

**RESOLUTION NO. 19-413**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO OVERRULE THE APPEAL AND UPHOLD THE ARCHITECTURAL COMMITTEE'S APPROVAL FOR A NEW SINGLE FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 3533 GIBSON COURT, SANTA CLARA, CALIFORNIA**

**PLN2018-13469 (Appeal of Architectural Committee Approval)**

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, Ming and Ping Sun ("Property Owner") filed an application for architectural approval of a development proposal on an 8,112 square foot lot at 3533 Gibson Court ("Project Site");

**WHEREAS**, the General Plan designation for the Project Site is Very Low Density Residential and the zoning designation is Single Family Residential (R1-6L);

**WHEREAS**, the proposal is to allow for the demolition of the existing 1,292 square foot one-story residence with three bedrooms, two bathrooms and attached two-car garage to construct a 2,766 square foot two-story, three bedroom, three and one-half bathroom residence with an attached two car garage and an attached 697 square foot two-bedroom accessory dwelling unit ("Project"), as shown on the development plan, attached hereto as "Development Plan" and incorporated herein by this reference;

**WHEREAS**, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The Project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15303(a) (Class 3 - New Construction or Conversion of Small Structures), in that the Project involves the demolition of the existing single-family residence and construction of a new 2,766 square foot two-story, three bedroom, three and one-half bathroom

residence with an attached two car garage and an attached 697 square foot two-bedroom accessory dwelling unit;

**WHEREAS**, the project was presented at a publicly noticed meeting on November 7, 2018, and following public testimony, the Architectural Committee approved the Project, subject to conditions;

**WHEREAS**, Santa Clara City Code (“SCCC”) Section 18.76.020 sets forth the architectural review process by the City’s Architectural Committee;

**WHEREAS**, if the decision of the Architectural Committee is appealed pursuant to SCCC Section 18.76.020(h), within seven days of the decision, the Planning Commission will conduct an appeal hearing;

**WHEREAS**, the City received an appeal of the Architectural Committee’s approval of the Project on November 13, 2018;

**WHEREAS**, the Planning Commission held a duly noticed public meeting on July 24, 2019 to consider the appeal.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby overrules the appeal filed by the appellants of the Architectural Committee’s approval of the Project on November 7, 2018, and upholds the Architectural Committee’s approval to allow construction of the Project, as shown in the Development Plans.
3. That pursuant to SCCC Section 18.76.020, the Planning Commission determines that the following findings exist to support the architectural approval and justify overruling this appeal:

A. That any off-street parking area, screening strips and other facilities and improvements necessary to secure the purpose and intent of this title and the General Plan of the City are a part of the proposed development, in that the proposed project provides the required two car covered parking spaces on-site in a new attached two-car garage, and is served by existing infrastructure adequate in size and capacity to support the proposed use.

B. That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that nearby public streets are adequate in size and design to serve the proposed new single family residence and attached accessory dwelling unit, and the use will not create a substantive increase in traffic.

C. That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the General Plan of the City, in that the Project Site is located in a neighborhood with a mix of architectural styles that include original and remodeled patio style homes one- and two-stories in height; the Project is replacing an existing one-story residence in poor condition with a new two-story residence in keeping with the scale and general building form of other two-story residences in the neighborhood consistent with the City's Single-Family and Duplex Residential Design Guidelines; the project design incorporates several measures intended to be compatible the neighborhood character including a lower sloped 3:12 roof pitch, elevated side and rear facing windows on the second floor, horizontal roof lines along the street frontage; and the Project protects and promotes the residential character of the nearby environment with significant investment in an improved replacement residence on the Project Site.

D. That the granting of this approval will not materially affect adversely the health, comfort of general welfare of persons residing or working in the neighborhood of said

development and will not be materially detrimental to the public welfare or injurious to property or improvements, in that the Project is subject to the California Building Code and Santa City Code requirements for demolition and new construction, and maintains the Project Site for single family residential use consistent with the surrounding built environment.

E. That the Project, as set forth in the plans and drawings, is consistent with the City's Single-Family Residential Design Guidelines, in that the Project is designed as a two-story home with an attached garage and accessory dwelling unit, is in keeping with the prevalent building form in the neighborhood, proportional in scale, with simple roof form and is compatible with homes renovated and rebuilt along the streetscape.

4. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission upholds the Architectural Committee's approval of the architectural design of the proposed development as set forth herein and overrules the appeal.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 24<sup>th</sup> DAY OF JULY, 2019, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:1. Development Plans

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