



DATE: September 30, 2015

AGENDA ITEM # 2

**TO:** Design Review Commission  
**FROM:** Zachary Dahl, Planning Services Manager  
**SUBJECT:** 15-V-11 – 271 Margarita Court

**RECOMMENDATION:**

Approve variance application 15-V-11 subject to the findings

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**PROJECT DESCRIPTION**

This is a variance to allow an accessory structure with pool equipment to be located within the right side yard setback. The project includes a new accessory structure, 10 feet long by four feet wide with a height of six feet, to replace the existing pool equipment enclosure in the same location.

**BACKGROUND**

The Zoning Code allows for accessory structures up to six feet in height to be located within a required side yard setback. However, the Code also specifies that accessory structures with pool equipment are not allowed to be within a side yard setback. The intent of this requirement was to avoid locating pool equipment, which can be noisy, near bedroom window openings or other sensitive receptor areas on neighboring properties. This requirement has been in effect since September of 2008.

The subject property is located mid-block on Margarita Court, which is a cul-de-sac street off of Los Altos Avenue. It is designated as Single-Family in the General Plan and zoned R1-10 (Single Family). In July of 2014, a design review application for a one-story addition and remodel to the existing two-story house was approved by the Planning Division. Since there was no new square-footage being added to the second story, approval by the Design Review Commission was not required. A building permit was issued in September of 2014 and the house is currently under construction.

**DISCUSSION**

The swimming pool in the rear yard was originally constructed in 1969 according to City permit records. At that time, pool equipment was allowed to be located in a side yard setback. As part of the recent Planning approval, the pool equipment enclosure was required to be relocated to meet current Zoning Code requirements. However, there is a Public Utility Easement (PUE) for overhead utility lines that runs along the rear 10 feet of the property, and accessory structures are not allowed to be located within the PUE. Due to this limitation, the structure cannot be located along the rear fence, which is a typical placement for a pool equipment enclosure.

Since the structure cannot be located along the rear property line, the owners are seeking a variance to allow for the new pool equipment enclosure to be in the same location as the existing pool equipment enclosure. A letter from which provides additional information about the project and outlines the reasons for about their variance request is included as Attachment B. To ensure that there are not any noise impacts from the pool equipment, the structure walls will include insulation and sound-proof board (plan sheet 3).

In order to approve a variance, the Commission must make three positive findings per Section 14.76.060 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. 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 the Zoning Code 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 a variance to allow for a pool equipment enclosure in the left side yard would be consistent with the objectives of the Zoning Code since the structure meets the size and height requirements for an accessory structure in a side yard setback.

The variance would 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. The new accessory structure is designed to be sound attenuating to ensure that the pool equipment does not violate the City's Noise Control Ordinance or impact the adjacent property.

There is a special circumstance applicable to the property since the rear yard of the property is encumbered with a public utility easement and accessory structures are not allowed to be located within this easement. Strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classifications since they are allowed to have accessory structures and pool equipment enclosures in their rear yards.

Procedurally, if the variance is approved, then staff will administratively approve the accessory structure since it otherwise meets the R1-10 District requirements.

## **ENVIRONMENTAL REVIEW**

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

## PUBLIC CONTACT

A public hearing notice was published in the *Town Crier*, posted on the property and mailed to all property owners within 500 feet of the property for the September 30, 2015 Design Review Commission hearing. The mailed notice included 113 property owners.

Cc: Siva and Priya Kolappa, Applicants and Owners

Attachments:

- A. Application
- B. Applicant Letter
- C. Area, Vicinity and Notification Maps

## FINDINGS

15-V-11 – 271 Margarita Court

With regard to allowing an accessory structure with pool equipment to be located within the left side yard setback, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. 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
- c. There is a special circumstance applicable to the property since the rear yard of the property is encumbered with a public utility easement and accessory structures are not allowed to be located within this easement. Strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classifications since they are allowed to have accessory structures and pool equipment enclosures in their rear yards.



# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1106794

<input 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: 271 MARGARITA CT LOS ALTOS CA 94022

Project Proposal/Use: POOL REBUILD Current Use of Property: SINGLE FAMILY RES

Assessor Parcel Number(s): 167-13-040 Site Area: \_\_\_\_\_

New Sq. Ft.: NA Altered/Rebuilt Sq. Ft.: NA Existing Sq. Ft. to Remain: NA

Total Existing Sq. Ft.: NA Total Proposed Sq. Ft. (including basement): NA

Applicant's Name: SIVA KOLAPPA

Telephone No.: 650 739 5272 Email Address: SKOLAPPA@GMAIL.COM

Mailing Address: 271 MARGARITA CT LOS ALTOS CA 94022

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

Property Owner's Name: SIVA KOLAPPA

Telephone No.: 650 739 5272 Email Address: SKOLAPPA@GMAIL.COM

Mailing Address: 271 MARGARITA CT

City/State/Zip Code: LOS ALTOS, CA 94022

Architect/Designer's Name: LIFE TIME POOL / GABRIELLE MARTIN

Telephone No.: -SAME AS ABOVE- Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

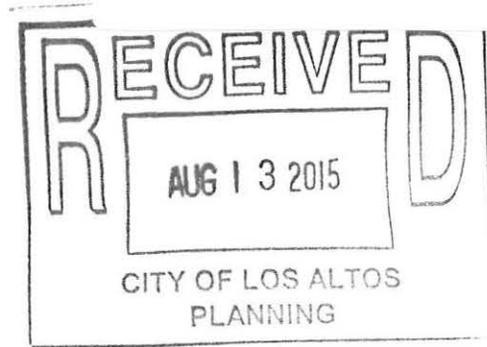
City/State/Zip Code: \_\_\_\_\_

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

(continued on back)

From,

Siva Kolappa  
Owner  
271 Margarita Ct  
Los Altos, CA 94022



To,

City of Los Altos  
Planning/Building Department

Subject: Variance request for pool equipment location for 271 Margarita Court.

We are Siva and Priya Kolappa, owners and residents of 271 Margarita Court. We are demolishing the existing pool and building a new pool at 271 Margarita Court.

As shown in the site plan, the lot at 271 Margarita Court, which has a North-South orientation, has a 10 feet PUE easement at the northern end of the lot. This easement runs the entire width of the lot. Additionally, there is a 2 feet AE easement along the western edge of the lot that runs for 20 feet and a 4 feet PUE easement along the eastern edge of the lot.

Existing city ordinances for pool equipment state the following: *"Accessory structures containing swimming pool motors and equipment shall not be located in a required interior side yard setback area"*. Due to this ordinance, the only location to place the pool equipment is in the back 25 feet of the lot. As per our understanding, the main reason for this ordinance is this: Pool equipment, especially motors create noise and the city does not want this noise to be a nuisance for residents of adjoining homes.

The existing ordinances along with the unique set of easements significantly reduce the footprint available for locating pool equipment for the new pool. In our case, if the existing ordinances are to be followed, the location of the new pool equipment will end up in the space of the backyard that is considered as the only play area for our kids. The biggest concern we have is this: By locating the pool equipment as per the ordinances, we will be creating a potential hazard for our kids and their friends.

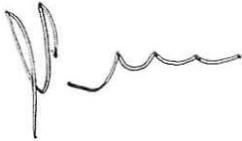
Given the above situation, we are requesting that the city allow us to install the new pool equipment at the location where the equipment for the old pool was located. The old pool equipment has been located in that spot for 20+ years. If the city allows us to use the old pool equipment location, we are ready to enclose the pool equipment with a sound proof structure to alleviate any noise concerns. Soundproofing will be achieved via a combination of vibration isolation pads and lining walls of the enclosure with sound blocking and absorbing foam and board.

Additionally, we will be using high tech high efficiency pumps that are relatively quiet.

The neighbors at 281 Margarita Court, who are immediately to the west of our property, are the only ones that could be potentially impacted by placing the new equipment at the old location. There are no neighbors behind us and the other neighbors are far away to be impacted. We discussed our situation with the neighbor at 281 Margarita Court, i.e. Bill Munroe and Patti Munroe. They are ok with us using the old pool equipment location. Attached is a signed letter from our neighbors at 281 Margarita Court stating that they have no objections in us using the old pool equipment location.

We are requesting that the city consider the special circumstances we are facing and grant permission to use the old pool equipment location to install new pool equipment.

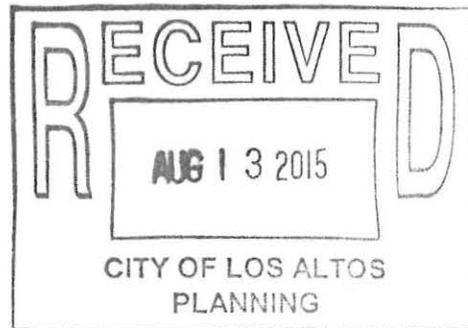
Sincerely,

A handwritten signature in black ink, appearing to read 'Siva Kolappa', with a stylized flourish at the end.

