

August 28, 2018

Item #5

City of Santa Clara

City Council Meeting August 28, 2018

1593 Lexington Street

Public Hearing Item # 5



**City of
Santa Clara**
The Center of What's Possible

POST MEETING MATERIAL



1593 Lexington Street

Site Location

- One-story single-family residence
- Inhabitable basement
- Detached one-car garage



2



1593 Lexington Street

Project Timeline

- August 2007: Code Enforcement initiated for work in basement without permit. Applicant submitted for Architectural Review to legalize basement and allow 10 bedrooms and seven baths in the residence.
- 2007-2013: Staff and applicant conducted research on legality and historical eligibility of existing structure, verifying need for permit.
- February 2014: Historical and Landmarks Commission recommended denial and the Zoning Administrator denied the Architectural Review based on exterior alterations not consistent with the standards for rehabilitation

3



1593 Lexington Street

Project Timeline

- March 2014: Applicant appealed the Architectural Review denial to Planning Commission and the Commission upheld the denial.
- March 2014 – January 2015: Owner appealed to City Council and the meetings were continued until January 2015, when Council directed staff to work with the owner to redesign and return to Council
- January 2015 – April 2017: Owner proposed various alternative designs.
- May 2018: Following adoption of new ADU ordinance, Owner submitted current proposal

4



1593 Lexington Street

Appeal of Planning Commission Denial of the Architectural Review for

- Proposal to convert the existing basement to a habitable space of a single-family residence and construct a new detached garage also including basement storage and an Accessory Dwelling Unit (ADU)



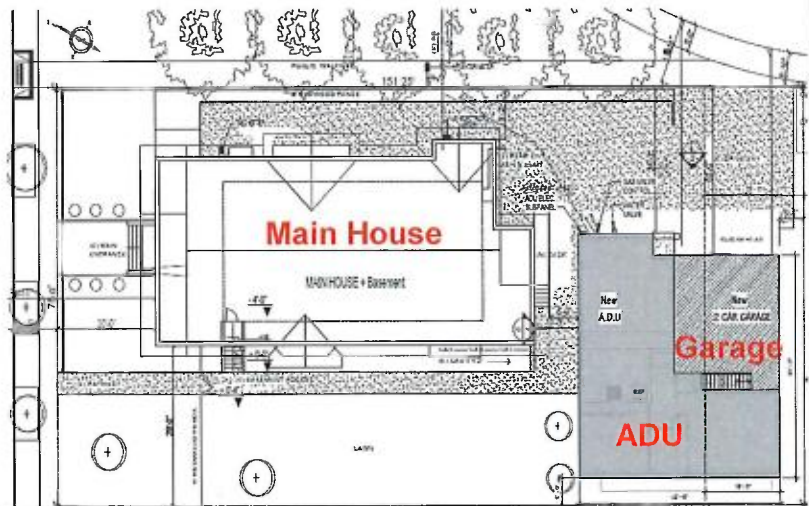
5



1593 Lexington Street

Project Description

- Significantly changed from previous design
- 4-bedroom single-story residence (one bedroom in basement)
- Detached 2-bedroom ADU, two-car garage, and underground storage



1593 Lexington Street

Floor Plans

Existing
Main Floor



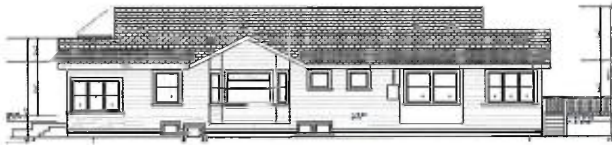
Proposed
Basement Floor





1593 Lexington Street

Existing Elevations



Proposed Elevations



Raised
by 16"

