



DATE: July 1, 2015  
AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Assistant Planner  
**SUBJECT:** 15-V-05 – 33 Mayer Court

**RECOMMENDATION:**

Approve variance application 15-V-05 subject to the findings and conditions

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**PROJECT DESCRIPTION**

This project is a variance to allow a front yard setback of 14 feet, where 25 feet is required, an exterior side yard setback of 17 feet, where 20 feet is required, and a rear yard setback of six feet, where 21 feet is required. The project would add 1,028 square feet to the existing house. The following table summarizes the project's technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 11,528 square feet  
**MATERIALS:** Match existing – composition shingle roof, stucco siding, vinyl clad windows, wood trim and carriage style garage doors

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,558 square feet	3,627 square feet	4,035 square feet
<b>FLOOR AREA:</b>	2,558 square feet	3,586 square feet	3,903 square feet
<b>SETBACKS:</b>			
Front (Mayer Ct.)	14 feet	14 feet	25 feet
Rear	8 feet	6 feet	21 feet
Exterior side (El Monte Ave.)	20 feet	17 feet	10 feet
Left side	22 feet	10 feet	10 feet
<b>HEIGHT:</b>	14 feet	14 feet	27 feet

## **BACKGROUND**

The subject property is located on the Mayer Court cul-de-sac. Due to the curved shape of the street, many of the properties in this neighborhood are irregularly shaped. The subject property has a substandard lot depth of 84 feet, six inches, where 100 feet is required. The houses in this neighborhood are a combination of low profile, primarily one-story and with a few two-story structures that have predominantly simple architecture and rustic materials. Mature trees line the street and between properties with no established pattern.

## **DISCUSSION**

The existing house is non-conforming, as it does not meet the front and rear yard setbacks. The scope of the project is an addition and remodel that includes extending the garage twenty feet toward the corner of Mayer Court and El Monte Avenue and converting the existing garage into a living room, bedroom and laundry. As a result, the addition results in a street side yard setback of 17 feet, four inches, where a 20 feet is required.

The second part of the addition and remodel includes extending off the existing master bedroom and bedroom No. 2 by 13 feet, six inches, to create a new master bedroom and master bathroom. The addition will result in a front yard setback of 14 feet, where 25 feet is required and a rear yard setback of six feet, where a setback of 21 feet is required. Staff must note that a lot less than 100 feet in depth is a shallow lot, which requires a rear yard setback of twenty-five (25) percent of the depth of the site or twenty feet, whichever is less. Therefore, the subject lot's shallow depth of 84 feet, six inches, results in a required rear yard setback of 21 feet. A letter from the applicant that provides additional information about the variance request is included in Attachment B.

### **Setback Variance**

To grant a variance, the Design Review Commission must find that the project is consistent with the zoning code objectives, that it is not injurious to persons or property and that there is a special circumstance related to the property, where the strict application of the Code deprives the property owner of development privileges enjoyed by other similar properties.

Staff finds that the variance is not injurious to persons or properties in the vicinity. The variance will not result in any impacts that would be detrimental to the health, safety or welfare of persons living or working in the vicinity, or to any single-family residential properties. The project would maintain an appropriate building setback relationship with the structures on adjacent properties. The 27-foot functional setback from the edge of the public street to the face of the two-vehicle garage would ensure that there is adequate space in the driveway for a vehicle to park without encroaching into the public street.

A special circumstance is applicable to the property due to the irregular lot shape being wide with a shallow depth and elongated and curving frontage creates an unusually shaped and constrained building envelope. The shape and the shallow depth of the building envelope is unique to this property as the surrounding lots have a more normalized lot configuration with a greater depth than width. Staff is in support of this variance because of the shape of the lot and required setbacks,

where the surrounding patterns of the lots have a greater depth and more normalized lot configuration allowing more normal development privileges.

## **ENVIRONMENTAL REVIEW**

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves additions to an existing structure.

