



DATE: May 17, 2017

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Assistant Planner
SUBJECT: 17-SC-08 – 1612 Christina Drive

RECOMMENDATION:

Approve design review application 17-SC-08 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a design review application for a new second living unit. The project includes a new 796 square-foot addition to a one-story house for a second living unit. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-family, Residential
ZONING: R1-10
PARCEL SIZE: 13,415 square feet
MATERIALS: Matching existing - clay tile roof, stucco siding, vinyl windows, and wood trim and details

	Existing	Proposed	Allowed/Required
LOT COVERAGE:	2,263 square feet	3,143 square feet	4,695 square feet
FLOOR AREA:			
Total	2,180 square feet	3,025 square feet	4,092 square feet
SETBACKS:			
Front	48.25 feet	No change	25 feet
Rear	47.5 feet	25 feet	25 feet
Right side	9 feet	No change	10 feet
Left side	10 feet	10 feet	10 feet
HEIGHT:	13.6 feet	15.75 feet	25 feet

BACKGROUND

Neighborhood Context

The subject property is in a Consistent Character Neighborhood as defined in the City's Residential Design Guidelines. The property is located on the cul-de-sac end of Christina Drive just past the intersection of Eve Marie Avenue. Christina Drive consists predominantly of single-story houses in similar size and architectural style, with rustic building materials, and simple massing. The landscaping along the street is varied with no distinct street tree pattern.

Zoning Compliance

The existing right side yard setbacks is 9 feet, where the R1-10 district requires a minimum side yard setback of 10 feet. Since the project will be maintaining more than 50 percent of the existing house, the Zoning Code allows the non-conforming setback to be maintained.

DISCUSSION

Development and Design Standards for Second Living Units

As outlined in the Municipal Code, second living units are required to meet the design standards and current development regulations of the R1-10 zoning district. These requirements will ensure that the unit is subordinate to the main house, screened from the street, and provides two additional parking spaces (one covered and one uncovered) on the property.

The property is 13,415 square feet in size, which exceeds the minimum lot size of 13,000 square feet for an integrated secondary dwelling unit in the R1-10 zoning district. The 796 square-foot second living unit is an addition to the rear end of the main house. The second living unit is screened from street view by the existing house, fencing and vegetation. The project complies with the City parking requirements for two dwelling units (main house and second living unit) by providing two uncovered spaces in the driveway and two covered spaces in the garage.

The second living unit is an integrated addition along the right side and rear of the main structure and its size and place make it subordinate to the main house. The second living unit addition is integrated with the design and materials used on the main house. The second living unit may use the primary entry of the house to limit impacts to neighboring properties, but it also has an entrance facing the rear of the property.

Procedurally the Design Review Commission acts on the second living unit application. If approved, staff will administratively approve the 369 square-foot one-story addition to the main house, if it otherwise meets the design findings and Residential Design Guidelines.

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. These requirements are included as conditions of approval.

Privacy

The second living unit should not create any unreasonable privacy impacts because the addition is lower scale, its height is 13 feet, eight inches, and the entrance and active use area are directed toward the rear of the property. There is one window facing the right property line with a ten-foot side yard setback and two windows and a door that are 25 to 35 feet from the rear property line, which maintains a reasonable level of privacy.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act because it involves the addition to an existing single-family house in a residential zone

PUBLIC CONTACT

A public meeting notice was posted on the property and mailed to 11 nearby property owners on Christina Drive and Fremont Avenue.

Cc: Nallely Garcia, Applicant and Designer
Waqar Shah, Property owner

Attachments:

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

FINDINGS

17-SC-08 – 1612 Christina Drive

1. 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.
2. 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 addition complies with all provision of this chapter;
 - b. The height, elevations, and placement on the site of the proposed addition, 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 addition 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.

CONDITIONS

17-SC-08 – 1612 Christina Drive

GENERAL

1. Approved Plans

The approval is based on the plans and materials received on May 1, 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. 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

5. Conditions of Approval

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

6. 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."

7. 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.

8. 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.

9. 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

10. Tree Protection

Tree protection fencing shall be installed around the dripline of tree No. 6, 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.

