

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CLARA, CALIFORNIA, APPROVING A VARIANCE FOR
PARKING AND FRONT SETBACK LANDSCAPING TO ALLOW
THE PROPOSED HEAVY INDUSTRIAL USE AT 2201
LAFAYETTE STREET, SANTA CLARA**

(File No. PLN23-00208 - Variance)

WHEREAS, on August 22, 2023, John Ha with Innovative Design Architecture (“Applicant”), on behalf of Cindy Cheng with Vista Grande Investment, LLC (“Owner”) filed an application (PLN23-00208) requesting a Variance for the property located at 2201 Lafayette Street (APN: 224-03-087) (“Project Site”) in the City of Santa Clara;

WHEREAS, the General Plan land use designation for the Project Site is Heavy Industrial;

WHEREAS, the Project Site is zoned Planned Development (PD);

WHEREAS, the with the adoption of the comprehensive Zoning Code Update, all sections except for Article 2, Zones, Allowable Uses, and Development Standards, went into effect on February 8, 2024, and Article 2 went into effect on August 15, 2024, when the updated Zoning map became effective.

WHEREAS, Zoning Code Section 18.02.070 - Effect of Zoning Code Amendments on Projects in Progress, states that all planning permit applications that are active and that have been determined by the Project Clearance Committee to be complete before the effective date of the Zoning Code, shall be processed in compliance with the requirements in effect when the application was deemed complete.

WHEREAS, this application was deemed complete on July 30, 2024; therefore, the project was reviewed based on the standards of the City’s prior zoning code (the “Classic Code”) for setbacks and landscaping; and

WHEREAS, the project is subject to the parking regulations of the updated Zoning Code (2024).

WHEREAS, the Project Site is developed with an industrial building that was previously occupied with Union Stone, a construction materials retail showroom and warehouse;

WHEREAS, the Property Owner has submitted an application for a Variance (“Project”) to Chapter 18.38 of the City Code for reduced parking of seven spaces where 18 parking spaces are required to allow the existing buildings to be used for a heavy industrial business;

WHEREAS, the Planning Commission recommended that the existing ADA parking space located in the front setback remain, which requires a variance from the “Classic” Zoning Code Section 18.50.120(a), Open Landscape Area, as parking would be located within the area where 10 feet of front setback landscaping is required.

WHEREAS, the Project is Categorically Exempt from formal environmental review per Section 15301, Class 1 “Existing Facilities” of the Guidelines of the California Environmental Quality Act (“CEQA”), which applies to small additions and minor modifications to existing facilities involving negligible or no expansion of the existing or former use. Here the proposal involves a minor tenant improvement without changing the building footprint and minor site improvements and would represent a negligible expansion of the prior use;

WHEREAS, on October 31, 2024, the notice of meeting date for this item was mailed to property owners within a 500-foot radius of the Project Site for the City Council hearing on November 12, 2024; and,

WHEREAS, on November 12, 2024, the City Council held a duly noticed public hearing to consider the Variance application, during which the City Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the proposed Variance.

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

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

2. That the City Council hereby approves a Variance to the Heavy Industrial parking regulations to allow the existing building on the project site to be used for a heavy industrial business; and a Variance from the front setback landscape standards as depicted on the attached Illustration Plan and subject to the attached Conditions of Approval, all of which are incorporated herein by this reference.

3. That pursuant to SCCC Section 18.124.050, the City Council hereby makes the following findings related to the Variance request:

A. That there are special circumstances or conditions applicable to the subject property or existing buildings (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification, in that the Rezoning and Tentative Map approval in 2005 for the project site created a substandard condition for parking.

B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, in that the 2005 parcelization and design make it impossible for the Applicant to provide additional parking spaces and reuse the site without demolishing the building. Granting the variance will facilitate the rehabilitation of the existing vacant site that is almost fully built out by existing building and is significantly constrained in the approved use of construction materials retail showroom warehouse through the prior PD approval.

C. That approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated, in that the project utilizes the existing footprint of the industrial buildings to establish a heavy industrial business consistent with the General Plan land use designation of Heavy Industrial.

D. That the granting of the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property, in that the

proposal would allow the adaptive reuse of the existing vacant industrial building, site improvements and better connectivity to the neighborhood.

4. Effective date. This project comprises two entitlements: the variance approved by this resolution, and a separate rezoning to be approved by the City Council. This resolution shall become effective only if the City Council approves the rezoning on or before July 31, 2025. If the City Council declines to approve the rezoning on or before July 31, 2025, this resolution shall be null and void. If the City Council approves the rezoning on or before July 31, 2025, then this resolution shall become effective on the effective date of the rezoning.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 12th DAY OF NOVEMBER 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

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