

RESOLUTION NO. 18-8563

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE REZONING FROM PROFESSIONAL OFFICE (OA) TO SINGLE FAMILY ZONING DISTRICT (R1-6L) TO ALLOW CONVERSION OF THE EXISTING OFFICE TO A SINGLE FAMILY HOUSE LOCATED AT 554 SARATOGA AVENUE, SANTA CLARA

PLN2018-13148 (Rezone)

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

WHEREAS, on March 9, 2018, Jane Armstrong (“Applicant”) filed an application to rezone of the property located at 554 Saratoga Avenue, Santa Clara (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Professional Office (OA) to Single Family Zoning District (R1-6L) to allow the conversion of the existing office to a single-family house (“Project”) as shown on the Development Plans, attached as Exhibit “Development Plans”;

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. CEQA contains a list of categorical exemptions for projects that are not required to undergo environmental evaluation. CEQA Guidelines Section 15303(e) establishes exemption for new construction or conversion of small structures;

WHEREAS, on June 29, 2018, the notice of public hearing for this item was posted within 300 feet of the Project Site and was mailed to property owners within a 300 foot radius of the Project Site; and,

WHEREAS, a duly noticed public hearing was held before the City Council on July 10, 2018 to consider the application. At the public hearing, the City Council invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

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

1. That the City Council hereby finds the above Recitals are true and correct and by this reference makes them a part thereof.

2. That the City Council hereby rezone the Professional Office (OA) to Single Family Zoning District (R1-6L) to allow the conversion of the existing office to a single-family house as shown on the attached exhibit Development Plans and conditioned as specified in the attached Conditions of Approval, incorporated herein by this reference.

3. That pursuant to SCCC Chapter 18.112.040, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow single-family residential dwelling as a permitted or conditional use under the Santa Clara City Code Section 18.30.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, in that the existing building looks like a single-family home within a neighborhood surrounded by mostly single family residences.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed zone change provides a new residential development that is consistent with policies of the General Plan that allow smaller lot less than half an acre to be developed entirely as a residential use to maintain the neighborhood compatibility in surrounding land uses.

D. That rezoning shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposal would create a single-story dwelling that is compatible with the City's Single-Family and Duplex Design Guidelines.

//

4. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 10th DAY OF JULY, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Davis, Kolstad, Mahan, O'Neill, and Watanabe

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Mayor Gillmor

ABSTAINED: COUNCILORS: None

ATTEST: 
for JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Development Plans

CONDITIONS OF REZONING APPROVAL
554 Saratoga Avenue
PLN2018-13148

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following conditions of approval are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the applicant's new improvements, then the cost of said relocation shall be borne by the applicant.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of applicant's project.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- C2. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C3. Comply with all requirements of Building and associated codes (the CBC, CEC, CMC, CPC, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.
- C4. Prior to issuance of a demolition permit, Applicant/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- C5. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- C6. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following

on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Applicant/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

WATER

- W1. If fire sprinkler is required, the applicant shall abandon existing 5/8" water service and install a new 1" water service per City standard detail No. 1 to meet required fire sprinkler demand.
- W2. The applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W3. The applicant must indicate the correct pipe material and the size of existing water and sewer main(s) on the plans.
- W4. Applicant shall coordinate with Fire Department to submit hydraulic calculations for the sprinkler design and obtain an underground fire permit for the proposed fire service.
- W5. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance (edge to edge) of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W6. If fire flow information is needed, applicant shall coordinate with Water Department at (408) 615-2000.

PARKS AND RECREATION

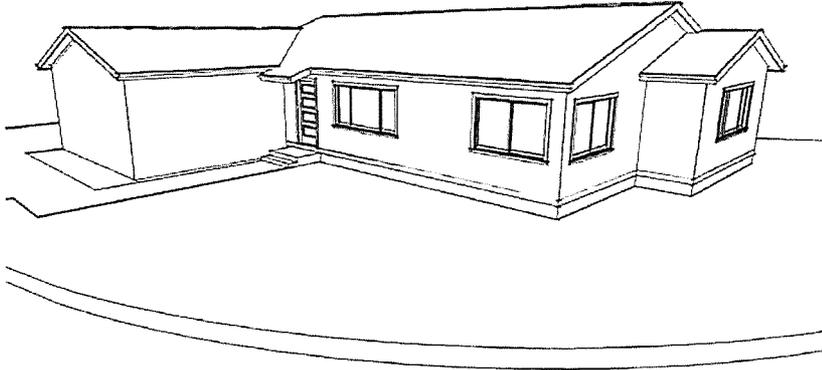
- PR1. Section 17.35.020 of Santa Clara City Code Chapter 17.35 requires every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property shall dedicate land, pay a fee in lieu thereof, or provide a combination of such dedication and fee for the purpose of

developing new or rehabilitating existing park or recreational facilities pursuant to the California Quimby Act and/or Mitigation Fee Act.

