

RESOLUTION NO. XX-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING A VARIANCE TO ALLOW AN EXTENDED HEIGHT FOR A TWO-STORY DETACHED ACCESSORY DWELLING UNIT OVER A ONE-CAR GARAGE AND STORAGE AT THE SITE LOCATED AT 1184 WASHINGTON STREET, SANTA CLARA

PLN22-00244 (Variance and Architectural Review)

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

WHEREAS, on June 4, 2021, Robert Mayer (“Applicant”) filed an application for a Variance for a 22’-6” height for a detached accessory dwelling unit (ADU) where 16 feet is the maximum height allowed in the R1-6L, Single-family Residential Zoning District at the site located at 1184 Washington Street, Santa Clara (“Project Site”);

WHEREAS, the Project Site is currently zoned as R1-6L, Single-family Residential Zoning District;

WHEREAS, the applicant is requesting to convert the existing two-story structure with a two-car garage located to the rear of the property into a 958 square feet Accessory Dwelling Unit (ADU) over a one-car garage and storage on the first floor. The proposed second story ADU with the maximum height of 22’-6” comprises a kitchen, living room, two bedroom, one bathroom, and an office. The proposal would retain the one-car garage and storage and add a new half bathroom on the first floor (collectively, the “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, one of which applies to the proposed project. CEQA

Guidelines Section 15303, Class 3 New Construction or Conversion of Small Structures, establishes an exemption for the construction of second dwelling units;

WHEREAS, on October 27, 2022 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 Planning Commission on November 9, 2022 to consider the application. At the public hearing, the Planning Commission 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

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

2. That the Planning Commission hereby finds that approving a variance to allow an extended height of 22'-6" for the second-story detached accessory dwelling unit falls within the CEQA Exemption of the CEQA Guidelines Section 15303 because the proposed project rehabilitates the existing detached two story structure to create a second-story ADU, one-car garage and storage.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission determines that the following findings exist in support of the variance:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that the site is a listed historical resource located in the historic Old Quad neighborhood. The proposal rehabilitates the existing permitted structure in its current location and size. To maintain the existing footprint and the original use of the structure, the design proposes a two-bedroom, one-bathroom second-story ADU. The

first floor will be occupied by a one-car garage, a new half-bathroom, and storage. A variance for the increased height of 23 feet and 6 inches would be necessary to rehabilitate the existing two-story structure as an accessory dwelling unit.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Applicant, in that it would allow the adaptive reuse of an existing two-story structure as an accessory dwelling unit and garage with storage while preserving the look and feel of the immediate neighborhood.

C. That the granting of such Variance 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 allow the rehabilitation of the exiting two-story structure to a second story accessory dwelling unit over a one-car garage and storage in a manner to be compatible with the main house, and be respectful of the neighbors' privacy.

D. That the granting of the variance is in keeping with the purpose and intent of the Zoning Ordinance, in that it is an existing historic structure on the property, and strict application of the R1-6L standards would cause unnecessary hardship and prohibit the rehabilitation of the existing historic structure on the Project Site.

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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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9th DAY OF NOVEMBER, 2022, 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. Conditions of Approval
2. Development Plans

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