



DATE: March 6, 2019  
AGENDA ITEM # 4

**TO:** Design Review Commission  
**FROM:** Sean K. Gallegos, Associate Planner  
**SUBJECT:** 18-V-04 – 1251 Petersen Court

**RECOMMENDATION:**

Approve variance application 18-V-04 subject to the listed findings and conditions

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**PROJECT DESCRIPTION**

This project is a variance to allow a new one-story detached accessory dwelling unit (816 square feet in size) to be located within a front yard setback area with a setback of 10 feet where 25 feet is required in the R1-10 District. The following table summarizes the project’s technical details:

**GENERAL PLAN DESIGNATION:** Single-Family, Residential  
**ZONING:** R1-10  
**PARCEL SIZE:** 10,660 square feet  
**MATERIALS:** Composition shingle roof, stucco siding, vinyl windows, and wood trim and doors

	<b>Existing</b>	<b>Proposed</b>	<b>Allowed/Required</b>
<b>COVERAGE:</b>	1,574 square feet	2,438 square feet	3,198 square feet
<b>FLOOR AREA:</b>	2,517 square feet	3,381 square feet	3,731 square feet
<b>SETBACKS:<sup>1</sup></b>			
Front (south)	-	10 feet	25 feet
Rear (north)	-	116 feet	25 feet
Right side (adjacent to Peterson Ct)	-	28.7 feet	7.3 feet
Left side	-	10 feet	7.3 feet
<b>HEIGHT:</b>	-	13.6 feet	12 feet

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<sup>1</sup> Setbacks and height are listed for proposed detached accessory dwelling unit and not the main house.

## **BACKGROUND**

### **Property History and Zoning Conformance**

The house is a part of a subdivision that was developed in 1963. The parcel is considered a narrow lot in the R1-10 District since it has a width of less than 80 feet (72.8 feet), so the required side yard setback are reduced from 10 feet to 10 percent of the width (7.3 feet). The existing house, which appears to be the original structure built in the 1960s, has a nonconforming rear yard setback of 14 feet where 25 feet is required for the first and second story. The second story also appears to encroach into the required side yard setback. However, since the proposal will not be modifying the main house, the nonconforming setbacks are allowed to be maintained.

According to the City's Accessory Dwelling Unit Ordinance (Zoning Code Chapter 14.14), the total floor area for a detached accessory dwelling unit (ADU) can be up to 1,200 square feet in size, but cannot be more than 50 percent of the floor area of the existing principal residence, which is 2,037 square feet in size. Thus, the maximum floor area for the ADU is limited to 1,018 square feet.

The project includes a proposed height of 13 feet, 7 inches, which exceeds the maximum permitted height of 12 feet. Due to the increased height, staff is concerned that the ADU's scale would be inconsistent with the primary residence, and the ADU's increased visibility along the street frontage would be inconsistent with the intent of the City's Accessory Dwelling Unit Ordinance for an ADU to be ancillary to the primary residence. Therefore, staff added a condition that requires the ADU height be reduced to a maximum of 12 feet. With the recommended condition, staff finds that the project will be compatible with the primary residence and consistent with the intent of the City's Accessory Dwelling Unit Ordinance to reduce the visibility of the ADU from the street frontage.

As defined by the Zoning Code, the front yard is along the south property line (perpendicular to Peterson Court), the side yards are along the east and west property lines, and the rear yard is along the north property line. This determination was made by staff in recognition of dimensions of the property, the placement of the existing house and the yard spaces on the adjacent properties.

## **DISCUSSION**

### **Proposed Project**

The project requests an ADU be located in the front yard, as defined by the Zoning Code. The ADU location is necessary due to the existing siting of the two-story house and the location of the 30-inch oak tree in side yard, which limits placement of a new ADU in the building envelope or rear yard. While the ADU is proposed in front yard as defined by the Zoning Code, the front yard actually functions similar to a side yard due to being adjacent to a flag lot corridor. Therefore, the ADU functionally maintains a side yard relationship to the adjoining property at 1260 Peterson Court.

