



# City of Santa Clara

## Meeting Agenda

### Planning Commission.

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Wednesday, March 13, 2019

6:00 PM

City Hall Council Chambers

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#### **6:00 PM REGULAR MEETING**

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

#### **DECLARATION OF COMMISSION PROCEDURES**

#### **CONTINUANCES/EXCEPTIONS**

#### **CONSENT CALENDAR**

*Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.*

**1.A     19-256     [Planning Commission Meeting Minutes of February 27, 2019.](#)**

**Recommendation:** Approve the Planning Commission Minutes of the February 27, 2019 Meeting.

#### **PUBLIC PRESENTATIONS**

*Members of the public may briefly address the Commission on any item not on the agenda.*

#### **PUBLIC HEARING**

*Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.*

2.      19-208      [Public Hearing: Request to Initiate Rezoning of 908 Fremont Street](#)

**Recommendation:** Adopt a resolution of intention to rezone the property at 908 Fremont Street from the Downtown Commercial (CD) zoning district to the Single-Family (R1-6L) zoning district.

3.      19-286      [Public Hearing: Action on a Conditional Use Permit for BMI Fitness to allow a gym at 1678 Coleman Avenue. Continuance from February 27, 2019 Planning Commission Meeting.](#)

**Recommendation:** Adopt a Resolution to Approve a Use Permit to allow a gym located at 1678 Coleman Avenue, subject to conditions of approval.

4.      19-290      [Public Hearing: Action on a Variance from the parking requirement for the single family residence at 648 Robin Drive. Continuance from February 27, 2019 Planning Commission Meeting.](#)

**Recommendation:** Alternative 1: Adopt a resolution denying the variance to allow an 891 square feet rear addition, resulting in a 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1.    Announcements/Other Items

*Cancelation of March 27, 2019 Planning Commission Meeting*

2.    Board or Committee Assignments

3.    Architectural Committee

4.    Commissioner Travel and Training Reports, Requests to attend Trainings

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1.    Planning Commission Budget Updates

2.    Upcoming Agenda Items

3.    City Council Actions

**ADJOURNMENT:**

*The next regular scheduled meeting is on Wednesday, April 10, 2019 at 6:00 PM in the City Hall Council Chambers.*



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
[santaclaraca.gov](http://santaclaraca.gov)  
[@SantaClaraCity](https://twitter.com/SantaClaraCity)

## Agenda Report

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**19-256**

**Agenda Date: 3/13/2019**

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**SUBJECT**

Planning Commission Meeting Minutes of February 27, 2019.

**RECOMMENDATION**

Approve the Planning Commission Minutes of the February 27, 2019 Meeting.



# City of Santa Clara

## Meeting Minutes

### Planning Commission.

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02/27/2019

6:00 PM

City Hall Council Chambers

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#### **6:00 PM REGULAR MEETING**

##### **Call to Order**

**Chair Jain** called the meeting to order at 6:08 p.m.

##### **Pledge of Allegiance and Statement of Values**

##### **Roll Call**

**Present** 4 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Chair  
Sudhanshu Jain, and Commissioner Anthony Becker

**Absent** 2 - Commissioner Lance Saleme, and Commissioner Shawn Williams

**A motion was made by Commissioner Ikezi, seconded by  
Commissioner Kelly to excuse Commissioner Saleme and  
Commissioner Williams from the meeting.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and  
Commissioner Becker

**Excused:** 2 - Commissioner Saleme, and Commissioner Williams

#### **DECLARATION OF COMMISSION PROCEDURES**

**Chair Jain** read the Declaration of Commission Procedures.

#### **CONTINUANCES/EXCEPTIONS**

None

#### **CONSENT CALENDAR**

**A motion was made by Commissioner Becker, seconded by  
Commissioner Ikezi that Item 1B be approved.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and  
Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams



- 1.B [19-1588](#) Consent: Action on Use Permit for ABC License Type 47 for Element Hotel located at 1950 Wyatt Drive

**Recommendation:** Adopt a Resolution approving a Use Permit for sales and consumption of beer and wine (ABC License Type 47) in a new restaurant within the previously approved Element Hotel, subject to conditions of approval.

