



DATE: June 15, 2022

AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Senior Planner  
**SUBJECT:** V22-0001 & SC21-0051 – 899 Madonna Way

**RECOMMENDATION:**

Approve variance application V22-0001 and design review application SC21-0051 subject to the listed findings and conditions

---

**PROJECT DESCRIPTION**

This application includes variances to allow for increased height, reduced setbacks, encroachments into the daylight plane and an additional story, and design review for a new house with a basement on a vacant lot. The project includes variances to allow encroachments into the daylight plane on both sides; and design review for a new two-story house that is 4,023 square feet in size. The project includes an 849 square foot detached accessory dwelling unit, which is not part of the design review. The following table summarizes the project’s technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 12,743 square feet  
**MATERIALS:** tpo membrane roof, smooth cement and hardie plank siding, fiberglass window frames

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	-	3,530.6 square feet	3,823 square feet
<b>FLOOR AREA:</b>			
Main Floor	-	2528 square feet	
Lower floor	-	1,495 square feet	
Total	-	4,023 square feet	4,024 square feet
<b>SETBACKS:</b>			
Front	-	25 feet	25 feet
Rear	-	34.5 feet	25 feet
Right side (1 <sup>st</sup> /2 <sup>nd</sup> )	-	7.6 feet/15.1feet	7.6 feet/13.1 feet
Left side (1 <sup>st</sup> /2 <sup>nd</sup> )	-	7.6 feet/15.2 feet	7.6 feet/13.1 feet
<b>HEIGHT:</b>	-	27 feet	27 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located on Madonna Way, which is a long narrow cul-de-sac street that slopes up the hillside from University Avenue. The neighborhood along Madonna Way is considered a Diverse Character Neighborhood as defined in the City's Residential Design Guidelines. Due to the sloping nature of the street and dense vegetation and mature trees, many of the houses have limited visibility from the street and include a mix of architectural styles and sizes.

### **Property History**

The subject property at 899 Madonna Way is a vacant lot that has never been developed. The site was originally part of the property at 901 Madonna Way, which was created as Lot 1 in Tract 3249. This subdivision was approved by the City in 1962 and created the Madonna Way neighborhood. Subsequently, in 1966, a record of survey map was used to split the site into two parcels, with Parcel A becoming 901 Madonna Way and Parcel B becoming 899 Madonna Way. Since the record of survey was recorded prior to the establishment of the California Subdivision Map Act, a tentative map approved by the City was not required to subdivide the site.

### **Zoning Conformance**

The average width of the subject parcel is 76 feet (see sheet A1), which is below the minimum width of 80 feet for a standard lot in the R1-10 District. For lots that are less than 80 feet in width, described as "narrow lots" in the Zoning Code, there is an allowance for side yard setbacks to be reduced from 10 feet to 10 percent of the average lot width, for any portion of a structure which is one story in height, with 7.5 feet added for any portion of a structure which is two stories in height. The table above provides the effective setbacks for this narrow lot.

## **DISCUSSION**

### **VariANCES**

As part of their design review application to construct a new single-family house on the site, the applicant is seeking variances to allow for encroachments into the daylight plane on both sides (See Sheets A12-B). The subject property is on a steeply sloping hillside that angles away from Madonna Way. The Madonna Way public right-of-way is significantly wider than the narrow paved street and there is an unimproved shoulder along the property's frontage that ranges from 14 to 17 feet in width. In this shoulder area, the slope drops by 6-8 feet. Overall, from the front property line to the rear corner of the site, there is a drop of approximately 70 feet. Thus, the site poses significant challenges to not only designing the house but also placing the driveway and garage in a way that is functional and usable for accessing Madonna Way.

Due to the challenge of designing a house for this site, a significant amount of time has been spent between staff and the applicant to design a project that meets their needs while also being a proposal that staff could recommend for approval. The design has gone through several iterations to work through issues such as daylight plane, maximum height and overall design composition. Based on these design revisions and modifications, the project is seeking five variances as outlined below.

### *Daylight Plane Variances*

The project is also seeking variances to allow the structure to encroach into the daylight planes on both sides. Due to the reduced side yard setbacks, the fact that daylight planes are measured from the existing grade, it would be very challenging to design a structure that was within the required daylight planes. Also, as noted above in the setback discussion, daylight planes are used to control bulk and mass in a more typical neighborhood setting. In this type of hillside setting, a daylight plane does not serve the same purpose and becomes very restrictive on a site such as this. The applicant has shown the daylight planes on the plans on Sheet A12-B, with a maximum two-foot, three-inch encroachment for the daylight plane taken from the left property line, and a maximum three-foot, seven-inch daylight encroachment for the daylight plane taken from the right property line.