### **Variance Request**

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 a variance to allow a new detached ADU to be located within the defined front yard setback area would be consistent with the objectives of the City's zoning plan because the ADU is incidental to and under 50 percent of the size of the main house, it will exceed the required 25-foot setback from the street and would be located behind a six-foot tall fence to minimize public visibility, and would maintain a harmonious and convenient relationship with the adjacent properties.

The granting of the variance will not be injurious to persons or properties in the vicinity or injurious to any properties in the vicinity because the ADU is built to an appropriate scale and size that is nonintrusive to neighboring properties. The ADU would provide a 26-foot functional front yard setback to 1260 Petersen Court, provide a side yard setback of 10 feet to the flag corridor driveway to the south, and a 10-foot setback to the rear yard space to the west, which exceeds the minimum for a typical setback to an adjacent rear yard space.

There is a special circumstance applicable to the property due to the narrow width of the lot, the narrow and angled frontage on Peterson Court and the two-story house located with a reduced rear yard setback, which creates a constrained building envelope and minimal space in the rear yard. Strict application of the R1-10 District setback requirements would deprive this property of the ability to develop an ADU, where the surrounding patterns of the lots have a more normalized house placement and public street frontage that allows more normal development privileges and a rear yard space that could accommodate a detached ADU.

### **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 detached accessory dwelling unit on a single-family zoned property

### **Public Notification**

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 6, 2019 meeting. The mailed notice included 86 property owners and a copy of the notification map is included in Attachment C.

Cc: Rick Loretz, Applicant and Designer  
Larry and Laurie Moore, Property Owners

### Attachments

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

## FINDINGS

18-V-04 – 1251 Petersen Court

With regard to the variance to allow a detached accessory dwelling unit to be located within the required front 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 for a ten-foot front yard setback for the ADU would be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 because the ADU is incidental to and under 50 percent of the size of the main house, it will exceed the required 25-foot setback from the street and would be located behind a six-foot tall fence to minimize public visibility, and would maintain a harmonious and convenient relationship with the adjacent properties.
- 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 ADU is built to an appropriate scale and size that is nonintrusive to neighboring properties. The ADU would provide a 26-foot functional front yard setback to 1260 Petersen Court, provide a side yard setback of 10 feet to the flag corridor driveway to the south, and a 10-foot setback to the rear yard space to the west, which exceeds the minimum for a typical setback to an adjacent rear yard space.
- c. There is a special circumstance applicable to the property due to the narrow width of the lot, the narrow and angled frontage on Peterson Court and the two-story house located with a reduced rear yard setback, which creates a constrained building envelope and minimal space in the rear yard. Strict application of the R1-10 District setback requirements would deprive this property of the ability to develop an ADU, where the surrounding patterns of the lots have a more normalized house placement and public street frontage that allows more normal development privileges and a rear yard space that could accommodate a detached ADU.

## CONDITIONS

18-V-04 – 1251 Petersen Court

### **GENERAL**

**1. Approved Plans**

The approval is based on the plans received on February 5, 2019, except as may be modified by these conditions.

**2. Accessory Dwelling Unit Height**

The height of the accessory dwelling unit shall be reduced to a maximum height of 12 feet

**3. 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.



August 23, 2018

LORETZ CONSTRUCTION, INC • GENERAL CONTRACTING  
1335 Grant Road, Los Altos, CA 94024 • 650-960-3650 • LICENSE 481726

RE: VARIANCE JUSTIFICATION LETTER  
1251 PETERSEN CT., LOS ALTOS

Planning Dept.

The owners of 1251 Petersen Ct., Los Altos are seeking a variance that would allow them to build an Accessory Dwelling Unit (ADU) on their property. The owners intend to move into the ADU thereby allowing their daughter, son-in-law and granddaughter access to the current home on the property.

