

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING APPROVAL OF REZONING FROM DOWNTOWN COMMERCIAL (CD) TO SINGLE FAMILY ZONING DISTRICT (R1-6L) FOR THE PROPERTY LOCATED AT 908 FREMONT STREET, SANTA CLARA

PLN2019-13714 (Rezone)

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

WHEREAS, the Planning Commission adopted a Resolution of Intention pursuant to Section 18.112.020 of the Santa Clara City Code on March 13, 2019 to initiate a rezoning;

WHEREAS, the property at 908 Fremont Street, APN 269-16-032 ("Project Site") is developed with a single-family house; and,

WHEREAS, the property was annexed as part of the City's incorporation in 1852; and,

WHEREAS, the owners of 908 Fremont Street wish to be able to improve their house under the same standards applicable to other single-family homes in the neighborhood and have petitioned the Planning Commission to initiate rezoning of their property from Downtown Commercial (CD) to the Single-Family (R1-6L) Zoning District.

WHEREAS, Santa Clara City Code (SCCC) Chapter 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action is to be taken by the City Council;

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;

WHEREAS, the proposed project is categorically exempt from formal environmental review per CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) in that the project consists of the permitting of an existing use with negligible or no expansion of use;

WHEREAS, on July 12, 2019, the notice of public hearing for the July 24, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to all property owners located within 300 feet of the Project Site; and

WHEREAS, on July 24, 2019, the Planning Commission held a duly noticed public hearing to consider the Rezone application, during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the proposed Rezone application.

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 recommends that the City Council rezone the Project Site from Downtown Commercial (CD) to Single Family Zoning District (R1-6L) to allow a consistent zoning district for the existing single-family residential use.

3. That pursuant to SCCC Chapter 18.112.040, the Planning Commission 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 imposes more restrictive standards than the R1-6L zoning designation for a single-family residential dwelling.

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 has the appearance of a single-family home within a neighborhood composed primarily of 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 preserves residential development that is consistent with surrounding land uses.

D. The proposed zone change will not 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 maintain the existing single-family residence that is consistent 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 24th 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: None