



DATE: October 19, 2016

AGENDA ITEM # 4

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Assistant Planner  
**SUBJECT:** 16-SC-38 – 170 Sylvian Way

**RECOMMENDATION:**

Approve design review application 16-SC-38 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

Design review application for a new second living unit. The project includes a new 677 square-foot second living unit attached to the main house and a 369 square-foot first story addition to the main residence. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 13,149 square feet  
**MATERIALS:** Match Existing - asphalt composition roof, stucco siding, horizontal wood siding, stone wainscoting, and wood trim and details

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>LOT COVERAGE:</b>	2,631 square feet	3,677 square feet	4,602 square feet
<b>FLOOR AREA:</b>			
Main house	2,631 square feet	3,000 square feet	
Second living unit	N/A	677 square feet	
Total	2,631 square feet	3,677 square feet	4,064 square feet
<b>SETBACKS:</b>			
Front	35 feet	34 feet	25 feet
Rear	37.3 feet	29.5 feet	25 feet
Right side	25 feet	10 feet	10 feet
Left side	27.75 feet	27.75 feet	10 feet
<b>HEIGHT:</b>	16.3 feet	16.3 feet	27 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located in a Diverse Character Neighborhood, as defined in the City's Residential Design Guidelines. This section of Sylvian Way is a cul-de-sac street with an extended driveway that serves three properties, with the nearest cross-street being Chery Avenue. The subject property is located along the left (west) side of the extended driveway, with the front yard facing Sylvian Way along the north property line. The houses in this neighborhood are predominantly one-story houses with simple forms and rustic materials. The residences are similar in massing and building footprint, but the structures have varying front yard setbacks. While there is not a distinctive street tree pattern, there are many large mature trees along the street.

## **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 13,149 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 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 front and left side of the main structure and its size makes it subordinate to the main house. The second living unit addition is compatible with the design and materials used on the main house. The second living unit uses the primary entry of the house to limit impacts to neighboring properties.

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 principal living unit or the second living unit shall be the principal residence of the owners of the property. These requirements are included as conditions of approval.

## **Privacy and Landscaping**

The second living unit should not create any unreasonable privacy impacts because it uses the primary house entry. To enhance the privacy to the neighboring lot on the left side, the fence should be replaced with a six-foot tall solid fence with at least one-foot of open lattice (Condition 2).

## **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 Sylvian Way, Coronado Avenue and Cherry Avenue

Cc: Margaret Wimmer, Applicant and Designer  
Douglas and Cheryl Thieu, Owners

### Attachments:

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

## FINDINGS

16-SC-38 – 170 Sylvian Way

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

16-SC-38 – 170 Sylvian Way

### **GENERAL**

**1. Approved Plans**

The approval is based on the plans and materials received on September 30, 2016, except as may be modified by these conditions.

**2. Fencing**

A six-foot tall solid fence, with one foot of open lattice on top shall be installed along the south (left side) property line.

**3. 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.

**4. 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.

**5. Fire Sprinklers**

Fire sprinklers may be required pursuant to Section 12.10 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. 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.

**9. 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.

**10. 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**

### **11. Record Deed Restriction**

A deed restriction, per Condition No. 3, shall be recorded in a form approved by city staff.

## **PRIOR TO FINAL INSPECTION**

### **12. Landscaping Installation**

All front yard, interior side, and rear yard landscaping, and privacy screening 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**

15. 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 # 11073660

<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: Secondary Dwelling

Project Address/Location: 170 Sylvian Way

Project Proposal/Use: Primary Residence Current Use of Property: \_\_\_\_\_

Assessor Parcel Number(s): 167-32-052 Site Area: 13,149 sq. ft.

New Sq. Ft.: 1,045.5 sq. ft. Altered/Rebuilt Sq. Ft.: 1,073.25 sq. Existing Sq. Ft. to Remain: 2,631.25 sq. ft.

Total Existing Sq. Ft.: 2,631.25 sq. ft. Total Proposed Sq. Ft. (including basement): 3,676.75 sq. ft.