## **PUBLIC CONTACT**

This project was advertised in a newspaper ten-days in advance of the meeting date, and it was noticed to 76 neighboring property owners in addition to an on-site posting.

## **ALTERNATIVES**

The Commission could deny the variance and/or modify the conditions approval; or approve the appeal and remove the conditions of approval in question.

Procedurally, the Design Review Commission acts on the variance application, but not on one-story design review applications. If approved, then staff will administratively approve the design since it otherwise meets our design findings and Residential Design Guidelines.

Cc: Michelle Miner, Designer  
Rasha Dessouki, Owners

### Attachments

- A. Application
- B. Cover Letter
- C. Area and Vicinity Maps
- D. Public Noticing and Notification Map

## FINDINGS

15-V-05 – 33 Mayer Court

With regard to the variance to allow a front yard setback of 14 feet, where 25 feet is required, an exterior side yard setback of 17 feet, where 20 feet is required, and a rear yard setback of six feet, where 21 feet is required, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. That the granting of the variances is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. That the granting of the variances is not 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. That a special circumstance applicable to the property exists due to the irregular shape and functionally shallow depth of the subject property, and the strict application of the required front yard, exterior side yard and rear yard setback deprives this property of development privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

## CONDITIONS

15-V-05 – 33 Mayer Court

1. The approval is based on the plans received on June 25, 2015 and the written application materials provided by the applicant, 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. The applicant/owner agrees to indemnify, defend, protect, and hold City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.





# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 11066078

<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 checked="" 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: 33 Mayer Ct.

Project Proposal/Use: Single family Current Use of Property: Single family

Assessor Parcel Number(s): 189-35-028 Site Area: \_\_\_\_\_

New Sq. Ft.: 1027.6 Altered/Rebuilt Sq. Ft.: 418 Existing Sq. Ft. to Remain: 2140

Total Existing Sq. Ft.: 2558 Total Proposed Sq. Ft. (including basement): 3586

Applicant's Name: Michelle Miner

Telephone No.: 408-396-0984 Email Address: Shelminera@aol.com

Mailing Address: 18488 Prospect Rd # 6

City/State/Zip Code: Saratoga CA 95070

Property Owner's Name: Rasha Dessouki

Telephone No.: 408 650-714-4099 Email Address: Rasha@dessouki.com

Mailing Address: 33 Mayer Ct.

City/State/Zip Code: Los Altos CA 94022

Architect/Designer's Name: Michelle Miner

Telephone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Mailing Address: Same as applicant