### *Variance Findings*

In order to approve a variance, the Commission must make three positive findings pursuant to Section 14.76.070 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
3. Variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

The granting of the variances is consistent with the objectives of the zoning plan because they will allow for the property to be developed with a single-family house that has a harmonious and appropriate relationship with the surrounding neighborhood, it will establish a safe and workable access to Madonna Way and it will protect and enhance real property values within the City.

The granting of the variances will not be detrimental to persons living or working in the vicinity or injurious to any properties in the vicinity because it is a single-family use and the proposed house has been designed to have appropriate relationships with the surrounding properties and the persons living in those houses.

The variances for encroachments into the daylight plane are reasonable due to the steeply sloping topography of the site, which is considered a special circumstance. Strict application of these provisions of the R1-10 District would deprive the property of constructing an appropriately sized house and adjacent useable outdoor spaces that are enjoyed by other properties in the vicinity and under the identical zoning classification (R1-10).

### **Design Review**

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

As depicted in the design plans (Attachment F), the applicant proposes a new two-story residence with an attached garage on a vacant lot. The proposed setbacks meet or exceed the required setbacks for the R1-10 zoning district. Please refer to the table above for more specific setbacks proposed and as required pursuant to the R1-10 Zoning District Standards found in Los Altos Municipal Code (LAMC) Chapter 14.06.



The project uses a contemporary inspired architectural design with flat roof elements, rectangular forms and a curving flat roof that connects the upper main level to the lower level. The architectural style includes flat roofs, large frame windows, and unornamented wall surfaces with no decorative detailing at the doors or windows. The architectural style maintains the character of the neighborhood with a simple low-scale forms and a low roofline. The project is utilizing high quality materials, such as tpo membrane roof, smooth cement and hardie plank siding, fiberglass window frames, which are integral to the architectural design of the house. The project's material board is included as Attachment F. Overall, the design incorporates simple and low-scale forms that produce an integrated appearance with the context of the area.

Due to the slope of the site, the house will appear as a one-story structure when viewed from the street and uses a multi-level floor plan to reduce excessive bulk. The series of stepped and articulated massing forms helps to break up the horizontal and vertical planes. At the main level, the upper garage, foyer and living room steps down to a lower level with the dining room, guest bedroom, walk-in closet and two bathrooms. This level steps down to a level with a great room with kitchen and dining area. In the center of the house, stairs lead down to a lower level. The lower level includes three bedrooms, three bathrooms, a laundry room, sitting room, and attached accessory dwelling unit.

According to the Residential Design Guidelines, a house should be designed to fit the lot and should not result in a home that stands out in the neighborhood. On hillside lots, the Residential Design Guidelines recommends the following:

- Dwellings on hillside lots should reflect the topography in their designs by following the natural contours of the site, with minimal grading.
- Use split-level and multi-level plans.
- Avoid tall walls under the first floor by stepping the floor level with the grade.
- Screen any open space under the living space above with either lattice or solid wall infill. To soften these areas, plant landscaping in front of them.
- Avoid tall unbroken expanses of wall.

While this design has a larger overall bulk, mass and scale, due to the hillside context and limited visibility off of the site, the design appears to reasonably address the City's design review findings related to bulk, mass and neighborhood context. The design follows the natural topography to step

the house down the hillside with a multiple-level floor plan, with minimal grading. Due to the downslope nature of the lot, the project minimizes the bulk and scale of the second story along the street frontage by maintaining a one-story appearance consistent with adjacent properties. The main floor plate heights of the garage, guest bedroom, bathroom and powder room are set relatively low, approximately nine feet from the grade, consistent with the eight-foot to nine-foot-tall plate heights of existing residences in the neighborhood.

On the main floor in the living room and dining room it has a ten-foot plate and eleven-foot, six-inch respectively. The project minimizes the bulk of the higher wall plates in the living room and dining room along the street frontage by the finished floor heights being 13 to 15 feet below the street frontage. The massing of the right-side elevation for the living room and dining room are broken-up with the variation in materials along the elevations, which helps diminish bulk concerns. Along the left elevation, the massing of the living room and dining room are diminished by being obscured by the two-car garage with nine-foot plate heights.

