



DATE: March 15, 2017

AGENDA ITEM # 3

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Assistant Planner  
**SUBJECT:** 17-V-01 – 305 Cuesta Drive

**RECOMMENDATION:**

Approve variance application 17-V-01 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

This project is a variance to allow an exterior side yard setback of 11.1 feet along El Monte Avenue, where 16 feet is required. The project includes an addition of 735 square feet to the existing one-story house. The following table summarizes the project's technical details:

<b>GENERAL PLAN DESIGNATION:</b>	Single-Family, Residential
<b>ZONING:</b>	R1-10
<b>PARCEL SIZE:</b>	10,495 square feet
<b>MATERIALS:</b>	Match existing – wood shake shingle roof, stucco siding, aluminum wood clad windows, wood trim and carriage style garage doors. New - standing seam metal roof, stone veneer wainscoting and wood shutters.

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	2,688 square feet	3,394 square feet	3,673 square feet
<b>FLOOR AREA:</b>	2,307 square feet	3,293 square feet	3,673 square feet
<b>SETBACKS:</b>			
Front (Cuesta Drive)	26 feet	25 feet	25 feet
Rear	51.7 feet	33.8 feet	25 feet
Right side	5.9 feet	5.9 feet	10 feet
Exterior side (El Monte Ave.)	11.1 feet	11.1 feet	16 feet
<b>HEIGHT:</b>	14.7 feet	14.7 feet	20 feet

## **BACKGROUND**

### **Neighborhood Context**

The subject property is located in a Consistent Character Neighborhood, as defined in the City's Residential Design Guidelines. The property is located at the corner of Cuesta Drive and South El Monte Avenue. The neighborhood context along Cuesta Drive, east of South El Monte Avenue, is consistent with houses that are visible at the street and similar with regard to style, massing and scale. The houses on Cuesta Drive west of South El Monte Avenue are not visible at the street because they are obscured by landscape. The properties to the north of the subject property on South El Monte Avenue are less prominent because properties have an exterior side yard relation to the street. The southern portion of South El Monte Avenue has a landscaped median with properties that have varied setbacks and landscape. The consistent character neighborhood determination is based on the Cuesta Drive neighborhood context since the front of the house faces Cuesta drive with the South El Monte Avenue frontage obscured by a fence and landscape hedge.

### **Neighborhood Context**

Due to the curved shape of the street, many of the properties in this neighborhood are irregularly shaped. The subject property has a width of 80 feet, four inches, where 90 feet is required for a corner lot, and it is considered a narrow lot. For narrow corner lots, an exterior side yard setback is reduced from 20 feet to 20 percent of its lot width.

## **DISCUSSION**

### **Variance Request**

The existing house is non-conforming on both side, with a right side yard setback of six feet, where 10 feet is required and an exterior side yard of 11 feet, where 16 feet is required. Since the project will be maintaining more than 50 percent of the existing house, the existing portions of the house that encroach into the right side and exterior side yard setbacks are allowed to be maintained. Condition No. 2 requires at least 50 percent of the existing house be preserved in order to maintain the non-conforming setbacks.

The scope of the project is an addition and remodel that includes extending the garage 15 feet, eight inches toward the corner of Cuesta and El Monte Avenue and converting 150 square feet of existing garage into a laundry room, mudroom and bathroom. The second part of the addition includes extending off the existing family room by 18 feet, ten inches, to create a new bedroom and bathroom. The project is proposed to maintain the existing exterior side yard setback of 11 feet and extend the wall in both directions to accommodate the two additions. A letter from the applicant provides additional information about the variance request is included in Attachment B.

### **Variance Findings**

In order to approve a variance, the Commission must make three positive findings pursuant to 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. That 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
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 variance to maintain the existing exterior side yard setback of the house would be consistent with the objectives of the City's zoning plan because the house was constructed with the intent to meet the required exterior side yard setback and the addition will maintain the existing exterior side yard setback of 11 feet and extend the wall in both directions to accommodate the two additions.

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, because the project would maintain an appropriate building setback relationship with the structures on adjacent properties. The 17-foot functional setback from the edge of the public street to the structure would ensure that there is adequate setback from the public street.

There is a special circumstance applicable to the property due to the slightly irregular shape of the lot and the narrow width for a corner lot, which creates an unusually shaped and constrained building envelope. Strict application of the R1-10 District setback requirements deprives this property of the ability to develop a regular shaped structure compared to other lots of similar size. The addition extends the building in a manner that is congruent with the original design concept and maintains a residential character compatible with the immediate neighborhood context.

Procedurally the Design Review Commission acts on the variance application. If approved, then staff will administratively approve the design since it otherwise meets the required design review findings and Residential Design Guidelines.

## **ENVIRONMENTAL REVIEW**

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

## **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 March 15, 2017 Design Review Commission hearing. The mailed notice included 74 property owners.

