stretch of Covington Road are set farther back from the street and vary in age, size, scale, and massing. There is not a defined street tree pattern; however, there is a variety of mature trees and vegetation.

## **DISCUSSION**

### **Design Review**

According to the Design Guidelines, in Diverse Character Neighborhoods, good neighbor design has its own design integrity while incorporating some design elements and materials found in the neighborhood.

The new detached second living unit and accessory structure (art studio) will be located along the right side property line behind the main house. The structures use gable and hipped roof forms, simple massing and rustic materials, which are compatible with the existing house. The materials include asphalt shingle roof, wood siding and wood trim details. The entrance to the second living unit and accessory structure faces the front of the lot, but is screened from street view by the house and existing landscaping. The existing one-story house will continue to be the most visible structure along the Covington Road streetscape. Overall, staff finds that the project design has architectural integrity and is compatible with the main house.

### **Development Standards for Second Living Units**

As outlined in the Municipal Code, second living units are required to meet the current development regulations of the R1-20 zoning district, ensure that the unit is clearly subordinate to the main house and screened from the street and provides two additional parking spaces (one covered and one uncovered) on the property.

The 40,400 square-foot site exceeds the minimum lot size of 20,000 square feet for a detached secondary dwelling unit in the R1-20 zoning district. The second living unit floor area is 798 square feet, with a 200 square-foot carport to provide the required covered parking space.

The Municipal Code allows for the Commission to approve accessory structures up to 18 feet in height when they meet all the required setbacks and the additional height is necessary to establish architectural compatibility with the main house. The second living unit meets the required 20-foot side yard setback and 35-foot rear yard setback, and the roof pitch improves compatibility with the main house, but results in the increased second living unit height of 12 feet, 9 inches. The project provides one carport parking space and one uncovered parking spaces for the second living unit, which complies with the City's parking requirements of two parking spaces (one covered and one uncovered). The driveway on the left side of the property provides access to the required two

parking spaces (garage) for the main house. The second living unit's size and location at the rear of the site ensures that the structure is subordinate to the main house. As discussed above, the entrance to the second living unit is screened from street view.

### **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 a 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. These requirements are included as a condition of approval.

### **Privacy and Landscaping**

The second living unit and accessory structure (studio) will not create any unreasonable privacy impacts because the living space is oriented toward the rear of the lot and maintains a 20-foot side yard setback. In addition, fast-growing evergreen screening trees are proposed along the right (east) side and rear (north) property line. The existing chain-link fence along the right property line provides limited screening, so staff added a requirement to install a six-foot tall solid fence along the east property boundary (Condition No. 2).

All existing 33 existing trees on the site will be retained and the project will install 45 catalina cherry (evergreen) screening trees and a variety of nine fruit trees along the right and rear property lines. Overall, the project meets the intent of the City's landscape regulations and street tree guidelines. The project is not subject to the City's Water Efficient Landscape Ordinance since it includes than 2,500 square feet of new landscape area.

### **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 La Prenda Road and Covington Road.

Cc: Dave and Judy Boore, Owners  
Galina Novick, Designer

#### **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 and accessory structure, the Design Review Commission finds the following in accordance with Section 14.76.050 of the Municipal Code:
  - a. The proposed structures comply with all provision of this chapter;
  - b. The height, elevations, and placement on the site of the proposed structures, 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 structures are 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 addition 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 with a height of 12.75 feet, the Design Review Commission finds the following in accordance with Section 14.06.120(B)(6) of the Municipal Code:
  - a. The accessory structure is located entirely within the main structure's building envelope; and
  - b. The additional height is necessary in order to establish architectural compatibility with the main structure.
3. 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 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. 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**

16-SC-42 – 309 Covington Road

### **GENERAL**

1. **Approved Plans**

The approval is based on the plans and materials received on November 18, 2016, except as may be modified by these conditions.

2. **Fencing**

A six-foot tall solid fence shall be installed along the right (east) property line.

3. **Protected Trees**

The existing and the proposed privacy screening trees shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director.