11. Record Deed Restriction

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

PRIOR TO FINAL INSPECTION

12. Landscaping Installation

All front yard landscaping and street trees shall be maintained and/or installed as shown on the approved plans and as required by the Planning Division.

13. 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

14. 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 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.
- f. 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 # 11076005

<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 type="checkbox"/> Other:

Project Address/Location: 1612 Christina Drive

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

Assessor Parcel Number(s): 318-21-032

Site Area: _____

New Sq. Ft.: 796 Altered/Rebuilt Sq. Ft.: 47 Existing Sq. Ft. to Remain: 1,757

Total Existing Sq. Ft.: 1,757 Total Proposed Sq. Ft. (including basement): 2,568

Is the site fully accessible for City Staff inspection? _____

Applicant's Name: Nallely M. Garcia

Telephone No.: 408-292-38-00

Email Address: gpresidential@gmail.com

Mailing Address: 829 S. 7th St.

City/State/Zip Code: San Jose, CA 95112

Property Owner's Name: WAQAR Haider Shah

Telephone No.: 650 968 1780

Email Address: Waqar-Shah@yahoo.com

Mailing Address: 1612 Christina Dr

City/State/Zip Code: Los Altos CA 94024

Architect/Designer's Name: GP Residential Designs

Telephone No.: 408-292-3800

Email Address: gpresidential@gmail.com

Mailing Address: 829 S. 7th St.

City/State/Zip Code: San Jose, CA 95112

** 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. **

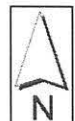
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AREA MAP



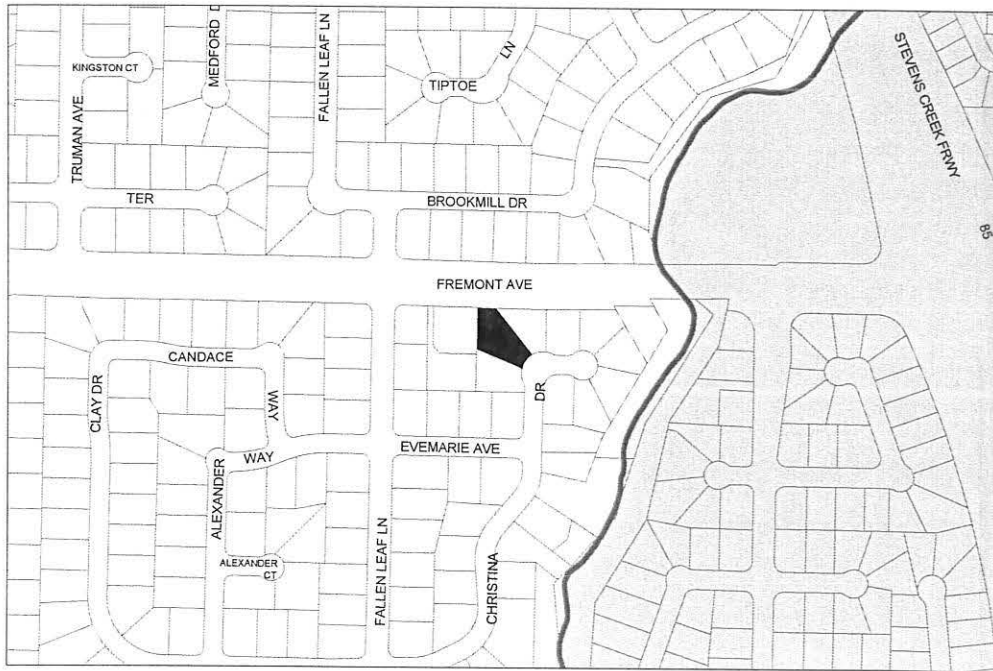
CITY OF LOS ALTOS

APPLICATION: 17-SC-08
APPLICANT: N. Garcia/ W. Shah
SITE ADDRESS: 1612 Christina Drive

