



DATE: July 15, 2015

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Zachary Dahl, Senior Planner
SUBJECT: 15-V-07 – 930 Stanley Avenue

RECOMMENDATION:

Approve variance application 15-V-07 subject to the findings

PROJECT DESCRIPTION

This project is a variance to allow a rear yard setback of 2.5 feet where a setback of 7.5 feet is required for a new accessory structure. The project includes a new pool cabana structure that is 371 square feet in size. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION:	Single-Family, Residential
ZONING:	R1-10
PARCEL SIZE:	12,432 square feet
MATERIALS:	Match existing house – clay barrel tile roof, stucco siding, precast trim details and wood trellis

	Existing	Proposed	Allowed/Required
COVERAGE:	3,707 square feet	4,201 square feet	4,351 square feet
FLOOR AREA:	3,623 square feet	3,987 square feet	3,993 square feet
SETBACKS:			
Rear	N-A	2.5 feet	7.5 feet
Right side	N-A	2.5 feet	2.5 feet
Left side	N-A	46 feet	2.5 feet
HEIGHT:	N-A	12 feet	12 feet

BACKGROUND

The Zoning Code requires a minimum 2.5-foot setback from the side and rear property lines for accessory structures in the rear yard of R1 zoned properties. To reduce the perception of bulk and mass from adjacent properties along a side property line, there is an accessory structure daylight plane. In response to concerns about the visual impact of tall accessory structures on the rear yard of adjacent properties, the City adopted a stepped rear yard setback requirement for accessory structures. This new setback required accessory structures to have a minimum setback from a rear property line as follows:

- a. Two and one-half feet when the structure is under eight feet in height;
- b. Five feet when the structure is between eight and 10 feet in height;
- c. Seven and one-half feet when the structure is between 10 and 12 feet in height; and
- d. Two and one-half feet when the rear property line abuts an alley.

As noted above, when a property is adjacent to an alley, the stepped setback requirement for accessory structures does not apply since the alley provides a buffer between properties. These accessory structure setback requirements have been in effect since September of 2008.

DISCUSSION

The subject property is located near the end of Stanley Avenue, a cul-de-sac street off of Miramonte Avenue. The rear of the property abuts a 3.24 acre property that is owned by the City of Mountain View and used as a water reservoir (public facility). All properties along the south side of Stanley Avenue abut this water reservoir site and many have existing accessory structures along their rear property lines.

The owners of the subject property are seeking a variance to allow for the construction of a new accessory structure (pool cabana) with a reduced rear yard setback. A letter and photos which provides additional information and outlines the reasons for about their variance request is included as Attachment B.

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 reduced rear yard setback for the new accessory structure would be consistent with the objectives of the zoning ordinance. The intent of the rear yard accessory structure setback is to reduce the visual impact on neighboring residential properties to the

rear. However, in this case, since the property abuts a public facility, there are not any residential properties to the rear.

The variance would 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 meets the required side yard setbacks and the reduced rear yard setback is not adjacent to any single-family properties.

There is a special circumstance applicable to the property since it abuts to a public facility - water reservoir site – to the rear. 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 many of the nearby properties have accessory structures along their rear property lines.

Procedurally, if the variance is approved, then staff will administratively approve the accessory structure design since it otherwise meets the R1-10 District requirements and complies with the Residential Design Guidelines.

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 July 15, 2015 Design Review Commission hearing. The mailed notice included 79 property owners.

Cc: Anuja and Kaushik Sheth, Applicants and Owners

Attachments:

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

FINDINGS

15-V-07 – 930 Stanley Avenue

With regard to allowing an accessory structure rear yard setback of 2.5 feet where 7.5 feet is required, 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 it abuts to a public facility - water reservoir site – to the rear. 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 many of the nearby properties have accessory structures along their rear property lines.