8



1593 Lexington Street

Floor Plans

Proposed
ADU



Underground
Storage



9

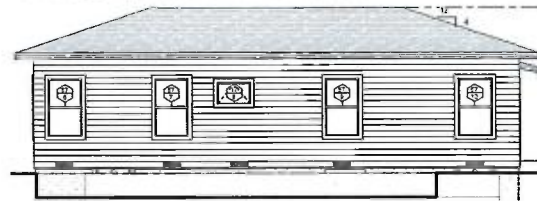


1593 Lexington Street

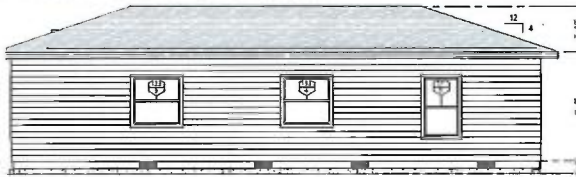
ADU South Elevation



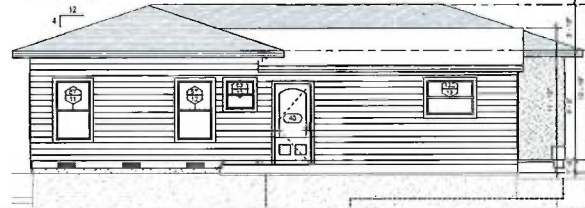
ADU North Elevation



ADU East Elevation

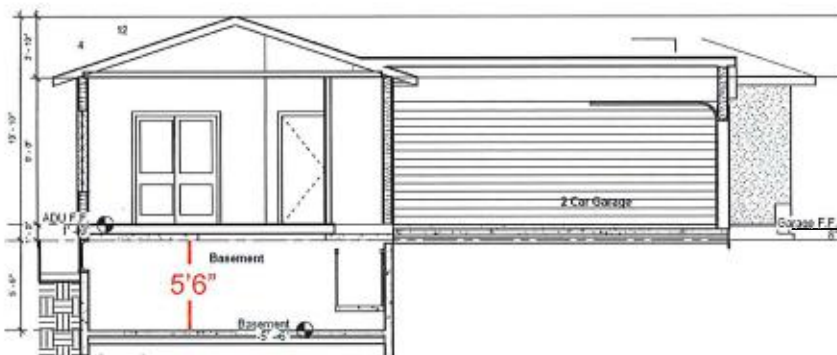


ADU West Elevation



1593 Lexington Street

ADU Section View





1593 Lexington Street

Considerations

- Objective: Correct the unpermitted basement
- Owner demonstrated good faith in keeping the basement uninhabited and no additional code enforcement action has been necessary
- Redesigned in accordance with the ADU Ordinance
- Reduces potential bedrooms from ten to four in the main house along with the detached two-bedroom ADU
- Historical Preservation Ordinances does not require eligible property to meet the Secretary of Interior's Standards for Rehabilitation

12



1593 Lexington Street

Staff Recommendation

- Sustain the appeal, overrule the Planning Commission's action, and approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street, subject to conditions of approval

13

City of Santa Clara

City Council Meeting
August 28, 2018

1593 Lexington Street

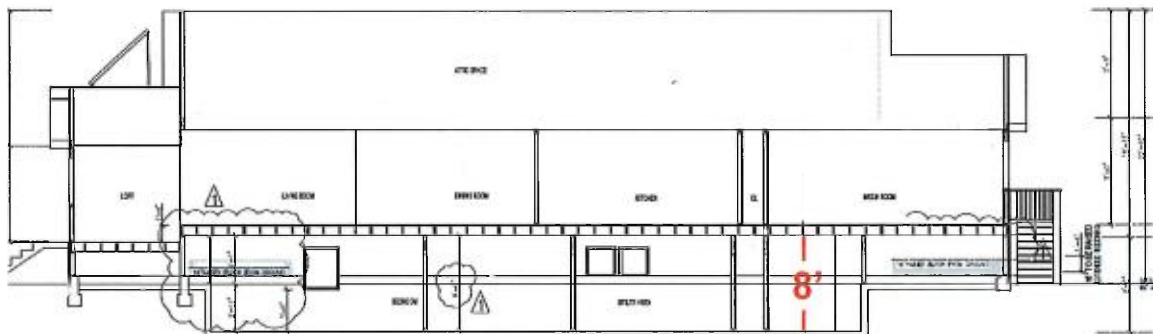
Public Hearing Item # 5



**City of
Santa Clara**
The Center of What's Possible

1593 Lexington Street

Main House Cross Section



15



1593 Lexington Street

Existing Elevations



Proposed Elevations



08/28/18

5A

Genevieve Yip

To: Mayor and Council
Subject: Letter for item 18-523 on tonight's City Council meeting agenda