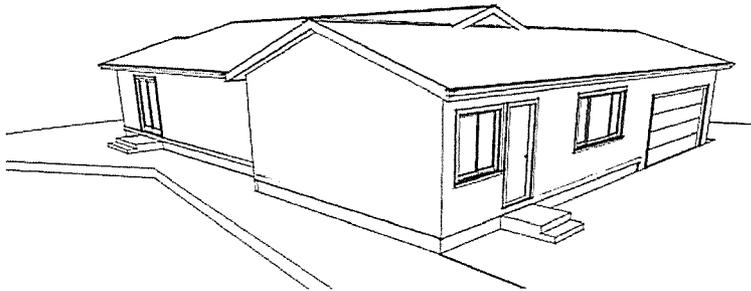
- PR2. This memo assumes the Mitigation Fee Act provisions will apply - the equivalent fee due in lieu of parkland dedication has been recalculated accordingly and is noted in the Conditions of Approval below. The applicant will not be submitting a tentative map or a parcel map for approval.
- PR3. The project will generate an estimated 3 new residents (2.9 persons/household x 1 unit).
- PR4. The City is will accept a fee in lieu of parkland dedication for this single unit development – the equivalent fee due is \$27,195.00.
- PR5. Any in lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.
- PR6. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes one 3-bedroom unit [(\$15 x 1 bedroom) + (\$5 x 2 bedrooms)] for a total DUT of \$25.00.
- PR7. Calculations may change if the number of units changes, if any areas do not conform to the Ordinance and City Code Chapter 17.35, if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning, and/or if City Council makes any changes.

I:\PLANNING\2018\Project Files Active\PLN2018-13148 554 Saratoga Ave (Rezone)\PC\Attachments\COA Rezone - 554 Saratoga Ave.doc

Paik Property Rezone



1 **Rendering - Front**
Scale: None



2 **Rendering - Back**
Scale: None

Designer in Charge
Jane Armstrong (650) 644-8928

Contact Information
Owner:
Sung & Judy Paik
35 Inverness Way
Hillaborough, CA 94101
(650) 644-8928

Code Compliance
2016 International Building Code
2016 California Administration Code
2016 California Building Code
2016 California Electrical Code
2016 California Mechanical Code
2016 California Plumbing Code
2016 California Residential Code
2016 CA Green Building Standards Codes
2016 California Energy Code

Drafting Service	
DRAFTING HOMES	Steven D Koski 488 Wilson St Napa, CA 94559 (707) 927-8882 stevend@draftinghomes.com
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Project Description

The objective of this drawing set is to rezone the property as residential so that the structure can be sold/transformed as-is. After the property has been rezoned, the owner can submit a new residential design for occupancy approval.

The existing commercial floor plan comprises offices, restrooms, kitchen, storage rooms, laundry and garage. Some remodel work may have been done without a building permit. The potential residential floor plan, on Sheet A5, gives an idea of a residential use. The potential residential floor plan is not a proposed floor plan for procuring a building permit.

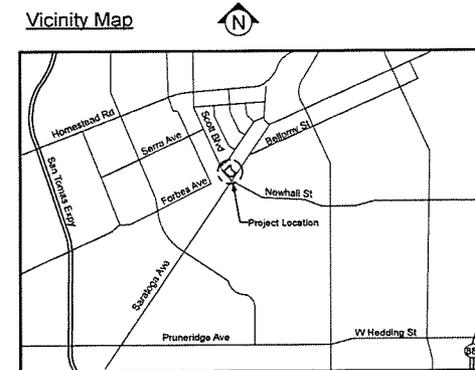
Project Data

Assessor's Parcel Number: 269-32-057
Construction Type: VB
Lot Area: 8,500 SF
House: 1,651 SF
Garage: 400 SF