Siva Kolappa  
Priya Kolappa

08/04/15

LETTER FROM NEIGHBOR



From,

William Munroe & Patti Munroe  
Residents of  
281 Margarita Court  
Los Altos, CA 94022

To,

City of Los Altos  
Building/Planning Department

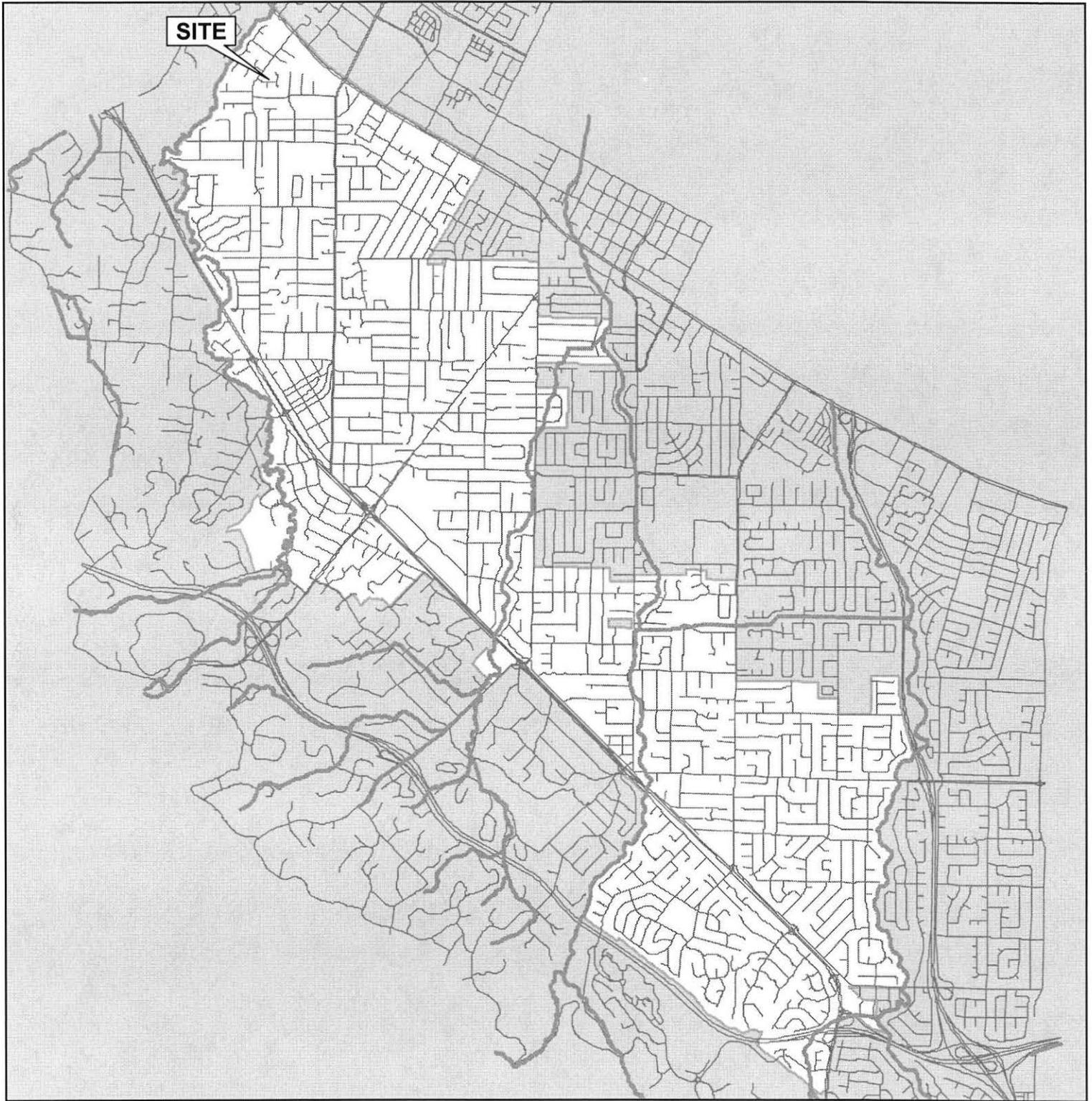
Subject: Pool equipment location, 271 Margarita Court Los Altos

We are the Munroe's and we live at 281 Margarita Court, which is immediately west of 271 Margarita Court. We understand that the Kolappa family, residents of 271 Margarita Court are building a new pool and are interested in installing pool equipment at the existing/old pool equipment location. After discussing with them, we have no objections with them installing their new pool equipment at the location where the existing/old pool equipment was located. Mr. Kolappa mentioned to us that they are planning on installing a sound insulated structure around the equipment to help with noise abatement. We think this will address any noise related concerns.

