

**RESOLUTION NO. 2019-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
TO DENY AN APPEAL OF VARAINCE 19-V-01 TO ALLOW A NEW  
ACCESSORY DWELLING UNIT AT 49 LYELL STREET TO EXCEED THE  
MAXIMUM ALLOWABLE SIZE LIMIT**

**WHEREAS**, Chapter 14.76 of the Zoning Code on February 6, 2019, the Design Review Commission held a public hearing to consider a variance to allow a new detached accessory dwelling unit (ADU) at 49 Lyell Street to be 624 square feet in size where a maximum size of 504 square feet, or 50 percent of the size of the main house, is allowed per Code Section 14.14.060(G); and

**WHEREAS**, the Design Review Commission found that insufficient evidence had been presented to make positive variance findings per the Zoning Code Section 14.76.060; and

**WHEREAS**, the variance was found to not be consistent with the objectives of the Zoning Code as set forth in Chapter 14.02 because granting of the variance would result in a project that does not have a harmonious relationship among land uses; and

**WHEREAS**, there was no evidence presented to support the finding that there was a special circumstance applicable to the property, such as size, shape, topography, location, or surroundings, that justified the variance for increased size of the proposed accessory structure, or that strict application of the provisions of the Zoning Code would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications; and

**WHEREAS**, at a duly noticed public meeting, the City Council thoroughly and extensively evaluated and considered all information and evidence presented by the applicant, as documented in the record, including, without limitation, in the staff report presented to City Council, and based upon such review, found the applicant had failed to present sufficient evidence to support the require findings necessary to approve a variance to allow for an ADU that exceeds the size limit specified by the Zoning Ordinance; and

**WHEREAS**, this action is exempt from CEQA pursuant to CEQA Guidelines Article 18, Section 15270, in that CEQA does not apply to projects a public agency disapproves.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Los Altos hereby denies the application's appeal of the Design Review Commission's denial of Variance Application 19-V-01 based on the following findings:

1. The granting of the variance is NOT consistent with the objectives of the Zoning Code set forth in Chapter 14.02 because the project does not have a harmonious relationship among land uses; and

2. There are NOT special circumstances applicable to the property, such as size, shape, topography, location, or surroundings, that justify the variance for increased size of the proposed accessory structure; and strict application of the provisions of the Zoning Code does NOT deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 23<sup>rd</sup> day of April 2019 by the following vote:

AYES: BRUINS, ENANDER, LEE ENG  
NOES: FLIGOR, PEPPER  
ABSENT: NONE  
ABSTAIN: NONE

  
Lynette Lee Eng, MAYOR

Attest:

  
Jon Maginot, CMC, CITY CLERK