City/State/Zip Code: \_\_\_\_\_

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



# ATTACHMENT B



18488 Prospect Rd. Suite 6  
Saratoga Ca 95070  
408.396.0984

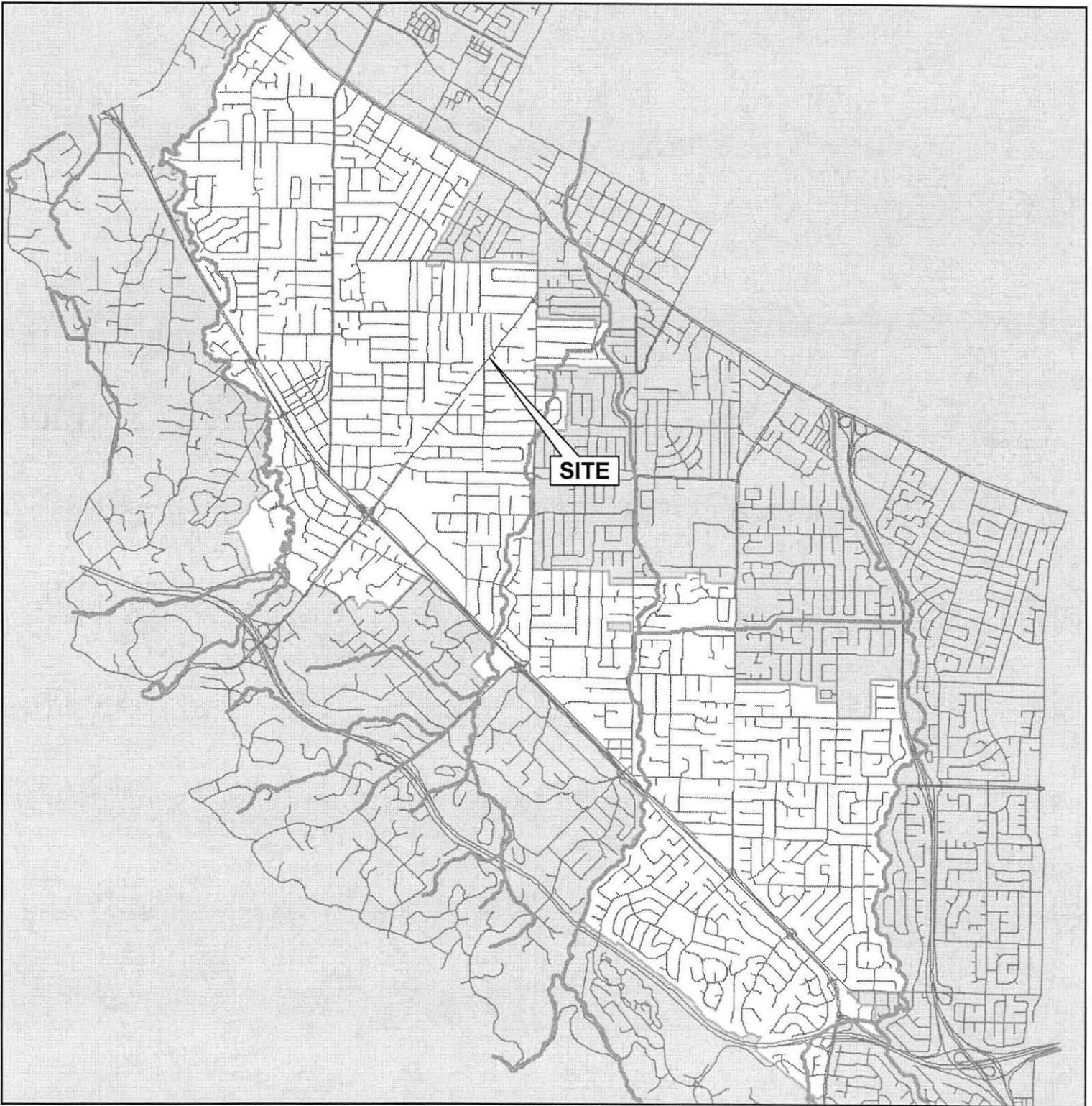
To City of Los Altos  
RE: 33 Mayer Ct.

We are requesting a variance to add on to our home at 33 Mayer Ct. The addition will encroach into the front, rear and street side setbacks.

1. If this variance is granted all of the zoning ordinances will be met except for the setbacks
2. Granting this variance will not be detrimental to the health, safety, or welfare of person living or working in the vicinity or injurious to property or improvements in the vicinity.
3. Our property is on an entrance corner of a court and is a very odd shape. Because of the shape and the fact that it is on a corner, we have 3 large setbacks, 2 that are 25' and one 20' and a 10' setback on the smallest length of the lot. At one point because of the shape of the lot the setback lines actually cross over each other. The lot is an 11,528 s.f. lot which allows for a 3903 s.f. home. The building envelope on this lot is only 2550 s.f. and only 2000 s.f. of it is usable. Therefore building a home similar to what is allowed on other lots of this size could only be accomplished by extending into the setbacks. The front setback encroachments will not extend into the front setback any further than the existing home, therefore it will not affect the neighbors more than it does today. The rear encroachment faces the neighbors side yard where they have an accessory structure that has a similar setback. The streetside encroachment extends the least into the setback and will have no adverse effects. We will be adding a new garage and changing the location of the garage door which will improve the safety of the approach to this house greatly.