From: Fawzy Ismail [<mailto:fawzyismail@gmail.com>]

Sent: Tuesday, August 28, 2018 12:23 PM

To: Lisa Gillmor; Debi Davis; Kathy Watanabe; Patricia Mahan; Patrick Kolstad; Teresa O'Neill; Mayor and Council

Subject: Letter for item 18-523 on tonight's City Council meeting agenda

Dear City of Santa Clara Mayor Hon. Lisa M. Gillmor, City Council Members, and City Officials,

Please see attached letter for item 18-523 on tonight's City Council meeting agenda. Please forward a copy to everyone addressed and print out a letter for each of them. I have also pasted it below for your convenience.

Thank you and best regards,
Fawzy Ismail

City of Santa Clara
1500 Warburton Avenue, Santa Clara, CA 95050
(408) 615-2250

Tuesday, August 28th, 2018

Dear City of Santa Clara Mayor Hon. Lisa M. Gillmor, City Council Members, and City Officials,

We urge you to approve tonight's city council meeting's line item no. 18-523 "Public Hearing: Action on Appeal of Planning Commission Action for the Property Located at 1593 Lexington Street. Recommendation: Sustain the appeal, overrule the Planning Commission's action, and approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street"

We, the Ismail family, have been trying to obtain permits for over 5 years for what is a standard remodel of our home. We started our request at the historical committee meeting, where we were asked to provide an updated DPR, and promised a permit at the next meeting. Unfortunately, we have faced an organized opposition full of misinformation.

At a planning commission meeting three years ago, city officials misled commissioners by claiming that our basement was being used without a permit and alleged that we dug out the entire basement. This resulted in a denial of our proposal and fines. However, we went through the **City and County of Santa Clara records, and found that the basement was permitted for use back in 1975!** In addition, **a city official came and investigated the basement physically and verified it was a full-size house basement, not a dwelling that was dug out.** We would not have been fined and deprived of our basement for all these years had the city official properly checked the records.

Community members incorrectly claim that raising our house will damage its historical integrity and increase density, traffic, and parking. However, **our house is not listed as a historically significant home and is also designated as an R3-36D home which means it is already zoned for medium-density, multi-family residential use.** In addition, our three immediate neighbors' homes are multi-use 2-story houses and right across the street are multiple 2-story apartment buildings.

We worked with the city to redesign our basement plans to have one bedroom and one bathroom instead of two bedrooms and two bathrooms. We have responded to requests by neighbors and community members to

improve the aesthetic of our home. We repainted the house, upgraded the fence to a beautiful wooden one, and redid the landscaping.

What we want to do now is improve our property to be convenient for our family. We are asking to raise the property 16" to increase the basement from 6'8" to 8 ft to fulfill the height requirement needed to finish the basement. **The planning commissioner said that such requests have been approved before.** In fact, we have done this already as hired contractors on the property at Main Street which is a precedent which had upset some of the neighbors there who vindicated us as the contractors. We also want to add an accessory unit to accommodate our growing family of 5 adult children and 1 granddaughter. Furthermore, our family is Muslim and we require additional rooms and bathrooms to facilitate cultural and religious interactions.

We urge you to stand up for fair and equal housing rights by allowing us the right to remodel our home. We see this as an important turning point for Santa Clara. We want to show that Santa Clara is a leader and visionary not just in the tech world, but an example for justice and tolerance as well.

Thank you in advance for your support,
Fawzy Ismail and Family
fawzyismail@gmail.com

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Fawzy Ismail
Victor the Contractor, Inc.