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Margaret Wimmer

Telephone No.: 650-646-1610 Email Address: mmwimmer@yahoo.com

Mailing Address: P.O. Box 60681

City/State/Zip Code: Palo Alto, CA 94306

Property Owner's Name: Douglas & Cheryl Thieu

Telephone No.: 650-625-1428 Email Address: dthieu@gene.com or cthieu@gmail.com

Mailing Address: 290 Skyview Court

City/State/Zip Code: Mountain View, CA 94043

Architect/Designer's Name: Margaret Wimmer

Telephone No.: 650-646-1610 Email Address: mmwimmer@yahoo.com

Mailing Address: P.O. Box 60681

City/State/Zip Code: Palo Alto, CA 94306

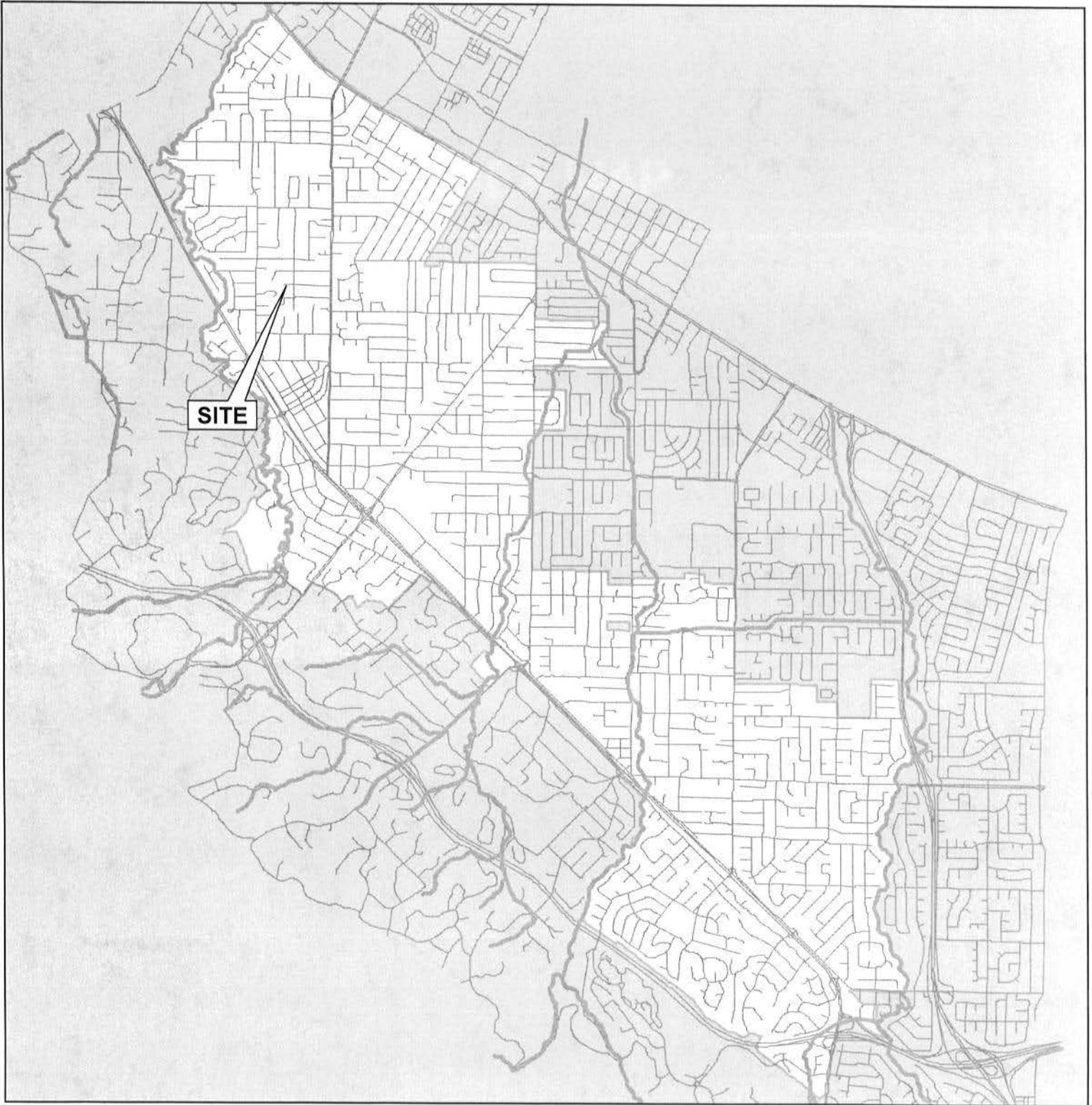
*\* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. \**

(continued on back)