# AREA MAP



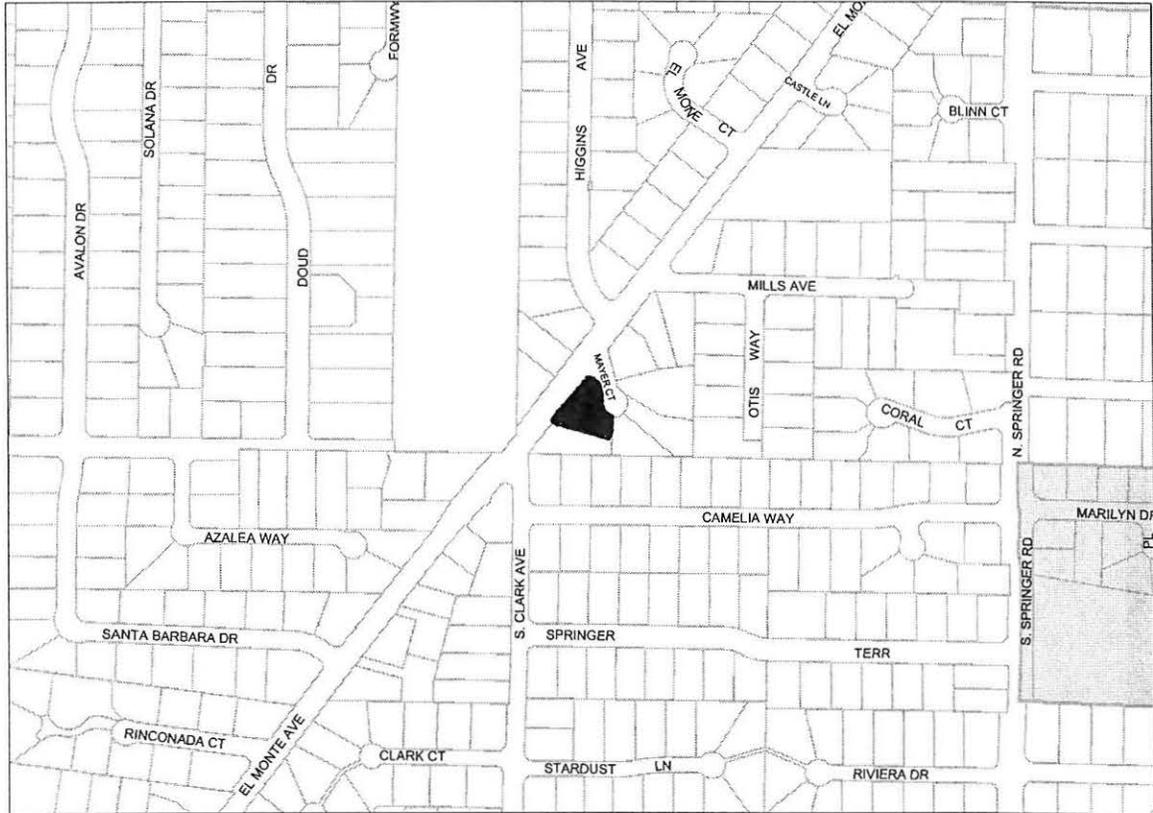
CITY OF LOS ALTOS

**APPLICATION:** 15-V-05  
**APPLICANT:** M. Miner/R. Dessouki  
**SITE ADDRESS:** 33 Mayer Court

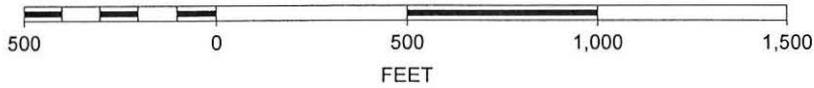


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

**APPLICATION:** 15-V-05  
**APPLICANT:** M. Miner/R. Dessouki  
**SITE ADDRESS:** 33 Mayer Court

# 33 Mayer Court 500-foot Notification Map

## ATTACHMENT D



SCALE 1 : 2,683