Cc: John and Jennifer Rickard, Owners  
Daryl V. Harris, Applicant/Architect

### Attachments

Design Review Commission  
17-V-01 – 305 Cuesta Drive  
March 15, 2017

- A. Application
- B. Cover Letter
- C. Area, Vicinity and Notification Map

## FINDINGS

17-V-01 – 305 Cuesta Drive

With regard to the variance to allow an exterior side yard setback of 11.1 feet, where 16 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 to maintain the existing exterior side yard setback of the house would be consistent with the objectives of the zoning plan set forth in the City's zoning plan because the house was constructed with the intent to meet the required exterior side yard setback and the addition will maintain the existing exterior side yard setback of 11 feet and extend the wall in both directions to accommodate the two additions;
- 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, because the project would maintain an appropriate building setback relationship with the structures on adjacent properties. The 17-foot functional setback from the edge of the public street to the structure would ensure that there is adequate setback from the public street; and
- c. There is a special circumstance applicable to the property due to the slightly irregular shape of the lot and the narrow width for a corner lot, which creates an unusually shaped and constrained building envelope. Strict application of the R1-10 District setback requirements deprives this property of the ability to develop a regular shaped structure compared to other lots of similar size. The addition extends the building in a manner that is congruent with the original design concept and maintains a residential character compatible with the immediate neighborhood context.

## CONDITIONS

17-V-01 – 305 Cuesta Drive

### **GENERAL**

#### **1. Approved Plans**

The approval is based on the plans received on February 13, 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. 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.



# ATTACHMENT A

## CITY OF LOS ALTOS GENERAL APPLICATION

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

Permit # 1107540

<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: 305 Cuesta Drive

Project Proposal/Use: Single Family Residence Current Use of Property: Single Family Residence

Assessor Parcel Number(s): 189-51-034 Site Area: 10,495 s.f.

New Sq. Ft.: 986 Altered/Rebuilt Sq. Ft.: 1,267 Existing Sq. Ft. to Remain: 1,040

Total Existing Sq. Ft.: 2,307 Total Proposed Sq. Ft. (including basement): 3,293

Is the site fully accessible for City Staff inspection? Yes

Applicant's Name: Daryl V. Harris

Telephone No.: (530) 268-3055 Email Address: rhassoc@sbcglobal.net

Mailing Address: 22867 Sunset Ridge Drive

City/State/Zip Code: Auburn, CA 95602

Property Owner's Name: John and Jennifer Rickard

Telephone No.: (650) 208-4081 Email Address: jrickard@apple.com

Mailing Address: 305 Cuesta Drive

City/State/Zip Code: Los Altos, CA 94024

Architect/Designer's Name: RH Associates - Daryl V. Harris

Telephone No.: (530) 268-3055 Email Address: rhassoc@sbcglobal.net

Mailing Address: 22867 Sunset Ridge Drive

City/State/Zip Code: Auburn, CA 95602

*\* 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. \**

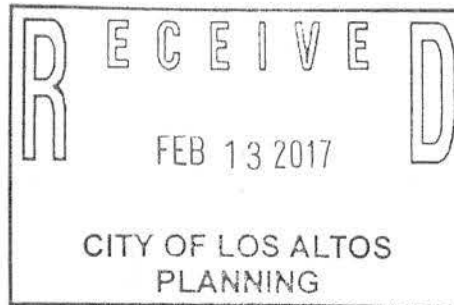
*(continued on back)*







## ATTACHMENT B



January 3, 2017

City of Los Altos  
Planning Division  
[Planning@losaltosca.gov](mailto:Planning@losaltosca.gov)

Re: 305 Cuesta Drive

### VARIANCE JUSTIFICATION LETTER

The purpose of this letter is to request a single-family residential variance for the residence of John and Jennifer Rickard located at 305 Cuesta Drive in Los Altos.

The proposed project is a 986 square-foot one-story addition to an existing 2,307 square-foot one-story residence on a 10,495 square foot lot that includes building extensions to the front and rear of the side of the home. The side of the existing home in question is currently 11'-2" from the street-side (East) property line and the present code requires 16'-0". The variance we are requesting, is to allow the extension of the proposed addition to match the existing 11'-2" side yard for both the front and back of the home. The portion of the home which currently is non-conforming is 40'-6". We are asking to extend 12'-8" toward the front and 10'-10" toward the rear.


The granting of this request will have little to no impact on the surrounding neighborhood because the street side in question faces El Monte Avenue, which is quite a busy street and the property across the street is the Los Altos Lutheran Church. The property directly to the rear has a very similar situation, facing El Monte and the church, and is located about the same or closer to the side property line. The rest of the neighborhood will not be affected because the street side yard is on the opposite side of the house from them.

The amount of addition that could be allowed by City Planning exception, per the L.A. Municipal Code 14.06.080.G, is 20 feet. We are requesting 23'-6" split between front and back extensions, which is 15% over what could be approved without a variance.

Because granting this variance request has no negative impacts on the surrounding neighborhood and has positive impacts for the owner's enjoyment of their property, we feel that the City of Los Altos should approve this variance request.