4. **Second Living Unit Deed Restriction**

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.

5. **Encroachment Permit**

An encroachment permit shall be obtained from the Engineering Division prior to doing any work within the public right-of-way including the street shoulder.

6. **Fire Sprinklers**

Fire sprinklers may be required pursuant to Section 12.10 of the Municipal Code.

7. **Indemnity and Hold Harmless**

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.

### **PRIOR TO BUILDING PERMIT SUBMITTAL**

8. **Conditions of Approval**

Incorporate the conditions of approval into the title page of the plans.

9. **Tree Protection Note**

On the grading plan and/or the site plan, show all tree protection fencing and add the following note: "All tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground."

10. **Green Building Standards**

Provide verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.



**11. Air Conditioner Sound Rating**

Show the location of any air conditioning units on the site plan and the manufacturer's specifications showing the sound rating for each unit.

**12. Storm Water Management**

Show how the project is in 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.).

**PRIOR TO ISSUANCE OF BUILDING OR DEMOLITION PERMIT**

**13. Record Deed Restriction**

A deed restriction, per Condition No. 4, shall be recorded in a form approved by city staff.

**14. Tree Protection**

Tree protection fencing shall be installed around the dripline, or as required by the project arborist, of tree No. 32 as shown on the site plan. Tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground and shall not be removed until all building construction has been completed unless approved by the Planning Division.

**PRIOR TO FINAL INSPECTION**

**15. Landscaping Installation**

All privacy screening trees shall be maintained and/or installed as shown on the approved plans and as required by the Planning Division.

**16. Green Building Verification**

Submit verification that the house was built in compliance with the City's Green Building Ordinance (Section 12.26 of the Municipal Code).

**SECOND LIVING UNIT RENTAL TERMS**

**17. 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. 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.
- g. The very-low income affordability of the second living unit shall be maintained at all times.







# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit #

1107403

<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: 309 COVINGTON ROAD,

Project Proposal/Use: SINGLE-FAMILY/2DW Current Use of Property: SINGLE-FAMILY/2DW

Assessor Parcel Number(s): 189-49-038 Site Area: 0.927 ACRES (40,400 SQ FT)

New Sq. Ft.: 798 HABITABLE Altered/Rebuilt Sq. Ft.: NONE Existing Sq. Ft. to Remain: 2041 SQ FT

797 NON-HABITABLE  
Total Existing Sq. Ft.: 2041 SQ FT Total Proposed Sq. Ft. (including basement): 2839 SQ FT/HABIT.  
797 NON-HABITABLE

Is the site fully accessible for City Staff inspection? YES

Applicant's Name: DAVE BOORE

Telephone No.: 1-650-996-8628 Email Address: dBOORE@YAHOO.COM

Mailing Address: 309 COVINGTON ROAD

City/State/Zip Code: LOS ALTOS, CA 94024

Property Owner's Name: MR & MRS BOORE (JUDY & DAVE BOORE)