The proposed project is sensitive to the scale of the neighborhood and incorporates similar massing found within the neighborhood context in the kitchen and dining area on the main floor, and the lower level, with nine-foot and nine-foot, six-inch respective plate heights. The design's use of lower plate heights helps diminish bulk concerns, which maintains consistency with the neighborhood. Overall, the flat roof design lowers the height and minimizes the bulk of the new house.

The design findings also require that a project not unreasonably interfere with views. Unless there is a view shed or easement across a property, there are no "rights" to a particular view. The intent of the City's view finding is clarified in Section 4.1 of the Design Guidelines and relates to minimizing the visual impact of a project. On hillside lots, dwellings should reflect the topography by following the contours of the site. Moreover, on downslope lots such as the subject site, the roof should be minimized to diminish the visual prominence of a roof.

The 27-foot-tall house is in scale with other houses within the surrounding neighborhood. The overall height is also minimized by cutting into the natural grade of the lot and lowering the grade approximately six feet. The house is adequately screened with trees and various landscaping and several mature trees that line the right side and the rear of the property. Overall, staff believes the height of the new house, low-scale forms and the landscape screening diminishes bulk and mass impacts to adjacent properties.

## **Privacy**

The design proposes lower scale windows along the left and right-side elevations, with balconies proposed along the rear elevations off the great room on the main level and bedroom No. 5, the sitting room and ADU at the lower level. The Design Review Commission has traditionally supported a minimum four-foot, six-inch plate height for windows along the side elevations, and the Design Guidelines recommend a maximum four-foot depth for balconies to create passive outdoor areas. The site is situated between two single-family houses, 897 and 901 Madonna Way, and the Los Altos Union Presbyterian Church to the rear (northeast). Given the hillside context and existing mature trees and vegetation and proposed evergreen screening, there are limited views toward 897 Madonna Way, whose house sits higher on the hillside and does not have any usable yard spaces on this side of its lot. The house at 901 Madonna Way sits lower than the proposed house but is angled away from the site

in a way that limits many direct views toward its rear yard. Overall, staff has not identified any issues with window placement or balconies due to off-site views and finds that the proposal will maintain a reasonable level of privacy.

### **Trees and Landscaping**

There are a total of 13 oak trees on the project site as well as several additional trees adjacent to the site on neighboring properties. An arborist report was prepared by Kielty Arborist Services and is included in Attachment C. Sheet A1 of the project plans provides an inventory of the trees and their placement on the site. Eight oak trees are proposed for removal due to their conflict with the proposed building footprint or due to the trees being dead or in poor condition.

Beyond the tree inventory, the landscape plan does not include any details about the new landscaping that will be installed with the project. To ensure that erosion is minimized, plantings that are appropriate for hillside settings should be specified (Condition No. 15). Since the project includes a new house and more than 500 square feet of new landscape area, it is subject to the City's Water Efficient Landscape Ordinance. Due to the loss of eight protected coast live oak trees, staff recommends the planting of three coast live oak trees on the property (Condition No. 16).

### **Development and Design Standards for Accessory Dwelling Units**

The project includes an administratively reviewed accessory dwelling unit permit application for a new 849 square-foot attached ADU, which is not part of the design review application. Pursuant to Section 65852.2 of the Government Code, a local jurisdiction shall not preclude the construction of an accessory dwelling unit with at least 800 square feet in size, 16 feet in height or the height of the underlying zoning district, and four-foot side and rear yard setbacks.

Per the Section 14.14.050 of the Los Altos Zoning Code (LAZC), an attached ADU greater than 16 feet may be allowed if it complies with the height of the underlying district for the zoning district, which is 27 feet for the R1-10 zoning district. Since the proposed ADU height of 22.6 feet is below the maximum permitted height of the R1-10 zoning district, the ADU is permitted according to Section 14.76.021 of the Zoning Code.

Section 14.14.021 of the Municipal Code outlines the standards for accessory dwelling units. These standards include meeting all current development regulations for the single-family residential accessory dwelling units (ADU). An ADU separate entrance may be provided from the unit to the exterior of the residence, and an interior connection is permitted to the main living area. The second unit is required to provide one uncovered parking space in addition to the parking spaces required for the main house, unless exempt under Section 14.14.050(i)1-6). The unit complies with the daylight plane standard, and the project complies with ADU parking requirements by providing one uncovered on-site parking space.

