



DATE: March 1, 2017
AGENDA ITEM # 6

TO: Design Review Commission
FROM: Sierra Davis, Assistant Planner
SUBJECT: 17-SC-01 – 1690 Morton Avenue

RECOMMENDATION:

Approve design review application 17-SC-01 subject to the findings and conditions

PROJECT DESCRIPTION

This is a design review application for a new second living unit. The project includes an integral addition to an existing one-story house for an 800-square-foot second living unit and 475 square foot garage. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 14,190 square feet
MATERIALS: Materials to match existing house - composition shingle roof, stucco siding, brick veneer, aluminum clad windows, wood trim and doors

| | Existing | Proposed | Allowed/Required |
|----------------------------|-------------------|-------------------|-------------------|
| LOT COVERAGE: | 3,320 square feet | 4,160 square feet | 4,967 square feet |
| FLOOR AREA: | | | |
| Main house | 2,722 square feet | 3,197 square feet | |
| Second living unit | N/A | 800 square feet | |
| Total | 2,722 square feet | 3,997 square feet | 4,169 square feet |
| SETBACKS: | | | |
| Front (Fallen Leaf Lane) | 15.25 feet | 15.25 feet | 25 feet |
| Rear | 40 feet | 25 feet | 25 feet |
| Exterior side (Morton Ave) | 15 feet | 15 feet | 16.6 feet |
| Interior side | 13 feet | 10.5 feet | 10 feet |
| Garage face | 19.5 feet | 20.5 feet | 20 feet |
| HEIGHT: | 13 feet | 15 feet | 20 feet |

BACKGROUND

Neighborhood Context

The subject property is located on the corner of Morton Avenue and Fallen Leaf Lane. The lot is approximately 14,000 square feet and exceeds the minimum size requirements for a single-family residential lot in the R1-10 zoning district. The neighborhood has a consistent Ranch style character, with low scale houses, horizontal eave lines, and consistent setbacks. There are no known second living units in the immediate area.

Zoning Compliance

The subject property has an average width of 83 feet which is considered a narrow corner lot because the average width is less than 90 feet. Therefore, the exterior side yard setback is reduced to 20 percent of the average width of the lot (16.6 feet). The plans show a side yard setback of 20 feet for the addition, because garage entrances are required to have a minimum setback of 20 feet from a property line abutting a street. Since the lot exceeds 80 feet in width, the interior side yard setback conforms to the standard R1-10 District requirement of 10 feet.

The existing house is non-conforming due to the encroachments into the required front and exterior side yard setbacks. The functional front of the house is located adjacent to the exterior side yard on Morton Avenue, with a setback of 15.08 feet, where a setback of 16.6 feet is required. The side of the house faces the front yard on Fallen Leaf Lane, with a setback of 15.25 feet, where a setback of 25 feet is required. The non-conforming front and side portions of the house can be maintained with the proposed addition because the project will be maintaining more than 50 percent of the existing floor area and not increasing the front or side yard setback encroachment. Condition No. 1 requires at least 50 percent of the existing house be preserved in order to maintain the non-conforming setbacks.

DISCUSSION

Development and Design Standards for Second Living Units

As outlined in the Municipal Code (Chapter 14.4), 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, screening it from the street, and providing two additional parking spaces (one covered) on the property.

The 14,190 square-foot site exceeds the minimum lot size requirement of 13,000 square feet for an integral secondary dwelling unit in the R1-10 zoning district. The 800 square-foot second living unit is located at the rear of the property, with the new garage door visible from Morton Avenue. The existing two-car garage provides the required parking for the main house. The project proposes an additional covered parking space in the new garage and the driveway provides the uncovered parking space for the secondary dwelling unit.

The size and location of the integral addition 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 will match existing materials and design. The entrance to the second living unit faces the rear of the lot and is screened from street view by the garage addition and existing 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 main house 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 addition is single story and located in the main building envelope. The entrance is oriented toward the rear of the property with a 25-foot setback to the rear property line. The project will not be installing over 2,500 square feet of new landscaping, so the project is not subject to the City's Water Efficient Landscape Regulations.

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 13 nearby property owners on Fardon Avenue, Fallen Leaf Lane, Morton Avenue, and Lantis Lane.