Telephone No.: 1-650-996-8628 Email Address: dBOORE@YAHOO.COM

Mailing Address: 309 COVINGTON ROAD

City/State/Zip Code: LOS ALTOS, CA 94024

Architect/Designer's Name: GALINA NOVICK

Telephone No.: 408-395-3877 Email Address: GALINA.NOVICK@GMAIL.COM

Mailing Address: 430 # 5A MONTEREY AVE

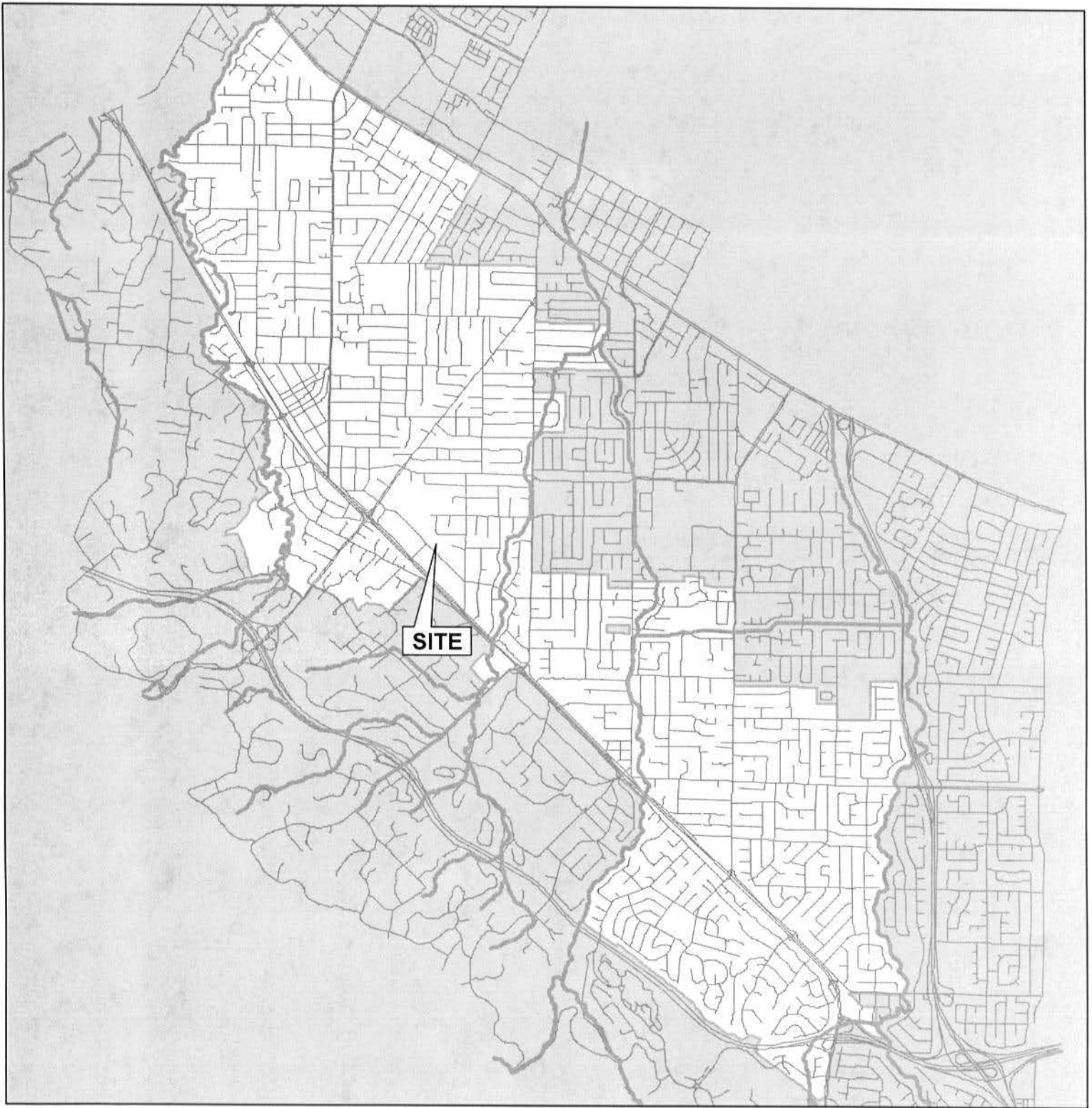
City/State/Zip Code: LOS GATOS, CA 95033

\* 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)



# AREA MAP



CITY OF LOS ALTOS

**APPLICATION:** 16-SC-42  
**APPLICANT:** D. and J. Boore  
**SITE ADDRESS:** 309 Covington Road

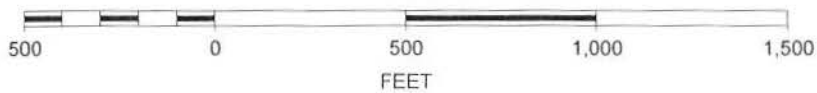


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



N



CITY OF LOS ALTOS

APPLICATION: 16-SC-42  
APPLICANT: D. and J. Boore  
SITE ADDRESS: 309 Covington Road

# 309 Covington Road Notification Map