Sincerely,

Bill Munroe & Patti Munroe  
08/04/15

# AREA MAP



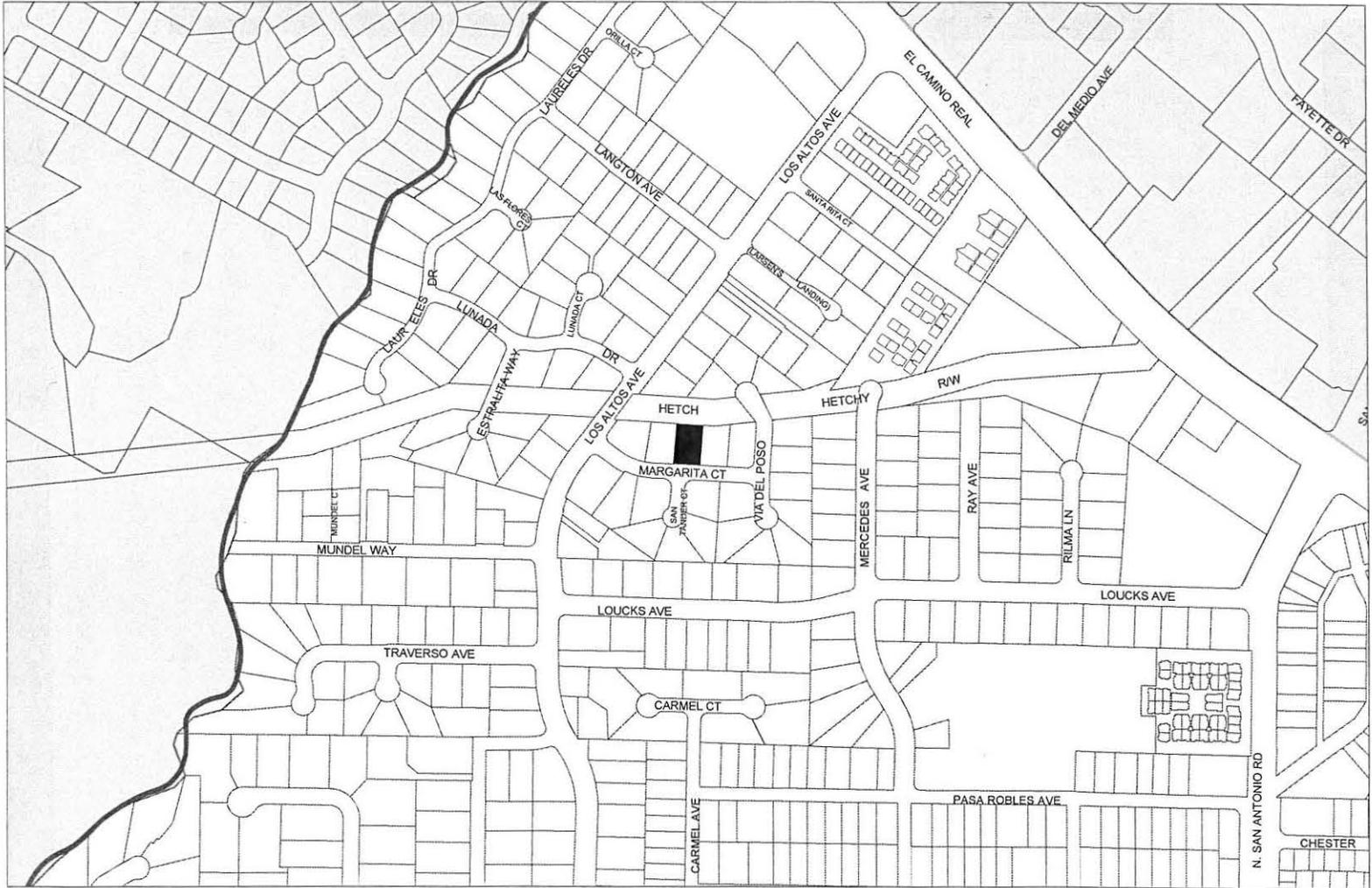
CITY OF LOS ALTOS

**APPLICATION:** 15-V-11  
**APPLICANT:** S. Kolappa  
**SITE ADDRESS:** 271 Margarita Court

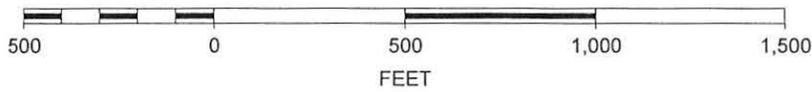


Not to Scale