Cc: Daryl Harris, RH Associates, Applicant and Architect
Brian and Carla Crowley, Owners

Attachments:

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

FINDINGS

17-SC-01 – 1690 Morton Avenue

1. With regard to design review for the one-story addition, 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

17-SC-01 – 1690 Morton Avenue

GENERAL

1. Approved Plans

The approval is based on the plans and materials received on February 16, 2017, except as may be modified by these conditions. The scope of work is limited to that shown on the plans and may not exceed rebuilding 50 percent of the existing structure.

2. 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.

3. 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. All work within the public street right-of-way shall be in compliance with the City's Shoulder Paving Policy.

4. Fire Sprinklers

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

5. Underground Utilities

Any new utility service drops may need be located underground from the nearest convenient existing pole pursuant to Chapter 12.68 of the Municipal Code.

6. 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

7. Conditions of Approval

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

8. 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."

9. 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.

10. Underground Utility Location

Show the location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches shall avoid the drip-lines of all protected trees unless approved by the project arborist and the Planning Division.

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. Tree Protection

Tree protection fencing shall be installed around the driplines, of the trees on adjacent properties; two, oak trees adjacent to the rear property line and the ash tree adjacent to the interior side property line, 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.

14. Deed Restriction Recordation

A deed restriction, per Condition No. 2, shall be recorded in a form approved by city staff.

PRIOR TO FINAL INSPECTION

15. Landscaping Installation

All landscaping, street trees and 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.
- 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 # 1107539

| | | | | | |
|-------------------------------------|--------------------------------|--------------------------|----------------------------|-------------------------------------|----------------------------------|
| <input checked="" 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: 1690 MORTON AVE.

Project Proposal/Use: RESIDENTIAL Current Use of Property: RESIDENTIAL

Assessor Parcel Number(s): 318-18-040 Site Area: 14,190 S.F.

New Sq. Ft.: 1,275 Altered/Rebuilt Sq. Ft.: 0 Existing Sq. Ft. to Remain: 2,722

Total Existing Sq. Ft.: 3,223 Total Proposed Sq. Ft. (including basement): 3,997

Applicant's Name: DARYL HARRIS

Telephone No.: (530) 268-3055 Email Address: rhassoc@sbcglobal.net

Mailing Address: 22867 SUNSET RIDGE DR.

City/State/Zip Code: AUBURN, CA 95602

Property Owner's Name: BRIAN & CARLA CROWLEY

Telephone No.: (650) 521-2699 Email Address: carla_sts@hotmail.com

Mailing Address: 1690 MORTON AVE.

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

Architect/Designer's Name: DARYL HARRIS

Telephone No.: (530) 268-3055 Email Address: rhassoc@sbcglobal.net

Mailing Address: 22867 SUNSET RIDGE DR.