The proposed ADU is comprised of the main studio with living area, sleeping area and standard kitchen, one bathroom, and closet. The accessory dwelling unit's architectural features, window styles, roof slopes, exterior materials, colors, appearance, and design is compatible and integrated with the proposed two-story single-family dwelling.

Prior to the issuance of the building permit for the ADU, Section 14.14.040 of the Zoning Code requires the owner must record a deed restriction stating that the ADU may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary dwelling.

**Environmental Review**

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves the construction of a single-family dwelling in a residential zone.

**Public Notification**

A public meeting notice was posted on the property and mailed to 11 nearby property owners on Madonna Way, Nash Road and University Ave. The applicant has provided an outreach letter, and it is provided as Attachment D in Attachment B of the agenda report for November 17, 2021 (Attachment B). The applicant also posted the public notice sign (24” x 36”) in conformance with the Planning Division posting requirements, as shown in Attachment E.

**Public Correspondence**

Staff received one letter from a resident who supported the project. Their letter is attached as Attachment E.

Cc: Khurram Iqbal, Applicant, Applicant  
Elnaz Masson and Same Ilkhani, Property Owners

Attachments:

- A. Applicant Variance letter
- B. Notification Map
- C. Arborist Report
- D. Outreach Letter
- E. Proof of Public Notice
- F. Material Board

## FINDINGS

V22-0001 and SC21-0051 – 899 Madonna Way

1. With regard to the variances for encroachment into the daylight plane, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:
  - a. The granting of the variances is consistent with the objectives of the Zoning Code set forth in Chapter 14.02;
  - b. The granting of the variances will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
  - c. The variances for increased height, reduced side and rear yard setbacks, encroachments into the daylight plane and more than two stories are reasonable due to the steeply sloping topography of the site, which is considered a special circumstance. Strict application of these provisions of the R1-10 District would deprive the property of constructing an appropriately sized house and adjacent useable outdoor spaces that are enjoyed by other properties in the vicinity and under the identical zoning classification (R1-10).
  
2. With regard to the new two-story house, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:
  - a. The proposed new house complies with all provision of this chapter;
  - b. The height, elevations, and placement on the site of the proposed new house, 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 new house in relation to the immediate neighborhood will minimize the perception of excessive bulk and mass;
  - 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 new house has been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection.



## CONDITIONS

V22-0001 and SC21-0051 – 899 Madonna Way

### **GENERAL**

**1. Expiration**

The Design Review Approval will expire on June 15, 2024 unless prior to the date of expiration, a building permit is issued, or an extension is granted pursuant to Section 14.76.090 of the Zoning Code.

**2. Approved Plans**

The approval is based on the plans and materials received on May 31, 2022, except as may be modified by these conditions.

**3. Protected Trees**

All existing trees to remain, as shown on Sheet A1 shall be protected under this application and cannot be removed without a tree removal permit from the Community Development Director. Trees Nos. 2, 3, 5-8, 10 and 12 shall be removed as part of this design review permit application.

**4. Tree Removal Approved**

Trees Nos. 2, 3, 5-8, 10 and 12 shown to be removed on plan Sheet \_ of the approved set of plans are hereby approved for removal. Tree removal shall not occur until a building permit is submitted and shall only occur after issuance of a demolition permit or building permit. Exceptions to this condition may be granted by the Community Development Director upon submitting written justification.

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

**6. Change of Address**

A Change of Address application must be submitted to the Building Division to correlate the project site address with the street that the front of the house faces.

**7. Address Assignment**

A "Request for Address Assignment or Change" form must be submitted to the Building Division to correlate with the addition of a new dwelling unit on the existing property.

**8. Landscaping**

The project shall be subject to the City's Water Efficient Landscape Ordinance (WELO) pursuant to Chapter 12.36 of the Municipal Code if over 500 square feet or more of new landscape area, including irrigated planting areas, turf areas, and water features is proposed.

**9. Underground Utility and Fire Sprinkler Requirements**

Additions exceeding fifty (50) percent of the existing living area (existing square footage calculations shall not include existing basements) and/or additions of 750 square feet or more shall trigger the undergrounding of utilities and new fire sprinklers. Additional square footage calculations shall include existing removed exterior footings and foundations being replaced and rebuilt. Any new utility service drops are pursuant to Chapter 12.68 of the Municipal Code.