# AREA MA

# ATTACHMENT B



## CITY OF LOS ALTOS

**APPLICATION:** 16-SC-38  
**APPLICANT:** M. Wimmer/D. and C. Thieu  
**SITE ADDRESS:** 170 Sylvian Way

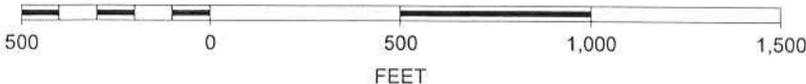


Not to Scale

# VICINITY MAP



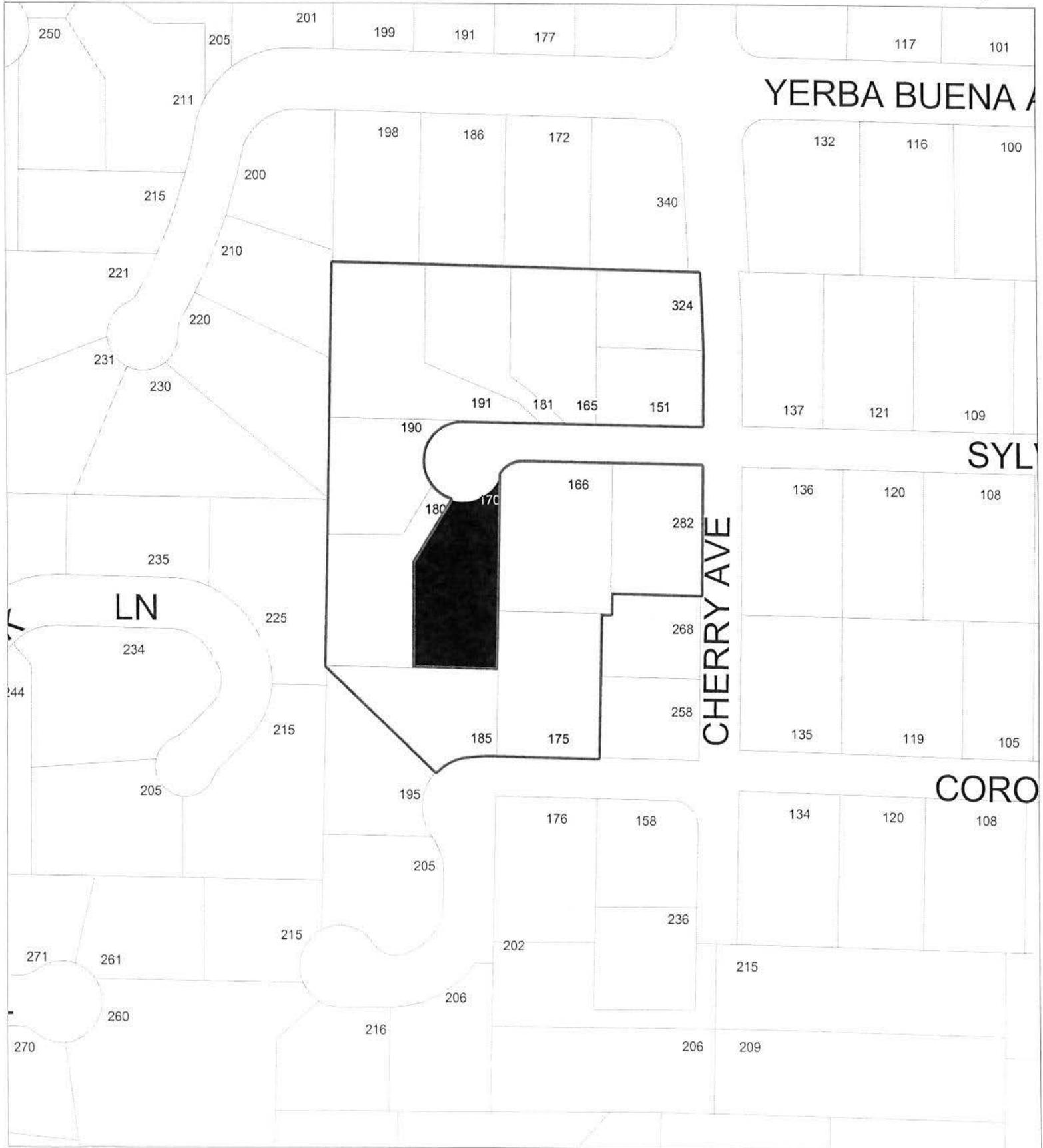
SCALE 1 : 6,000



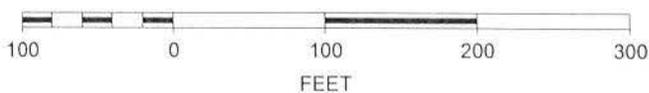
## CITY OF LOS ALTOS

**APPLICATION:** 16-SC-38  
**APPLICANT:** M. Wimmer/D. and C. Thieu  
**SITE ADDRESS:** 170 Sylvian Way

# 170 Sylvian Way Notification Map



SCALE 1 : 1,500



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