The home is unlike many of the other homes in the area. It has a rich history. The house was originally built as the caretaker's home for the Medical Mission Sister's Convent in about 1920. The house precedes the incorporation of Los Altos as a city. The original plot of land was subdivided into irregular lots.

The home is located on a private cul-de-sac. The property line extends into the center of the street. The house sits on the lot in an angle, with what you would consider the backyard to be near the street. The widest portion of the lot is closest to the street.

The proposed location of the ADU allows the owners to build the structure that they want without infringing on the adjacent properties. The ADU would be built next to neighbor's flag lot driveway at 1250 Petersen Ct. and next to the adjoining backyard of a neighbor at Patlen Dr. The owners intend to build a new fence across the front of the ADU which would shield it from view. This location also allows all the landscaping to remain in place, including some large trees.

As part of the project, the owners will be removing the existing septic system and connecting to the city's sewer system. In connection with the construction, the existing concrete driveway will be replaced with new permeable pavers.

Not only will the new ADU improve the condition of the property but creates new housing without negatively affecting the neighborhood. Allowing this structure would help the City comply with the new state legislation.

Sincerely,

Rick Loretz  
650-533-0936  
rick@loretzconstruction.com

# ATTACHMENT B



## CITY OF LOS ALTOS GENERAL APPLICATION

1108413 <sup>Accessory structure</sup> <sub>Variance</sub>

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

Permit # 1108410 ADU

<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: 1251 PETERSEN CT.

Project Proposal/Use: ADD ADU Current Use of Property: SFH

Assessor Parcel Number(s): 193-35-30 Site Area: \_\_\_\_\_

New Sq. Ft.: 816 ~~φ~~ Altered/Rebuilt Sq. Ft.: 0 Existing Sq. Ft. to Remain: 2519 ~~φ~~

Total Existing Sq. Ft.: 2519 ~~φ~~ Total Proposed Sq. Ft. (including basement): 3335 ~~φ~~

Applicant's Name: RICK LORETZ - LORETZ CONSTRUCTION  
 Telephone No.: 650-533-0936 Email Address: RICK@LORETZCONSTRUCTION.COM  
 Mailing Address: 1335 GRANT RD  
 City/State/Zip Code: LA CA 94024

Property Owner's Name: LARRY & LAURIE MOORE  
 Telephone No.: 269-0541 Email Address: LARRY@AUTOWORUS.COM  
 Mailing Address: 1251 PETERSEN CT  
 City/State/Zip Code: LA, CA 94024