# VICINITY MAP



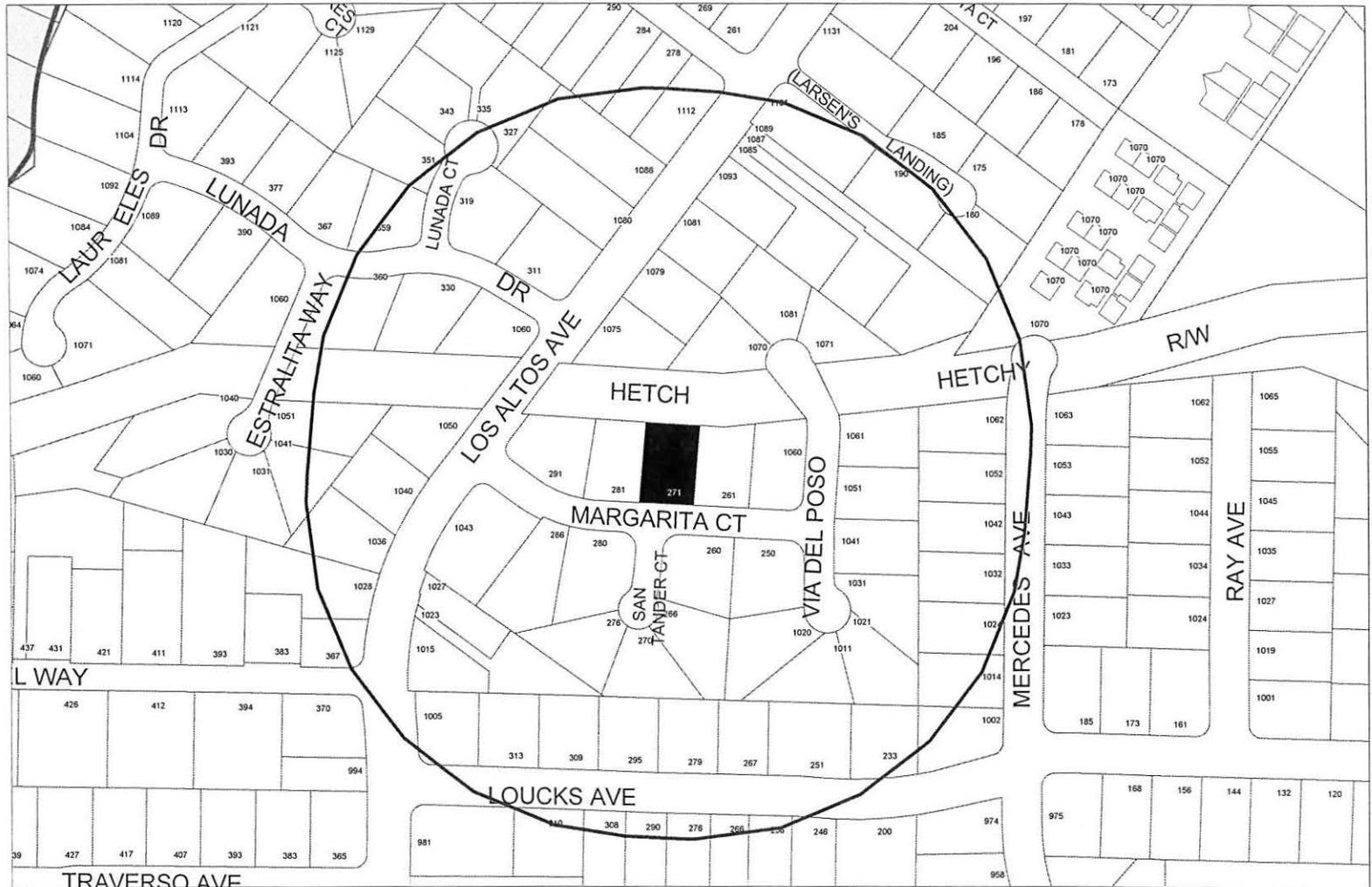
SCALE 1 : 6,000



**CITY OF LOS ALTOS**

**APPLICATION:** 15-V-11  
**APPLICANT:** S. Kolappa  
**SITE ADDRESS:** 271 Margarita Court

# 271 Margarita Court 500-foot Notification Map



SCALE 1 : 3,000