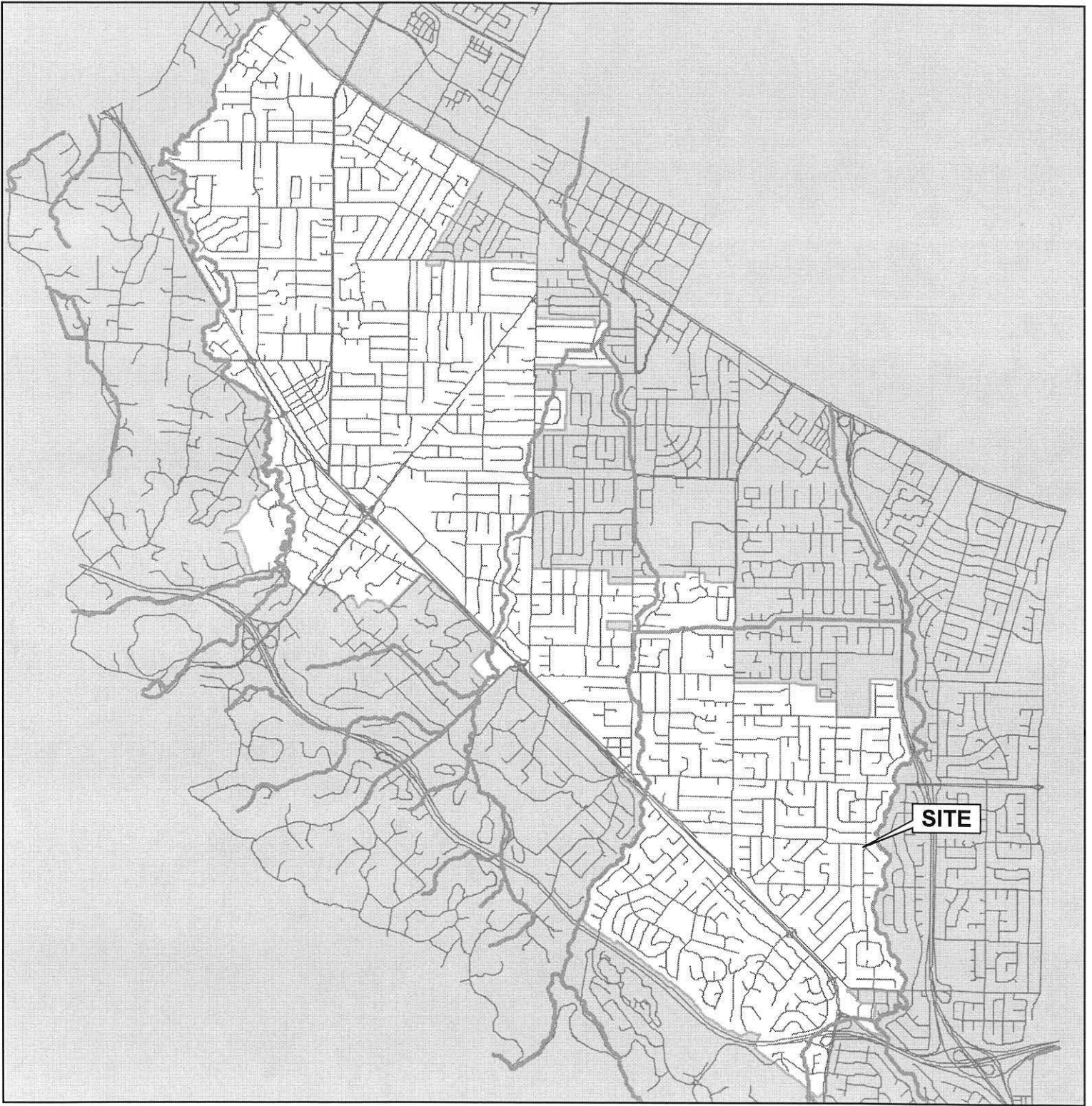
City/State/Zip Code: AUBURN, CA 95602

*** 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)

17-SC-01

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 17-SC-01
APPLICANT: D. Harris/ B. and C. Crowley
SITE ADDRESS: 1690 Morton Avenue