Index

- A1 Cover
- A2 Site Plan
- A3 Existing Commercial Floor Plan
- A4 Windows & Doors Schedules
- A5 Potential Floor Plan (Not Proposed)
- A6 Elevations
- A7 Elevations

Vicinity Map



Designer
Jane Armstrong



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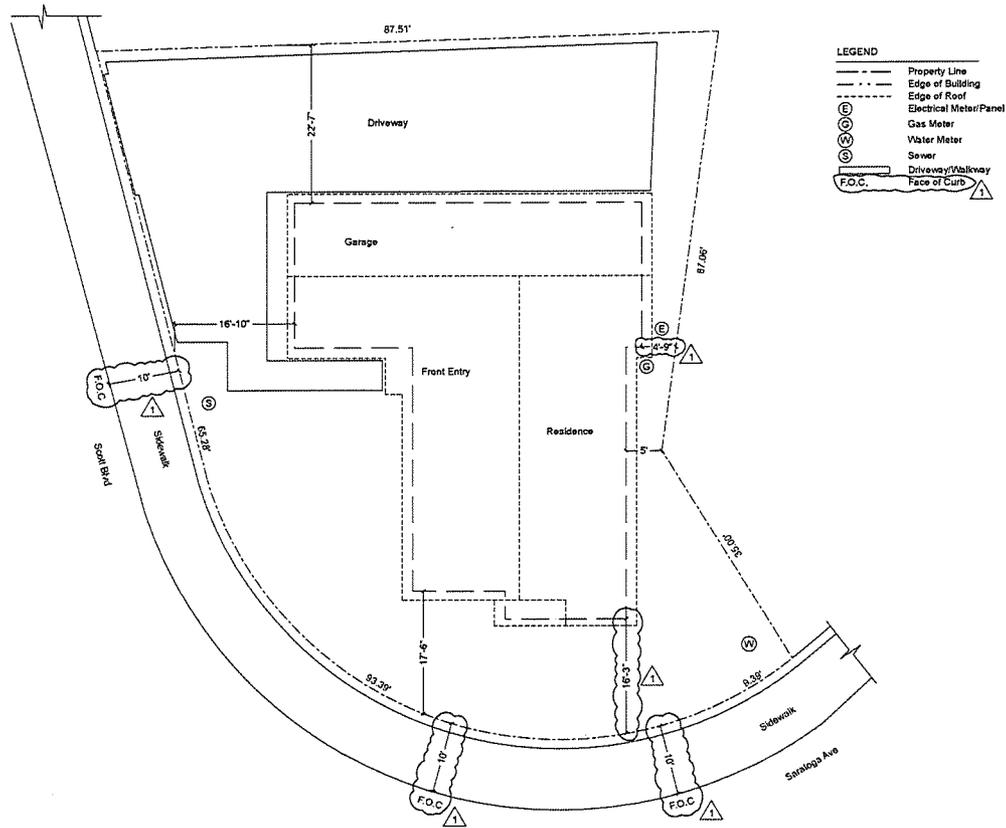
Paik Property Rezone

554 Saratoga Ave
Santa Clara, CA 95050

Drawn by	DraftingHomes.com
Job	7072
Date - Description - Revision	
11/11/17 - 1st-Round Drawings - 00	
11/16/17 - 1st-Round Drawings - 01	
5/27/18 - Setback Dimensions - 02	

Sheet
Cover

A1



- LEGEND**
- Property Line
 - - - Edge of Building
 - - - Edge of Roof
 - - - Electrical Meter/Panel
 - (G) Gas Meter
 - (W) Water Meter
 - (S) Sewer
 - Driveway/Walkway
 - △ Face of Curb