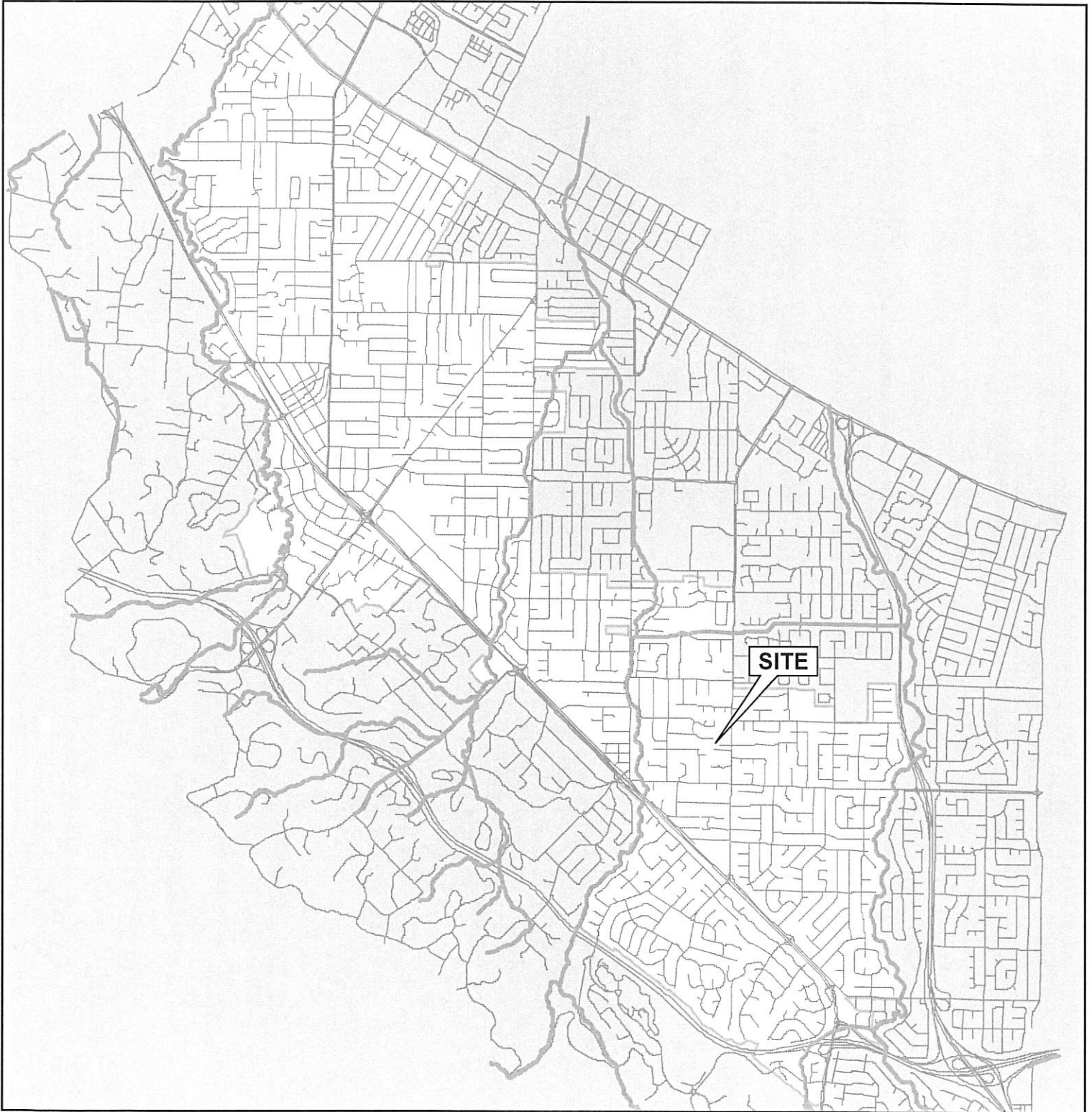
Architect/Designer's Name: RICK LORETZ  
 Telephone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City/State/Zip Code: \_\_\_\_\_

\*\*\* 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)

# ATTACHMENT C

## AREA MAP



CITY OF LOS ALTOS

**APPLICATION:** 18-V-04  
**APPLICANT:** Rick Loretz – Loretz Construction/ Larry and Laurie Moore  
**SITE ADDRESS:** 1251 Petersen Court