**A motion was made by Commissioner Becker, seconded by Commissioner Ikezi that this item be approved.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

- 1.A [19-171](#) Planning Commission Meeting Minutes of January 9, 2019.

**Recommendation:** Approve the Planning Commission Minutes of the January 9, 2019 Meeting.

**This item was pulled by Chair Jain who requested minor modifications be made to reflect the failed motion for the selection of Planning Commission Vice Chair. A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly that this item be approved with minor modifications.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

- 1.C [19-088](#) Consent: Action on Time Extension for the Residential Mixed-Use Project located at 2232-2240 El Camino Real

**Recommendation:** Recommend that the City Council approve a two-year extension of the rezone from Community Commercial (CC) to Planned Development (PD) for the residential mixed-use project located at 2232-2240 El Camino Real.

**This item was pulled by Chair Jain who had questions on the extension process and number of affordable housing units . Planning Manager Reena Brilliot clarified that additional conditions could not be made at this time. A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly to recommend City Council approval.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

**PUBLIC PRESENTATIONS**

None

**PUBLIC HEARING**

2. [19-1663](#) Public Hearing: Action on Use Permit to allow a hydrogen vehicle fueling facility at 1375 Norman Avenue

**Recommendation:** Adopt a Resolution approving a Use Permit to allow a hydrogen vehicle fueling facility at 1375 Norman Avenue.

**Public Speaker:** Charlie Sohn

**A motion was made by Commissioner Kelly and seconded by Commissioner Ikezi that this item be approved with an additional condition that the property owner shall install a security camera to monitor the site at all times.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

3. [19-098](#) Public Hearing: Action on a Variance from the parking requirement for the single family residence at 648 Robin Drive

**Recommendation:** Alternative 1: Adopt a resolution denying the variance to allow an 891 square feet rear addition, resulting in a 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.

**Public Speakers:** Sean and Jessica Randolph (Applicant)

**A motion to approve this item was made by Commissioner Becker. This motion died due to lack of seconder.**

**A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly to reopen the Public Hearing.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

**A motion was made by Commissioner Ikezi and seconded by Commissioner Becker to continue the item to the March 13, 2019 Planning Commission Meeting.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

4. [19-151](#) Public Hearing: Action on a Conditional Use Permit for BMI Fitness to allow a gym at 1678 Coleman Avenue

**Recommendation:** Adopt a Resolution to Approve a Use Permit to allow a gym located at 1678 Coleman Avenue, subject to conditions of approval.

**A motion was made by Commissioner Ikezi and seconded by Commissioner Becker to continue the item to the March 13, 2019 Planning Commission meeting.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

5. [19-1674](#) Public Hearing: Action on a Use Permit for a Proposed Massage Establishment at 2529 Scott Boulevard

**Recommendation:** 1. Adopt a Resolution approving a Use Permit to allow conversion of an existing acupuncture office to provide a massage establishment located at 2529 Scott Boulevard, subject to conditions of approval.

**A motion was made by Commissioner Ikezi and seconded by Commissioner Kelly that this item be approved.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

6. [19-108](#) Selection of Planning Commission Secretary

**Chair Jain called for nominations to fill the partial term of Secretary through June 30, 2019. Chair Jain then nominated Commissioner Ikezi to fill the position. With no other nominations on the floor, Chair Jain called for the vote on whether to elect Commissioner Ikezi to fill the partial term of Secretary through June 30, 2019.**

**Aye:** 4 - Commissioner Kelly, Commissioner Ikezi, Chair Jain, and Commissioner Becker

**Absent:** 2 - Commissioner Saleme, and Commissioner Williams

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1. Announcements/Other Items
2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

**Chair Jain** attended the State of the Valley Conference.

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Planning Commission Budget Updates

**Development Review Officer/Staff Liaison Gloria Sciara** provided a Budget Update.

2. Upcoming Agenda Items
3. City Council Actions

**Development Review Officer/Staff Liaison Gloria Sciara and Planning Manager Reena Brilliot** provided updates.

4. Upcoming City Council Discussion of the Architectural Review Process

**Planning Manager Reena Brilliot** provided information on the upcoming Architectural Review Process item that will be heard at the March 5, 2019 Council Meeting.