1593 Lexington St.
Santa Clara, CA 95050

Work: (408) 655-8120
Mobile: (408) 591-8121

Email: fawzyismail@gmail.com
Website: siliconvalleycontractors.com

City of Santa Clara
1500 Warburton Avenue, Santa Clara, CA 95050
(408) 615-2250

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Thank you in advance for your support,
Fawzy Ismail and Family
fawzyismail@gmail.com

1593 Lexington
Pictures taken 8/28/18

Backyard storage area



Construction Truck and
Cars on Winchester
continue to Homestead



Additional cars on
Lexington in front of
house



POST MEETING MATERIAL

This project began as a totally different project in 2013 and was denied by the HLC and Planning Commissions and the Zoning Administrator before going to Council and receiving a continuance 1/13/15. Since then both the ADU guidelines and the HPO Ordinance were approved in 2017. The applicant owner, a licensed contractor, mentioned at one time that he provides housing to newcomers to the area thus using the original illegal basement and applying originally for 10 bedrooms.

In reviewing the attached plans, submitted 5/1/18, I have some thoughts:

1. This project is 100% different than the originally proposed project and should go back before HLC and Planning Commissions and Architectural. It would set a very poor precedent if a 3 ½-year continuance (I thought continuances were for a maximum of 90 days?), especially with the new ADU guidelines and HPO Ordinance, allowed a totally new project to skip the required review process other projects go through (and that Council can't possibly do in the limited time of a Council meeting) before a final decision. Furthermore, Council's approval without requiring the normal process of receiving recommendations from the above-mentioned advisory groups would demean those groups.

2. I would like to know when anyone in the City verified that the applicant suspended further residential use of the illegal basement as he said he would in 2007. An opaque green plastic material was attached to the chain-link fence enclosing the side yard at approximately that time and was only replaced with a wood fence a couple of months ago, so who knows if the basement use was suspended. Also we believe the existing garage/rear yard may have contained toxic materials (because many of our plants near the garage have died), so is a soil test in order? and what will become of the wood fence dividing 1588 Homestead Road and this property, since all this construction will surely damage it?

3. There currently are approximately 10 vehicles parked in the driveway, front and side of this property as well as adjacent properties. Where will all the additional people living here park in the future? No one will use the garage, because people don't want to park in front/behind others.

4. As to the plans (understanding that my older eyes may not have seen all the tiny details on these plans!):

a) Page 1 seems to show the existing square footage as 1856sf and the new total area as 2417sf - does that make the proposed total almost 4300sf - WOW?

b) Page 4 shows the top floor of the main house having an office, media room, study and unnamed area across from the study + the basement having a family room, unnamed room next to the family room and a sitting area that looks bigger than the master bedroom - I still see at least 10 bedrooms in the main house alone!! I understand these rooms don't have closets but armoires and closets are easy to add.

c) Page 6 shows the main house raised 16" to avoid digging out the additional basement headroom area needed to avoid raising the house - this is a potentially listable historic resource - has any other similar structure used this sad approach?

d) Page 7 shows a full 5 1/2ft plate height "not considered habitable space" basement under the ADU - have any other ADUs been approved with storage basements??? This is from a contractor who allowed many people to live in his illegal basement for years + there will be a 2-car garage in the same structure that will not be used for cars...hmmm, now we're potentially waaaay over 12 bedrooms on this property...a boarding-house (or whatever the proper title is now) owner's dream...

e) Page 8 seems to have the elevations misnamed, i.e. I believe 2 is the proposed west elevation?? If I'm right, why didn't the Planner have this corrected and can you trust anything provided?



SANTA CLARA COUNTY RESIDENTIAL UNIT PROPERTY RECORD

ADDRESS 1111
8124 REV 5/74

DISTRICT No.

TRACT No.