Please review our submittal documents and let us know if you have any questions or need further information.

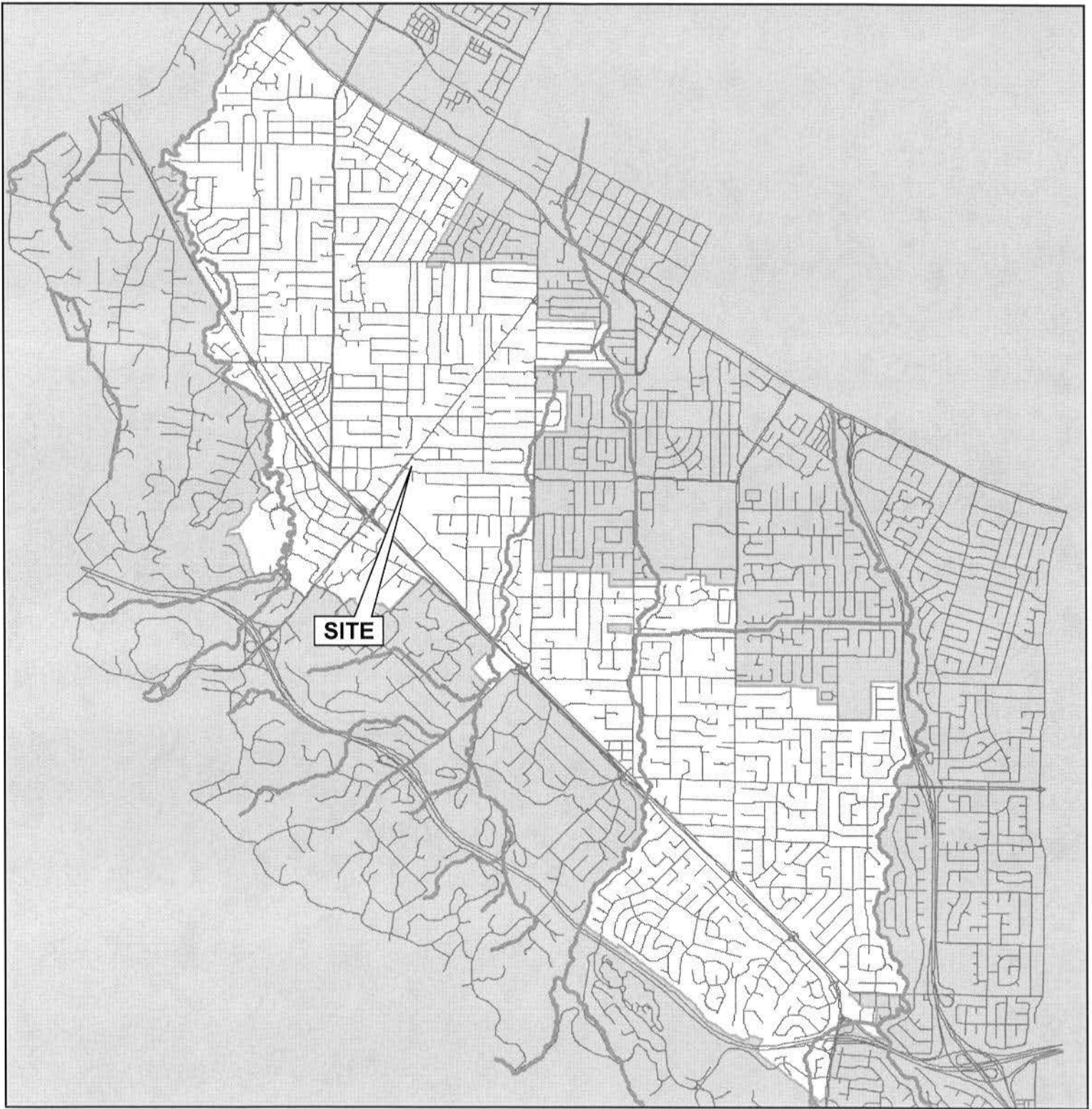
Sincerely,

A handwritten signature in black ink, appearing to read "J. Steve Collom", followed by a long horizontal line extending to the right.

J. Steve Collom, Project Architect

c:\rickard\variance justification.docx

# AREA MAP ATTACHMENT C



CITY OF LOS ALTOS

**APPLICATION:** 17-V-01  
**APPLICANT:** D. Harris/ J. and J. Rickard  
**SITE ADDRESS:** 305 Cuesta Drive

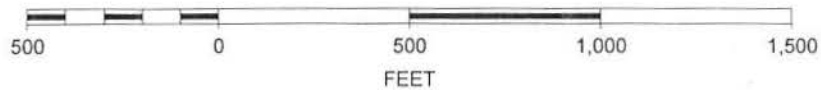


Not to Scale

# VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 17-V-01  
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SITE ADDRESS: 305 Cuesta Drive

# 305 Cuesta Drive 500-foot Notificaiton Map

