



DATE: July 2, 2014

AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Zachary Dahl, Senior Planner  
**SUBJECT:** 14-SC-20 – 186 University Avenue

**RECOMMENDATION:**

Approve design review application 14-SC-20 subject to the findings and conditions

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**PROJECT DESCRIPTION**

This project is the conversion of a portion of the bottom floor of an existing two-story, three-level house into a second living unit. The project would convert 675 square feet of existing living space into a second living unit. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 20,055 square feet  
**MATERIALS:** All existing exterior materials to remain, no changes

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,412 square feet	N-A	6,016 square feet
<b>FLOOR AREA:</b>			
First floor	1,102 square feet	N-A	
Second floor	2,382 square feet	N-A	
Third floor	1,075 square feet	N-A	
Total	4,559 square feet	N-A	4,755 square feet
<b>SETBACKS:</b>			
Front	39 feet	N-A	25 feet
Rear	89 feet	N-A	25 feet
Right side (1 <sup>st</sup> /2 <sup>nd</sup> )	92 feet/120 feet	N-A	10 feet/17.5 feet
Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	10.5 feet/10.5 feet	N-A	10 feet/17.5 feet
<b>HEIGHT:</b>	27 feet	N-A	27 feet

## **BACKGROUND**

The subject property is located on University Avenue between Edith Avenue and Burke Road. The property is across the street from Lincoln Park and has a rear yard that abuts to the Town of Los Altos Hills. It is designated Single-Family Residential in the General Plan, zoned R1-10 Single-Family and developed with an existing two-story house. There are three other permitted second living units located on this block of University Avenue.

The house does not meet the R1-10 District's required second-story side yard setback of 17 feet, six inches on the right (west) side. However, this setback encroachment was approved with a variance in 1986 and it is considered legally nonconforming. The house has three levels, but it is considered a two-story house since it is a split-level structure (Sheet A3 shows how the house is stepped down the hillside). The structure meets all other applicable Zoning standards.

Procedurally, staff refers second living units to the Design Review Commission in order to provide public notice of the project to the neighborhood.

## **DISCUSSION**

Section 14.14.050 of the Municipal Code outlines the standards for second living units. These standards include meeting all current development regulations of the residential zoning district regarding location. The unit should be clearly subordinate to the main unit and architecturally compatible with the main unit. The entry to the second living unit should be screened from the street. The second unit needs to provide one covered and one uncovered parking space in addition to the parking spaces required for the main house.

The property is 20,055 square feet in size, which exceeds the minimum lot size of 13,000 square feet required for converting existing floor area into a secondary dwelling unit in the R1-10 District. The second living unit is proposed to occupy a portion of the first floor of this existing three level house. The structure is legally permitted and there are not any exterior alterations proposed, so there are not any issues with architectural compatibility. The entrance to the second living unit is located on the rear elevation of the house and is not visible from the street. There is also an interior entry to the second living unit via the existing stairway.

The second living unit will be 675 square feet in size, which is below the maximum 800 square-foot size allowed by code. The City's parking ordinance requires two on-site parking spaces, one covered and one uncovered, for each dwelling unit. The existing house has a two-car garage to meet the covered parking requirement and the driveway in front of the garage is able to provide at least two additional uncovered parking spaces. The second unit can access the parking via the existing pathway that is along the right (west) side of the house.

The City's General Plan encourages the development of second living units, but a high concentration of second living units in a neighborhood, depending on the context and setting, can create negative impacts (such as parking or traffic). As noted above, there are three other second living units that have been permitted along this block of University Avenue. However, approving another second living unit in this neighborhood would not create a negative impact due to high concentration of second living units in the vicinity since all of the properties in this neighborhood

neighborhood are large in size, have ample on-site parking with mature vegetation and trees that screen the houses from the street; and they are adjacent to a public park (Lincoln Park).

If a second living unit exceeds 640 square feet, it is required to be rented or leased to a person or persons of very-low income levels (Section 14.14.040 of the Municipal Code). However, if an immediate family member occupies the second living unit, the income limits do not apply. The Code 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 occupied by the principal owner(s) of the property. These requirements are included in the conditions of approval.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves a single-family use in a residential zone.