CITY OF LOS ALTOS
GENERAL APPLICATION

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

Permit # 1106698

<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: 930 Stanley Ave

Project Proposal/Use: Cabana Current Use of Property: Residence

Assessor Parcel Number(s): 189-11-033 Site Area: 74' x 168'

New Sq. Ft.: ^{Addition} 497 Altered/Rebuilt Sq. Ft.: _____ Existing Sq. Ft. to Remain: 4351-4200

Total Existing Sq. Ft.: 3631+72 Total Proposed Sq. Ft. (including basement): 4200

Applicant's Name: ANUJA & KAUSHIK SHETH

Telephone No.: 650-969-3112 Email Address: ksheth-60@yahoo.com

Mailing Address: 930- Stanley Ave.

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

Property Owner's Name: -SAME AS ABOVE-

Telephone No.: 650-269-2957 Email Address: _____

Mailing Address: _____

City/State/Zip Code: _____

Architect/Designer's Name: Skyline Design Studio

Telephone No.: 650-520-4017 Email Address: skyline@skylinedesignstudio.net

Mailing Address: P.O. Box 3759, Half Moon Bay.

City/State/Zip Code: CA-94019-3759

*** 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

To: Design Review commission
City of Los Altos, CA

Dear Sir,

I, Kaushik Sheth and my wife Anuja Sheth, of 930 Stanley Ave, Los Altos are asking for a Zoning variance for the proposed cabana. In particular, we request that cabana be allowed to be built at a 2.5 ft setback from the rear fence.

Reasons for Zoning Variance: In keeping with the spirit and purpose of the rule, we would like to present our unique condition.

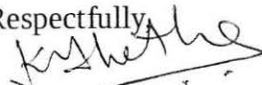
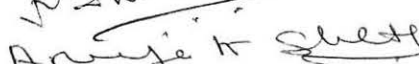
- Our rear yard neighbor is not a home, but rather the City of Mountain View Reservoir. As a result, we share a unique relationship with them. Ever since they built the service road behind our backyard, we have lost much of our privacy. The service road is elevated 4 ft above ground level and is only 5 ft away from our fence. When service vehicles drive past they are well above our fence, and the drivers get a nice scenic tour of my backyard and my house. Furthermore, the City of Mountain View has workers on top of the reservoir several times a year. As the top of the reservoir is taller than my fence, they can see directly into my family room and master bedroom.
- We have several 10+ year old fruit trees that we will be able to save if we move the proposed cabana closer to the rear fence.
- This proposed plan is also the optimal utilization of available lot area. It allows for a less fragmented backyard that can be landscaped more effectively.

Like most people, we like to enjoy our pool and our backyard in the company of our friends and family, and appreciate our privacy during those moments. A few years ago, my daughter and her friends were swimming and sun bathing in our backyard when several service trucks and workers showed up at the water reservoir. The girls felt uncomfortable and had to pack up their party in a hurry.

Solution:

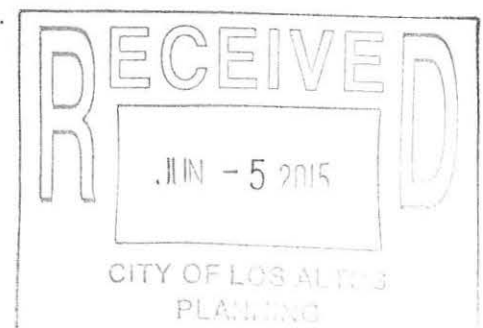
To regain our privacy and add value to our property, we propose that the cabana be allowed to build at a 2.5-ft setback. In addition, we propose planting Italian cypress on our property along the fence adjoining the reservoir property. This solution has the added benefit of saving several fruit trees existing on the property.

Respectfully,



Anuja K Sheth

Kaushik and Anuja Sheth
(650) 969 3112

5th June, 2015.



