

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING THE REZONING FROM PROFESSIONAL OFFICE (OA) TO SINGLE FAMILY ZONING DISTRICT (R1-6L) AND APPROVAL OF A MINOR MODIFICATION FOR A REDUCED SETBACK 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, upon rezoning of the property to Single Family Zoning District (R1-6L) the existing structure on the property would not conform to the applicable setback requirements in that the R1-6L district requires a front yard setback of 20 feet where the structure would have a setback of 16 feet, three inches and requires a side yard setback of five feet, where the structure would have a setback of four feet, nine inches;

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 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 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 the City Council hereby approves a Minor Modification for the subject property to allow a front yard setback of 16 feet and a side yard setback of four feet, three inches as shown on the attached exhibit Development Plans.

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 Chapter 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 the 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:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

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

Attachments Incorporated by Reference:
1. Conditions of Approval
2. Development Plans

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