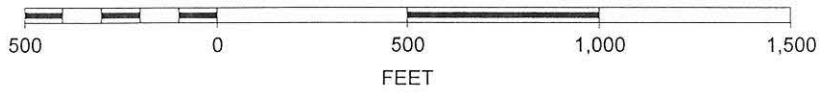


Not to Scale

VICINITY MAP



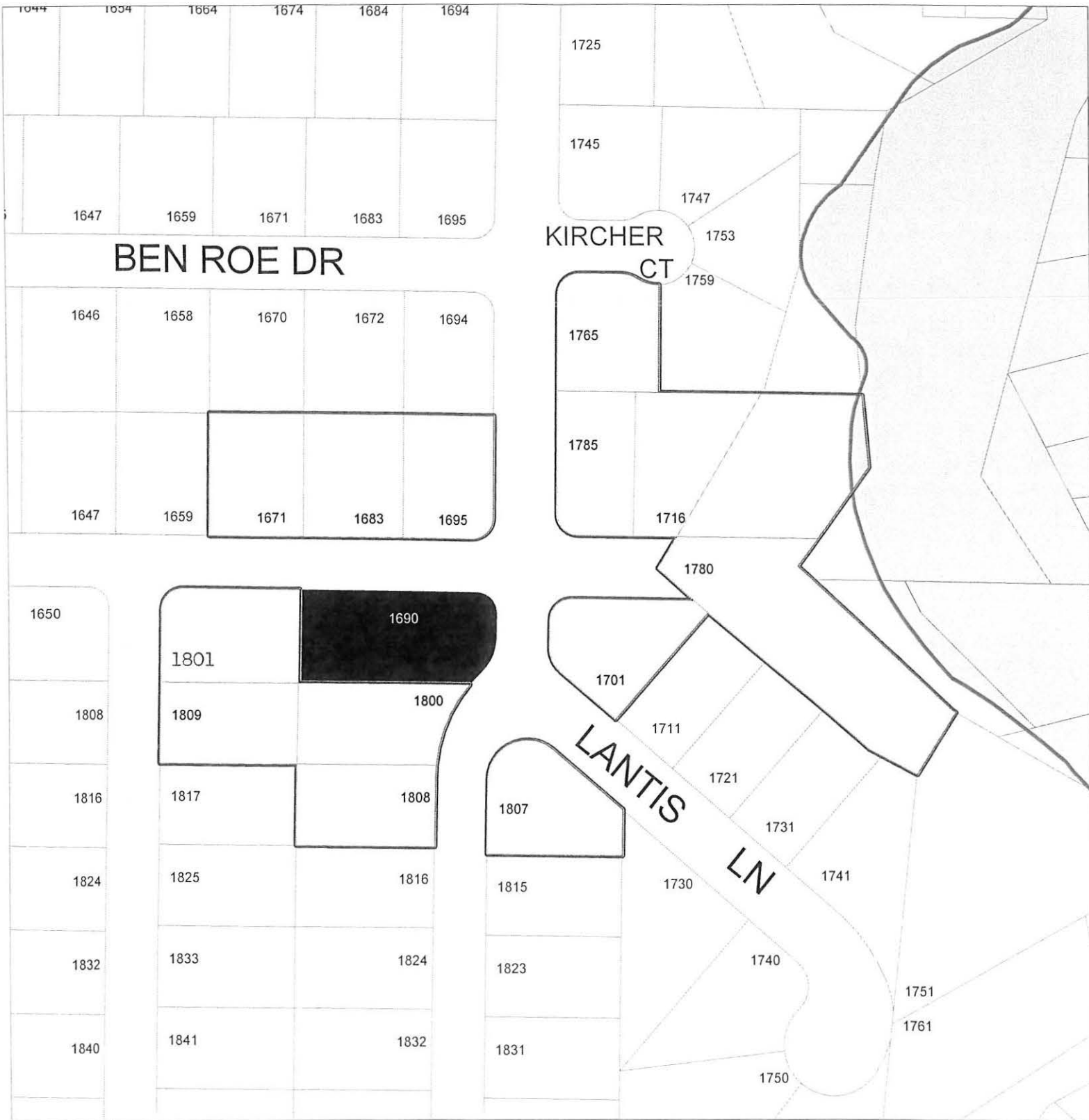
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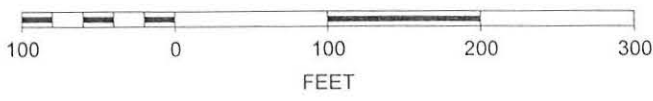
CITY OF LOS ALTOS

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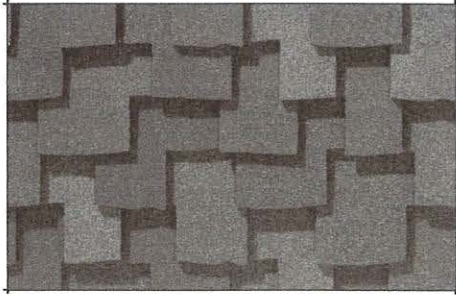
1690 Morton Avenue Notification Map



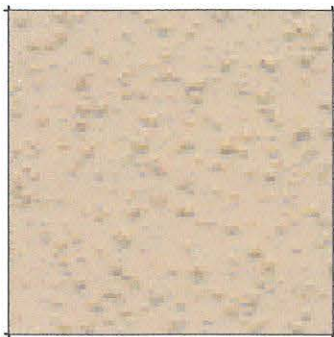
SCALE 1 : 1,500



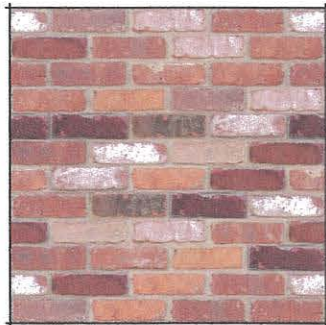
EXTERIOR MATERIALS BOARD



ROOF
COMP SHINGLE
TO MATCH EXISTING

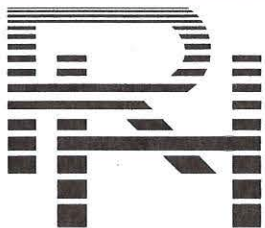


BODY
STUCCO



VENEER
BRICK
TO MATCH EXISTING

ALL COLORS TO BE
DETERMINED BY OWNER



ASSOCIATES
ARCHITECTS

22867 SUNSET RIDGE DR.
AUBURN, CA 95602

530-268-3055

PROPOSED ADDITION
for:
BRIAN & GARLA CROWLEY

1690 MORTON AVENUE
LOS ALTOS, CA