1 Site Plan
Scale: 1/8" = 1'-0" N

Designer
Jane Armstrong



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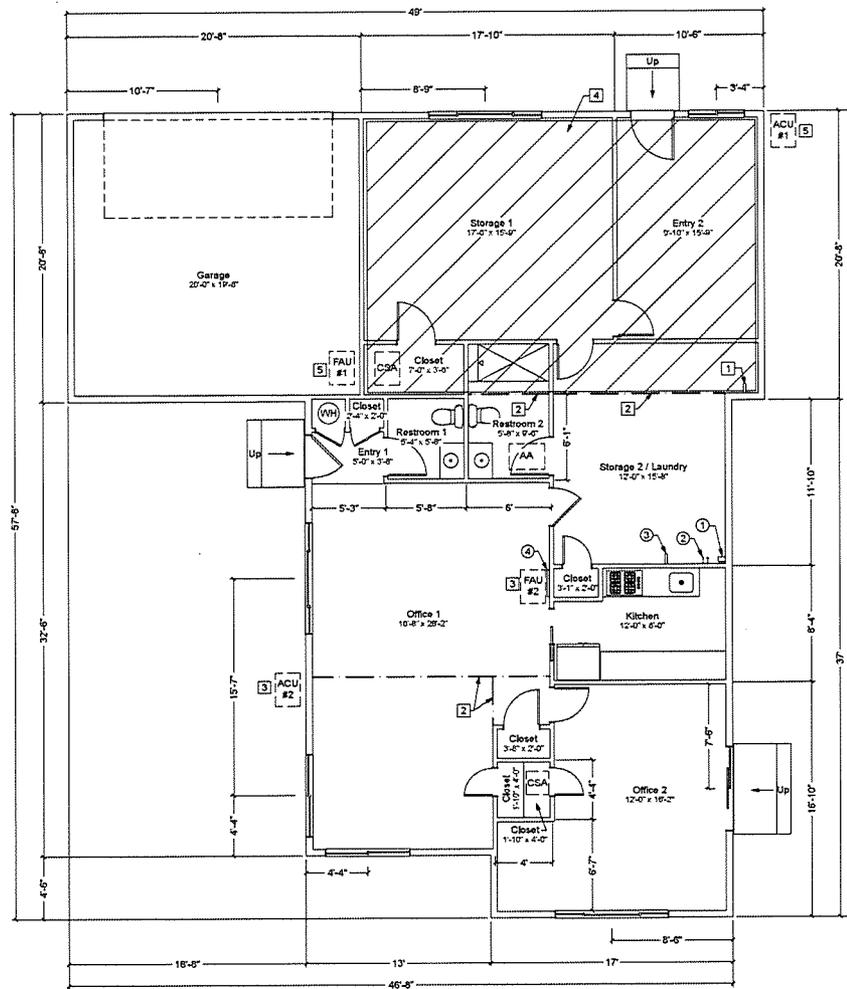
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Date	Description	Revision
11/11/17	1st-Round Drawings	00
11/16/17	1st-Round Drawings	01
5/27/18	Setback Dimensions	02

Sheet
Site Plan

A2



USE DESCRIPTION

The objective of this drawing set is to rezone the property as residential so that the structure can be sold/transferred as-is. After the property has been rezoned, the owner can submit a new residential design for occupancy approval.

The existing commercial floor plan comprises offices, restrooms, kitchen, storage rooms, laundry and garage. Some remodel work may have been done without a building permit. The potential residential floor plan, on Sheet A5, gives an idea of a residential use.

LEGEND

- Raised Floor
- Header or Beam
- Water Heater
- FAU Forced Air Unit
- CSA Crawl Space Access
- AA Attic Access
- ACU Air Conditioning Unit
- Hose Bib

ITEMS

- ① Dryer Vent
- ② Washer Hookup
- ③ Dryer Gas Pipe
- ④ Air Intake Grill

NOTES

- 1 A gas pipe protrudes into the room, at floor level, after an interior wall was moved.
- 2 Assumed header or beam installed after interior wall was removed.
- 3 Forced Air Unit (FAU #2), located under floor, and Air Conditioning Unit (ACU #2) services house, except for raised floor area (previous remodel) and garage.
- 4 Raised floor over garage area was installed in a previous remodel.
- 5 Forced Air Unit (FAU #1) and Air Conditioning Unit (ACU #1) services raised floor area (previous remodel).

① Existing Commercial Floor Plan
Scale: 1/4" = 1'-0"

Designer

Jane Armstrong



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Date - Description - Revision