Cc: Kirk and Kathryn Hanson, Applicant and Owners

### Attachments

- A. Application
- B. Maps

## FINDINGS

14-SC-20 – 186 University Avenue

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 structure complies with all provision of this chapter;
  - b. The height, elevations, and placement on the site of the 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 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 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 of the Municipal Code:
  - a. That public benefit will result because the proposed second living unit will be maintained as affordable for a very-low income household;
  - b. That 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 levels of the resident(s) of the second unit meets the appropriate limits for a very-low income household as determined by city based on state and federal guidelines;
  - c. That required parking areas are located on the site;
  - d. That 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. That when 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; and

- f. Appropriate conditions have been applied as necessary to ensure that the second living unit does 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

14-SC-20 – 186 University Avenue

1. The approval is based on the plans received on June 4, 2014 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. 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. The deed restriction shall be in a form approved by city staff.
3. Prior to the issuance of a building permit or occupancy of the space, the deed restriction per Condition No. 2 shall be recorded.
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.
  - g. The very-low income affordability of the second living unit shall be maintained at all times.



CITY OF LOS ALTOS  
GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply) Permit # 1106150

<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 UNIT</u>

Project Address/Location: 186 UNIVERSITY AVE, LOS ALTOS, CA 94022  
 Project Proposal/Use: RESIDENCE + SECOND UNIT  
 Current Use of Property: RESIDENCE  
 Assessor Parcel Number(s) 175-12-008-00 Site Area: 20,055 SQ. FT.  
 New Sq. Ft.: -0- Remodeled Sq. Ft.: -0- Existing Sq. Ft. to Remain: 3775  
 Total Existing Sq. Ft.: 3775 Total Proposed Sq. Ft. (including basement): 3775  
SECOND UNIT = 675 SQ. FT. OF EXISTING

Applicant's Name: KIRK O. ANO KATHRYN S. HANSON  
 Home Telephone #: 650-704-6010 (Kirk cell) Business Telephone #: 408-554-7898 (Kirk)  
 Mailing Address: 186 UNIVERSITY AVE.  
 City/State/Zip Code: LOS ALTOS, CA 94022

Property Owner's Name: \_\_\_\_\_  
 Home Telephone #: \_\_\_\_\_ Business Telephone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City/State/Zip Code: \_\_\_\_\_

SAME

Architect/Designer's Name: NONE Telephone #: \_\_\_\_\_

\*\*\* 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. \*\*\*

June 4, 2014

To: Planning Commission

City of Los Altos

Request for Approval of:

1. Installation of Pre-Fab mini-kitchen unit with two burners in existing space
2. Second Unit in Existing Space

Location:

186 University Avenue

Los Altos, CA 94022

Homeowners:

Kirk and Kathryn Hanson

By this application, we are requesting approval of installation of a pre-fab mini-kitchen with two burners (and a 220 volt line to power them) into existing space in our home of 32 years.

Our intention is to create a space for our children when they visit with their families. We have three children with families living in other states that we want to host frequently!

1. We understand this requires approval also of a second unit. Our home was remodeled in 1988-1990 with this possibility in mind, so the entire lower floor with two bedrooms, one bath, and a small central room/hall, can be divided as a second unit. A locked door to this space was installed in the 1990 remodel. Water lines and drain for the mini-kitchen were also installed in 1990.
2. Parking. There is a two-car indoor garage, plus room for two additional cars outside in front of the garage, plus room for six additional cars around a circular driveway.