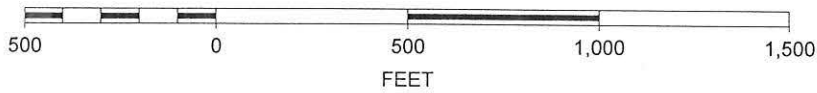


Not to Scale

VICINITY MAP



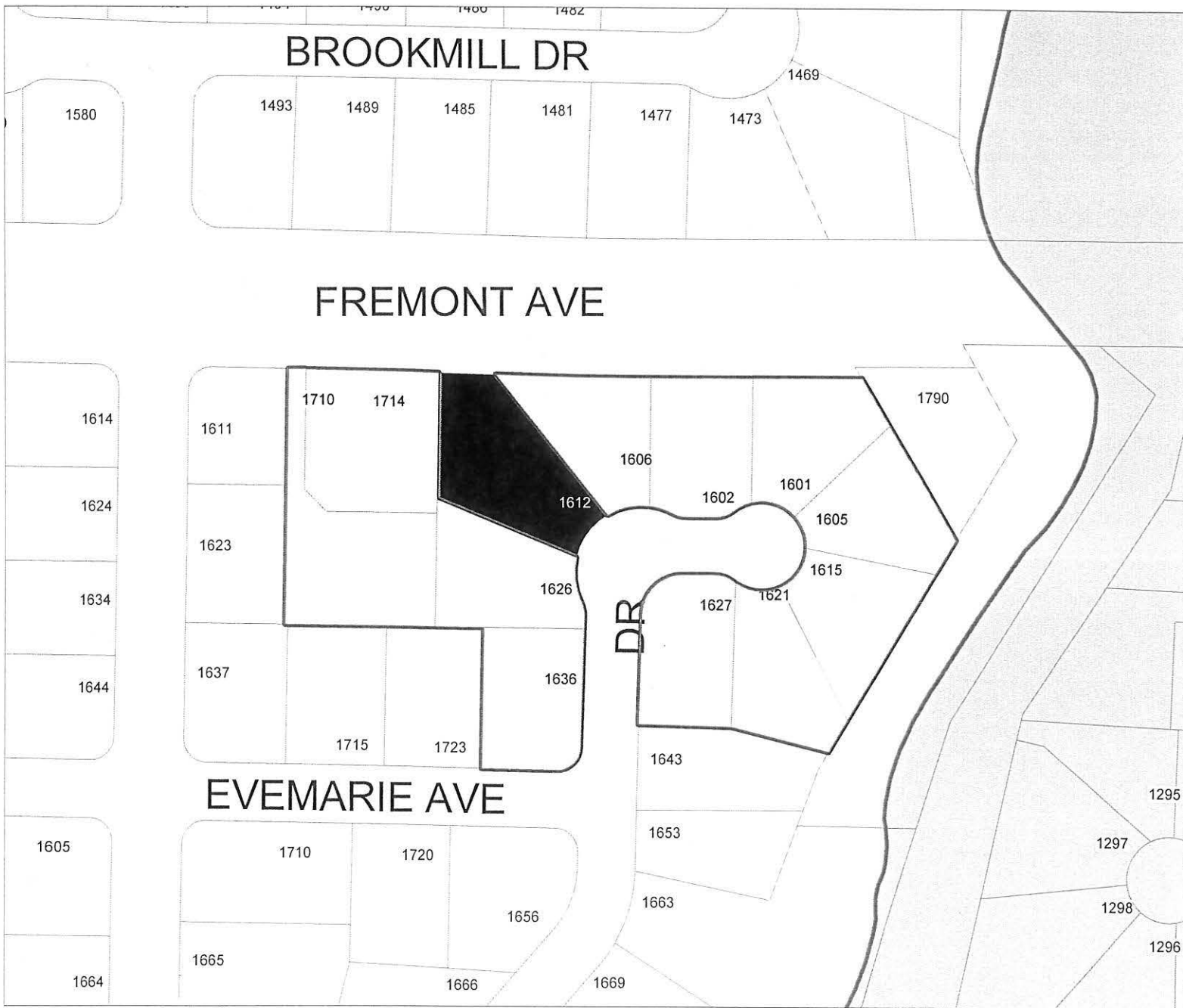
SCALE 1 : 6,000



CITY OF LOS ALTOS

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1612 Christina Drive Notification Map



SCALE 1 : 1,500