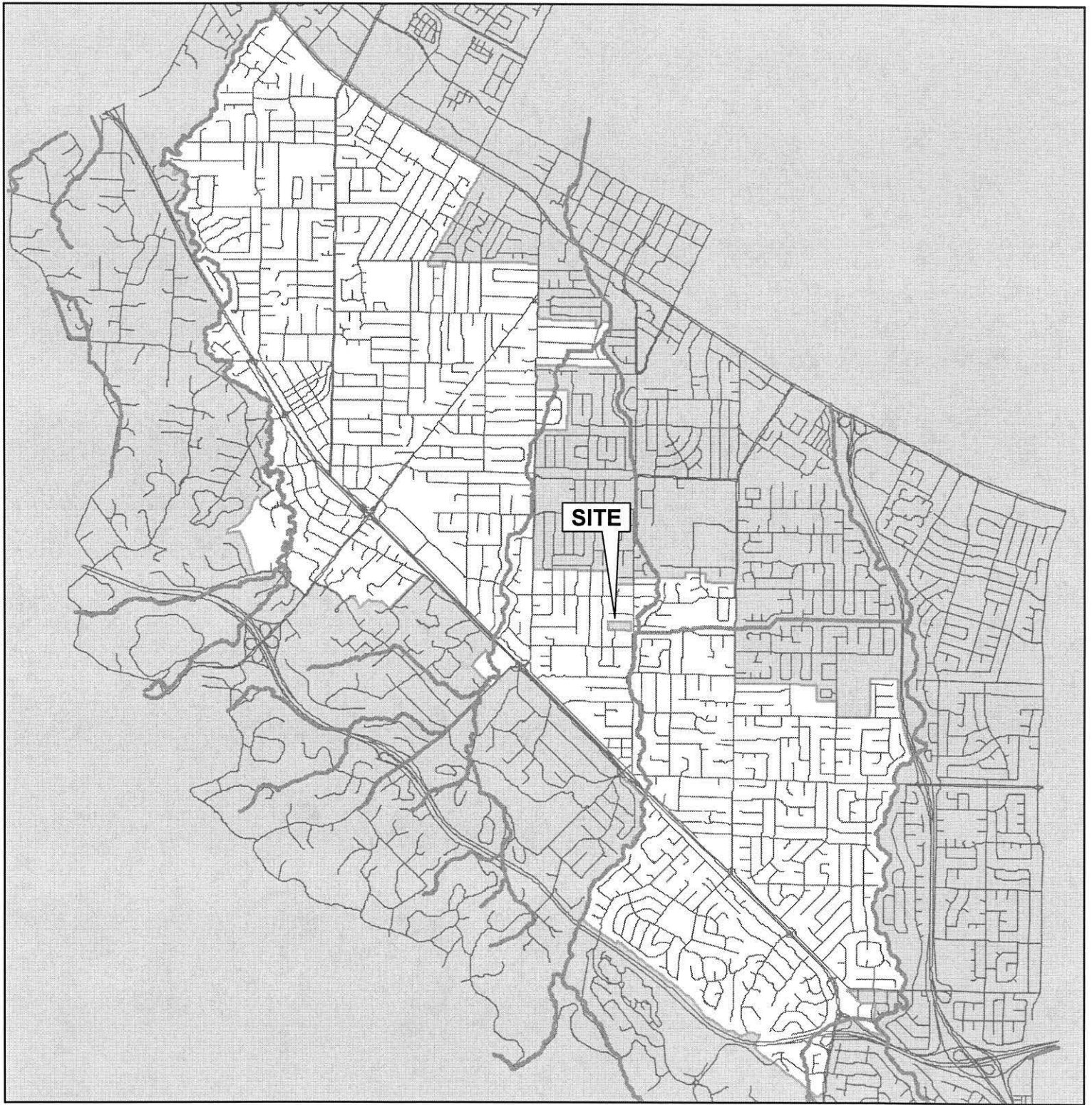
930 Stanley Ave, Los Altos, (Near Miramonte and Covington) Parcel Number: 189-11-033



Mountain view reservoir's service road and its elevation; Neighbor's Guest House and its height!