LOT

BLOCK

RECORD DATA

DESCRIPTION OF BUILDING												
1 ROOF			8 FIREPLACE			12 ROOM AND FINISH DETAIL						
N	M	L	NUMBER	ROOMS	FLOORS	ROOM FINISH			INTERIOR FINISH			REMARKS
FLAT			MULT. OPENINGS		1	2	MATERIAL	GR	WALLS	CEILINGS		
GABLE			BARBEQUE	ALL								
HIP			RAISED HEARTH	ENT. HALL								
SHEO			METAL	LIVING								
CUT UP			STONE	DINING								
BOX EAVES			FREE STANDING	FAMILY								
SHINGLE				KITCHEN								
SHAKE				BREAKFAST								
COMPO SHINGLE			9 HEATING	BEDROOM								
COMPO ROLL			FORCED CENTRAL									
TAR AND GRAVEL			WALL	GRAVITY								
TILE			FLOOR	PERIM	UTILITY							
CONCRETE			ELIC	CEILING	13							
CONCRETE TILE			RADIANT	KITCHEN CAB	METAL	O.P.	HW		GR	WALL CAB		
ROCK			1111	DR. BD & CAB TOP	TILE	MICA	LINO	SPLASH		BASE CAB		
GUTTERS			ENGR	ECONO	14							
BATH DETAIL												
FINISH												
FLOOR												
WALLS												
W.C.												
LA.												
TUB												
ST.												
O.I.												
G.D.												
FINISH												
GRADE												
PULLMAN												
2 EXTERIOR												
STUCCO												
SHEATH												
REFRIG												
CENTRAL												
SIDING												
SHINGLE												
EVAP												
WALL												
SHAKE												
ASBESTOS												
ENGINE												
ECONO												
B & H												
ALUM												
BR. VEN												
STONE V.												
ADOBE V												
11 LIGHTING												
ITEM												
FND												
CON												
EXT												
ROOF												
FL. INT.												
SIZE												
UNIT-COST												
REM												
3 STRUCT. WALLS												
FRAME												
CONC. BLK												
MANY												
GOOD												
BRICK												
ADOBE												
REC. FIX												
220												
STEEL												
CONC.												
16 COST DATA SUMMARY												
4 FOUNDATION												
APPRaiser AND DATE												
CONCRETE RAISED												
ITEM												
FACT												
AREA												
UNIT COST												
COST												
UNIT COST												
COST												
UNIT COST												
COST												
CONCRETE SLAB												
FIRST FLOOR												
CONCRETE BLOCK												
SECOND FLOOR												
ROBERT PROOF												
THIRD FLOOR												
GARAGE												
PORCH												
5 GARAGE												
DOORS												
WALLS												
AUTO CON												
S.P. WALL												
ATTACHED												
DETACHED												
ROOM OVER												
LOFT OVER												
CARPORT												
FIREPLACE												
HEATING-A/C												
FLATWORK												
ADDITION												
EXTRA KITCH.												
EXTRA PLUMB.												
6 WINDOWS												
ATTIC												
O.H.												
WOOD												
BSMT. ONE												
25												
812												
OSMT												
STEEL												
POOL												
SLIDE												
ALUM												
HILL CONST.												
LVRS												
TINT												
MISC.												
7 BUILT-INS												
TOTAL RCH												
BARBEQUE												
NORMA 1/2 GOOD												
KITCHEN FAN												
R.C.I. N.D.												
HOOD												
17 BUILDING PERMIT ACTIVITY												
RANGE TOP												
PERMIT No												
DATE												
CONTRACTOR												
DESCRIPTION OF WORK												
AMOUNT												
OVEN												
2814												
6-5-77												
HUBBARD												
REPLACED RANGE TOP												
6000												
DOUBT OVENS												
2978												
6-5-77												
HUBBARD												
REPLACED RANGE TOP												
1800												
ELECTRONIC OVEN												
50501												
5-27												
HUBBARD												
REPLACED RANGE TOP												
200												
DROP IN R & O												
60361												
1-17-85												
HUBBARD												
REPLACED RANGE TOP												
7000												
SLIDE IN R & O												
2000												
HUBBARD												
REPLACED RANGE TOP												
1000												
GARBAGE DISPOSAL												
18												
REMARKS												
REFRIGERATOR												
INTERCOM												
BREAKFAST BAR												
VACUUM CLEANER												
WET BAR												
WATER SOFTENER												
WTR. HTR. GAL												
TR. COMPACT												

SHEET 01

BOOK PAGE PCL

A.P.N.

POST MEETING MATERIAL

[illegible]