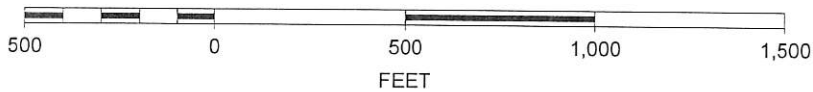
Not to Scale



# VICINITY MAP



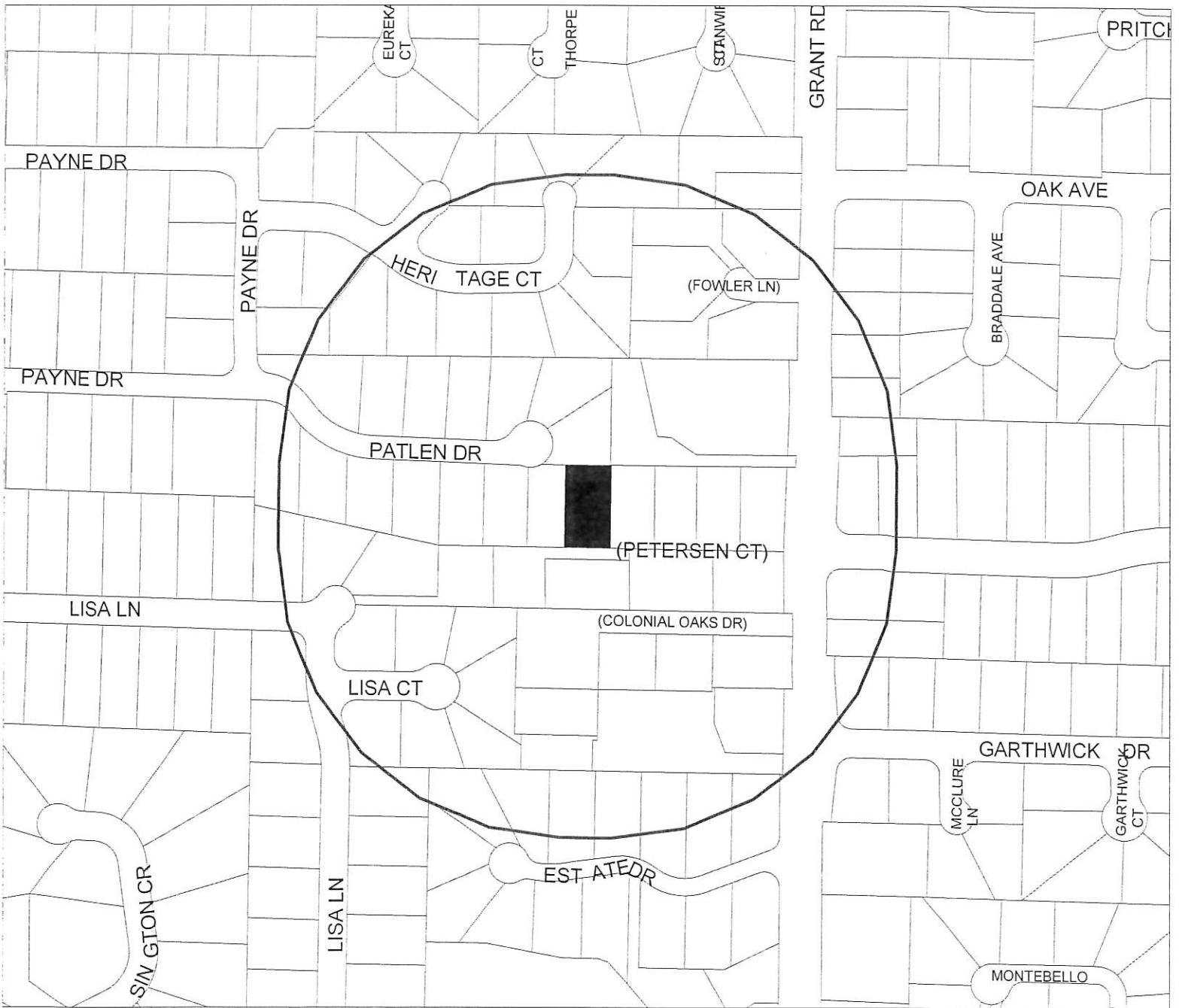
SCALE 1 : 6,000



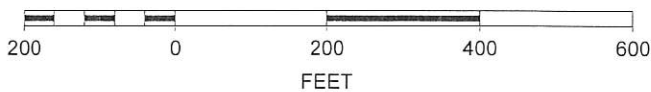
CITY OF LOS ALTOS

**APPLICATION:** 18-V-04  
**APPLICANT:** Rick Loretz – Loretz Construction/ Larry and Laurie Moore  
**SITE ADDRESS:** 1251 Petersen Court

# 1251 Petersen Court 500-foot Notification Map



SCALE 1 : 3,000



N