**ADJOURNMENT:**

**The meeting adjourned at 8:17 p.m. The next regular scheduled meeting is on March 13, 2019.**



## Agenda Report

19-208

Agenda Date: 3/13/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Public Hearing: Request to Initiate Rezoning of 908 Fremont Street

#### **REPORT IN BRIEF**

Project: Request to Initiate Rezoning of 908 Fremont Street

Owner/Applicant: Todd and Kristy Rosenbaum

General Plan: Very Low Density Residential

Zoning: Downtown Commercial (CD)

Site Area: 0.27 acres

Existing Site Conditions: Single-family residence and garage

#### Surrounding Land Uses

North: Single-family residential

South: Single-family residential

East: Single-family residential

West: Single-family residential

Issues: Consistency with the City's Zoning Ordinance and General Plan.

Staff Recommendation: Adopt a resolution of intention to rezone

#### **BACKGROUND**

Todd and Kristy Rosenbaum, owners of 908 Fremont Street (APN: 269-16-032), submitted a letter to the Planning Division requesting that the Planning Commission initiate a rezoning of their property. The property is currently zoned Downtown Commercial (CD), and they are requesting that the property be rezoned to Single Family Residential (R1-6L), which would be consistent with the improvements on their property, and would be the same zoning designation as the surrounding neighborhood.

The subject property and portions of the surrounding neighborhood were rezoned to CD in the late 1950s and early 1960s to facilitate the City's vision for an urban downtown. The urban downtown envisioned did not come to fruition and the properties that were rezoned did not default to their prior zonings, though they were never redeveloped. The 2010 General Plan land use classification for this property was designated Very Low Density Residential.

#### **DISCUSSION**

The owner's intent for the requested rezone is to establish a zoning district for the property consistent

with the existing single-family residential use. Residential uses are not permitted in the CD zoning district. Rezoning to the R1-6L district would facilitate single family residential use of the site consistent with neighboring uses, and allow for expansion of the existing single-family use and future construction of an accessory dwelling unit. Rezoning of this property would bring consistency with General Plan.

*Conclusion:*

The property has been used for residential purposes for more than 50 years. Initiation of the rezoning to R1-6L would authorize processing of the zone change which is necessary for the preservation and enjoyment of the property and is compatible in density and character with the surrounding neighborhood.

**FISCAL IMPACT**

Initiation of the rezoning by the City would eliminate payment of the filing fee by property owner. There is minimal impact to the City for processing the requested application other than administrative staff time and expense and can be absorbed under the current budget.

**ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301 (Class 1 - "Existing Facilities") as the activity consists of the permitting of existing private structures involving negligible or no expansion of use beyond that existing at the time of the City's determination.

**COORDINATION**

This report has been coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

Public notices are not required for this item.

**RECOMMENDATION**

Adopt a resolution of intention to rezone the property at 908 Fremont Street from the Downtown Commercial (CD) zoning district to the Single-Family (R1-6L) zoning district.

Prepared by: Rebecca Bustos, Associate Planner

Reviewed by: Diana Fazely, Deputy City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Request Letter for Rezoning
2. Resolution

Dear Planning Commission,

We have been fortunate enough to have purchased a very unique 1937 colonial revival home at 908 Fremont St. in November 2017.

We plan to have our home put on the Historical Home Registry here in Santa Clara as well as applying to the Mills act of California. Before doing so we must have the zoning corrected. Our Single family home is currently zoned commercial.