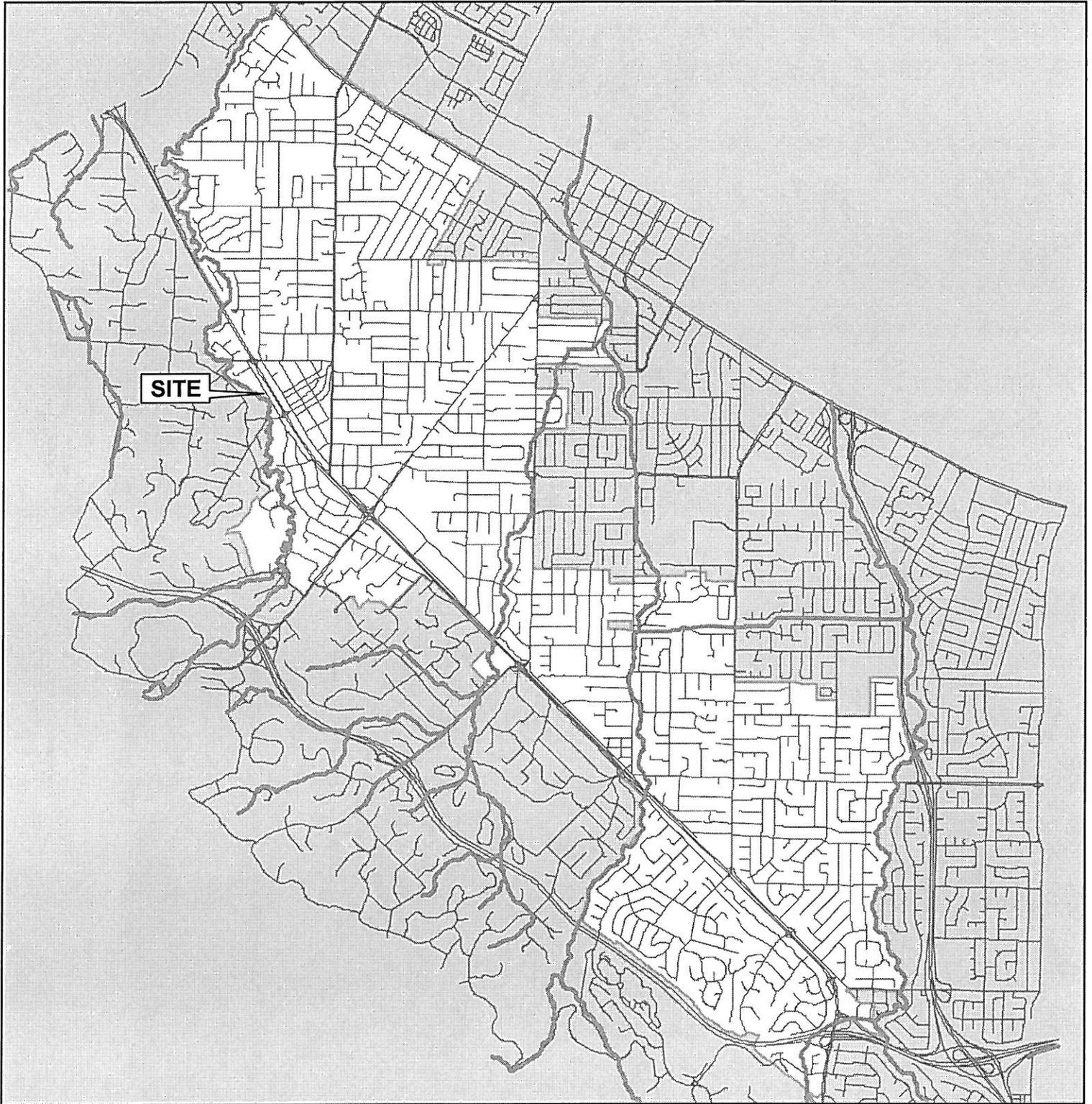
I have enclosed the 1988-1990 architectural plans which are correct for all present conditions. I have marked on the floor plan for the lower floor where the mini-kitchen will be installed. There is an electrical panel with space for the 220 line in the room where the mini-kitchen will be installed, so the only alteration necessary will be running the 220 line from one side of the room to the other through the ceiling joists.



Kirk O. Hanson

Anytime Cell 650-704-6010 Daytime Office 408-554-7898

# AREA MAP



## CITY OF LOS ALTOS

**APPLICATION:** 14-SC-20  
**APPLICANT:** K. and K. Hanson  
**SITE ADDRESS:** 186 University Avenue

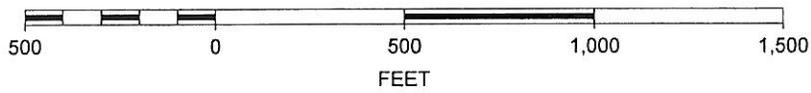


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

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