**10. 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. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

**INCLUDED WITH THE BUILDING PERMIT SUBMITTAL**

**11. Conditions of Approval**

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

**12. Applicant Acknowledgement of Conditions of Approval**

The applicant shall acknowledge receipt of the final conditions of approval and put in a letter format acceptance of said conditions. This letter will be submitted during the first building permit submittal.

**13. Tree Protection Notes**

The grading plan and the site plan shall show all tree protection fencing and add the following notes:

- a. All tree protection fencing shall be chain link and a minimum of five feet in height with posts driven into the ground.
- b. The project shall implement and abide by all tree protection measures prescribed in the Kiely Arborist Services report dated July 3, 2018.
- c. The project arborist shall provide a plan review letter of the grading and drainage plan to ensure that all trees proposed for preservation can be preserved. If additional trees removal is required, appropriate replacement trees should be specified.

**14. 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.”

**15. Water Efficient Landscape Plan**

Provide a landscape documentation package prepared by a licensed landscape professional showing how the project complies with the City’s Water Efficient Landscape Regulations and include signed statements from the project’s landscape professional and property owner. To minimize erosion, plantings that are appropriate for hillside settings should be specified.

**16. Landscape Plan**

The landscape plan shall be revised to plant three 15-gallon coast live oak trees on the property.

**17. Reach Codes**

Building Permit Applications submitted on or after January 26, 2021 shall comply with specific amendments to the 2019 California Green Building Standards for Electric Vehicle Infrastructure and the 2019 California Energy Code as provided in Ordinances Nos. 2020-470A, 2020-470B, 2020-470C, and 2020-471 which amended Chapter 12.22 Energy Code and Chapter 12.26 California Green Building Standards Code of the Los Altos Municipal Code. The building design

plans shall comply with the standards and the applicant shall submit supplemental application materials as required by the Building Division to demonstrate compliance.

**18. California Water Service Upgrades**

You are responsible for contacting and coordinating with the California Water Service Company any water service improvements including but not limited to relocation of water meters, increasing water meter sizing or the installation of fire hydrants. The City recommends consulting with California Water Service Company as early as possible to avoid construction or inspection delays.

**19. Green Building Standards**

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

**20. Underground Utility Location**

Show the location of underground utilities pursuant to Chapter 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.

**21. Air Conditioner Sound Rating**

Show the location of any air conditioning unit(s) on the site plan including the model number of the unit(s) and nominal size of the unit. Provide the manufacturer's specifications showing the sound rating for each unit. The air conditioning units must be located to comply with the City's Noise Control Ordinance (Chapter 6.16) and in compliance with the Planning Division setback provisions. The units shall be screened from view of the street.

**22. Off-haul Excavated Soil**

The grading plan shall show specific grading cut and/or fill quantities. Cross section details showing the existing and proposed grading through at least two perpendicular portions of the site or more shall be provided to fully characterize the site. A note on the grading plans should state that all excess dirt shall be off-hauled from the site and shall not be used as fill material unless approved by the Building and Planning Divisions.

**23. 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**

**24. Tree Protection**

Tree protection fencing shall be installed around the dripline(s), or as required by the project arborist, for all existing trees to remain, as shown on Sheet A1. 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.

**25. School Fee Payment**

In accordance with Section 65995 of the California Government Code, and as authorized under Section 17620 of the Education Code, the property owner shall pay the established school fee for each school district the property is located in and provide receipts to the Building Division. The City of Los Altos shall provide the property owner the resulting increase in assessable space on a form approved by the school district. Payments shall be made directly to the school districts.

## **PRIOR TO FINAL INSPECTION**

### **26. Landscaping Installation and Verification**

Provide a landscape Certificate of Completion, signed by the project's landscape professional and property owner, verifying that the trees, landscaping and irrigation were installed per the approved landscape documentation package.

### **27. Landscape Privacy Screening**

The landscape intended to provide privacy screening shall be inspected by the Planning Division and shall be supplemented by additional screening material as required to adequately mitigate potential privacy impacts to surrounding properties.

### **28. Green Building Verification**

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

### **29. Deed Restriction**

Prior to final inspection from the Planning Division, the owner must record a deed restriction and provide a conforming copy stating that the accessory dwelling unit may not be rented for periods less than thirty (30) days, and that it may not be transferred or sold separate from the primary residential structure. The Planning Division shall provide the deed restriction for recordation purposes after receipt of the legal description of the property from the current grant deed.