11/11/17 - 1st-Round Drawings - 00

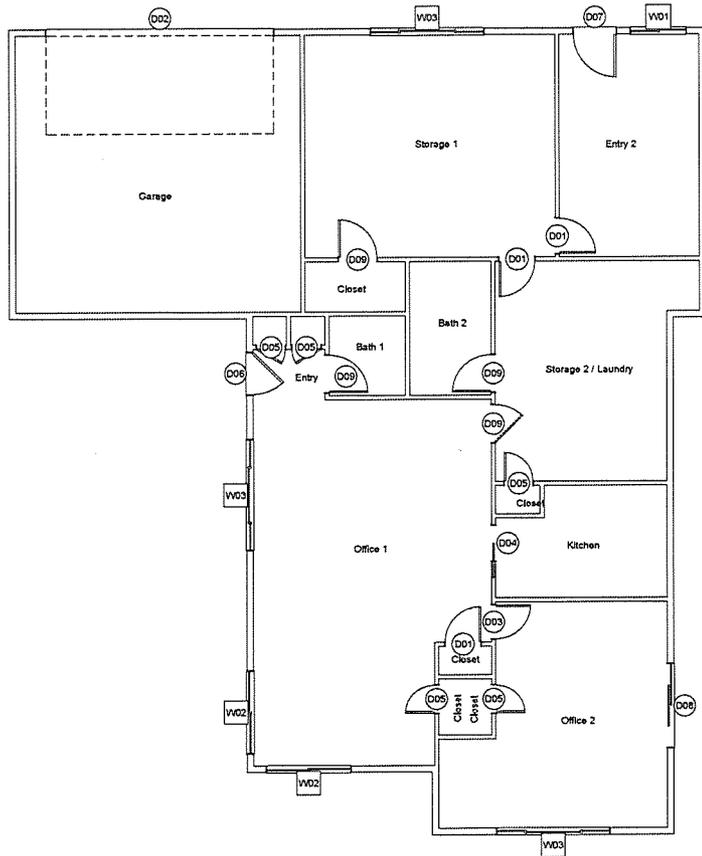
11/16/17 - 1st-Round Drawings - 01

5/27/18 - Setback Dimensions - 02

Sheet

Existing Commercial Floor Plan

A3



LEGEND

- D01 Door Label
- W01 Window Label

Window Schedule			
Number	Label	Qty	Description
W01	4040LS	1	Left Sliding
W02	8040LS	2	Left Sliding
W03	8040YS	3	Triples Sliding

Door Schedule			
Number	Label	Qty	Description
D01	2688	3	Hinged-Slab
D02	15070	1	Garage-Slab
D03	2568	1	Hinged-Slab
D04	2688	1	Packet-Slab
D05	2098	5	Hinged-Slab
D06	3068	1	ext. Hinged-Door P10
D07	3068	1	ext. Hinged-Slab
D08	6068	1	ext. Slider-Glass
D09	2568	4	Hinged-Slab

1 Windows & Doors
Scale: 1/4" = 1'-0"

Designer
Jane Armstrong



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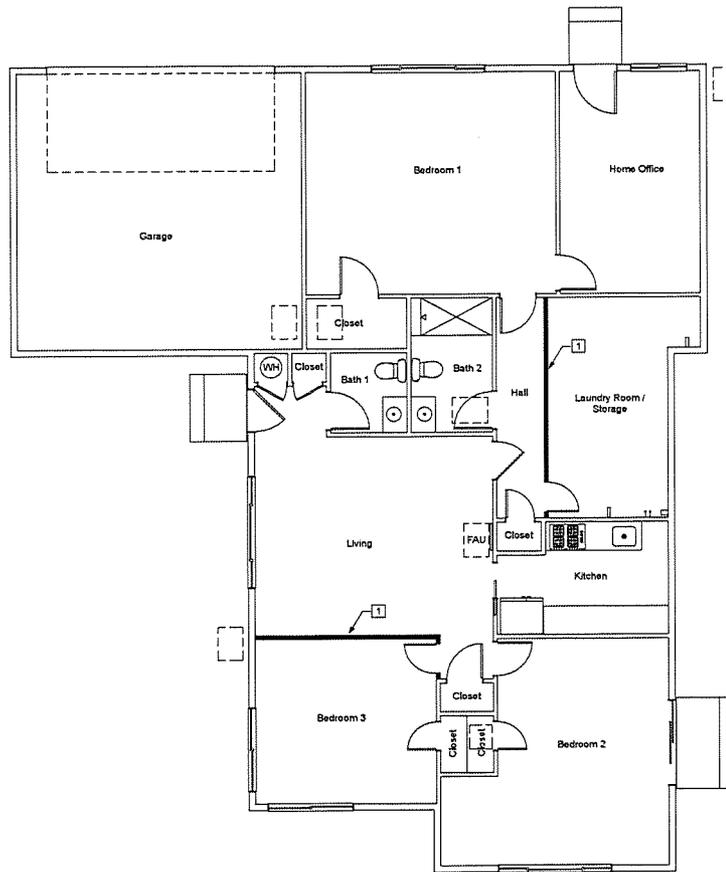
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Select
Windows & Doors Schedules

A4



USE DESCRIPTION

The objective of this drawing set is to rezone the property as residential so that the structure can be sold/transferred as-is. After the property has been rezoned, the owner can submit a new residential design for occupancy approval.