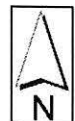


AREA MAP



CITY OF LOS ALTOS

APPLICATION: 15-V-07
APPLICANT: A. and K. Sheth
SITE ADDRESS: 930 Stanley Avenue



Not to Scale

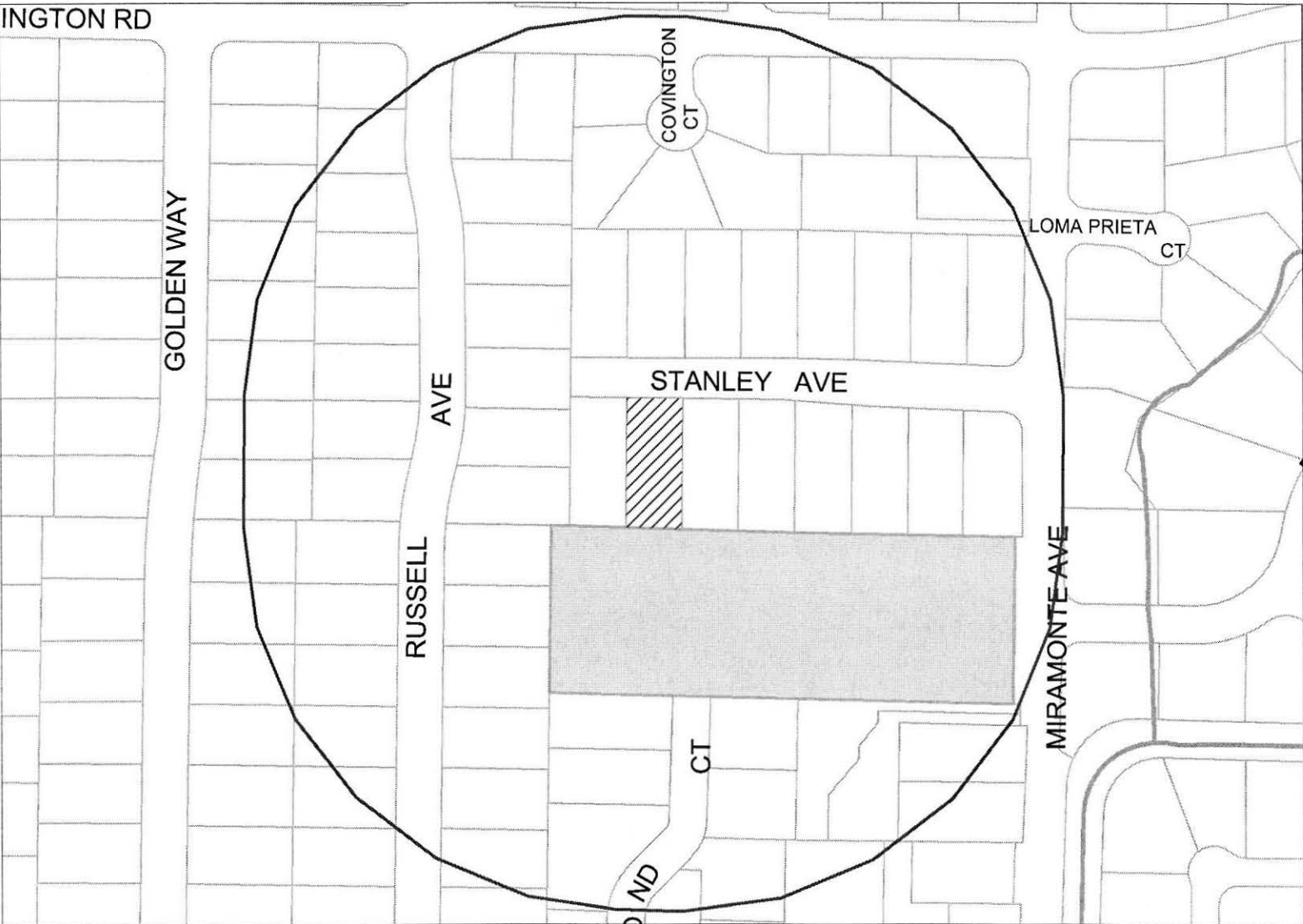
VICINITY MAP



CITY OF LOS ALTOS

APPLICATION: 15-V-07
APPLICANT: A. and K. Sheth
SITE ADDRESS: 930 Stanley Avenue

930 Stanley Avenue 500-foot Notification Map



SCALE 1 : 2,507