The potential residential floor plan gives an idea of a residential use. It comprises three bedrooms, two bathrooms, kitchen, living, office, laundry and garage. A separated drawing set with a proposed floor plan that may require structural engineering calculations and details is needed for occupancy approval.

LEGEND

- New Wall
- WH Water Heater
- FAU Forced Air Unit

NOTES

- 1 Install new wall for Bedroom 3 and Laundry Room.
- 2 This potential floor plan is not a proposed floor plan and may be used for decision making.

① Potential Floor Plan (Not Proposed) ②
Scale: 1/4" = 1'-0"

Designer

Jane Armstrong



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Paik Property Rezone

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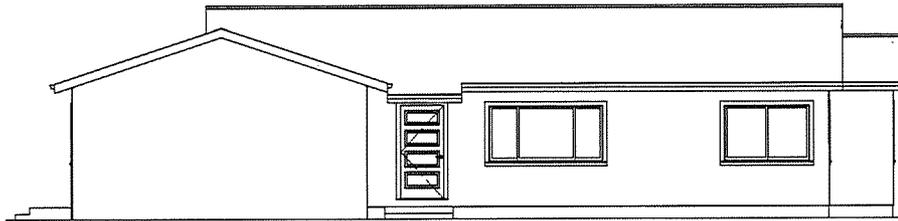
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① 5/27/18 - Setback Dimensions - 02

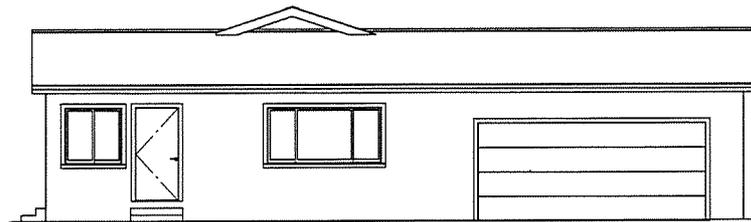
Sheet

Potential Floor
Plan (Not
Proposed)

A5



① Elevation - Front
Scale: 1/4" = 1'-0"



② Elevation - Left Side
Scale: 1/4" = 1'-0"

Designer

Jane Armstrong



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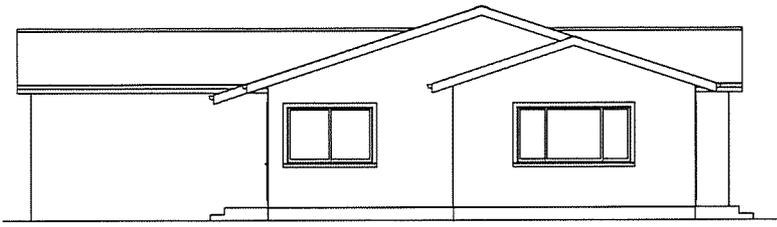
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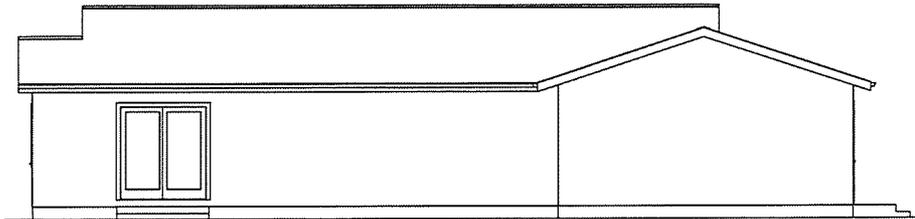
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Elevations

A6



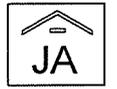
① Elevation - Right Side
Scale: 1/4" = 1'-0"



② Elevation - Back
Scale: 1/4" = 1'-0"

Designer

Jane Armstrong



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⚠ S27718 - Setback Dimensions - 02

Sheet

Elevations

A7