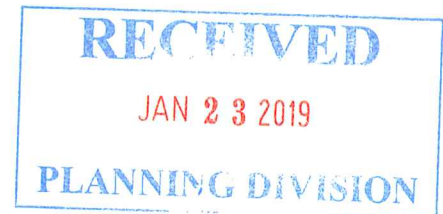
Our understanding is that years back the city rezoned our neighborhood along with Lafayette Street from single-family to commercial with plans to change the neighborhood. Since then this plan was never seen to fruition and the city began to offer the residents city initiated rezoning back to single family zoning for a limited time.

We are asking for the opportunity to have a city initiated re-zoning from CD- Downtown Commercial to R1-6L-Single-family residential for our property at 908 Fremont St. We are asking this in order to preserve and protect not only this home of historical significance but the neighborhood as well. Our home resides on the same block as the Frederick C. Franck Residence 1179 Washington Street and across the street kitty corner from the Charles Copland Morris Residence.

We ask that this request would be agendaized at a future City Council meeting

Thank you kindly,

Todd & Kristy Rosenbaum



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA TO INITIATE  
REZONING OF THE PROPERTY AT 908 FREMONT STREET  
FROM DOWNTOWN COMMERCIAL (CD) TO SINGLE-FAMILY  
(R1-6L)**

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

**WHEREAS**, Section 18.112.020 of the Santa Clara City Code authorizes the Planning Commission to initiate a rezoning through a Resolution of Intention; and

**WHEREAS**, the property at 908 Fremont Street (APN 269-16-032) 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 908 Fremont Street wish to be able to improve their houses under the same standards applicable to other single-family homes in the neighborhood, and have petitioned the Planning Commission to initiate rezoning of their properties from Downtown Commercial (CD) to the Single-Family (R1-6L) Zoning District.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF  
THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission resolves to initiate the rezoning of the property at 908 Fremont Street from Downtown Commercial (CD) to Single-Family (R1-6L) Zoning District.

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2. 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 13<sup>TH</sup> DAY OF MARCH, 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

I:\PLANNING\2019\Project Files Active\PLN2019-13714 908 Fremont Street\19-208 Resolution.DOC



# City of Santa Clara

1500 Warburton Avenue  
Santa Clara, CA 95050  
santaclaraca.gov  
@SantaClaraCity

## Agenda Report

19-286

Agenda Date: 3/13/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Public Hearing: Action on a Conditional Use Permit for BMI Fitness to allow a gym at 1678 Coleman Avenue. Continuance from February 27, 2019 Planning Commission Meeting.

#### **REPORT IN BRIEF**

Project: Use Permit to allow a gym

Applicant: Simon Lin, Eleven Ten Architects

General Plan: Santa Clara Station Area Plan

Zoning: Light Industrial (ML)

Site Area: 1.02 acres

Existing Site Conditions: Two existing one-story industrial buildings

#### Surrounding Land Uses

North: Industrial uses

South: Industrial uses

East: Industrial uses

West: De La Cruz Boulevard

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval

#### **BACKGROUND**

BMI Fitness filed an application on September 28, 2018 to legalize an existing gym within an approximately 5,000 square foot industrial building. BMI Fitness has been operating at the subject location since at least March 2015 when the property owner was cited for unpermitted tenant improvements related to the building's conversion to a gym use. The gym operates as a "by appointment only" facility and has an average class size of four people. There are typically four clients and four trainers utilizing the space at any given time. In addition, group fitness class are offered daily, Monday through Friday.

The subject Use Permit was previously heard at the Planning Commission hearing on February 27, 2019. The hearing was continued to March 13, 2019 because the applicant was not present and the Commission identified questions regarding the parking.

A gymnasium is not permitted by right in the Light Industrial (ML) zoning district. Pursuant to Section 18.48.040(e) of the Santa Clara City Code, uses that are not permitted by right but that are

appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the ML zone, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs. The Planning Commission has granted CUPs for gyms in the City's industrial zones in the past.

The project site is located on the north side of Coleman Avenue. There are two one-story industrial buildings on-site with a total of 46 striped surface parking spaces. The site is north of the Coleman Avenue/De La Cruz Boulevard interchange and is surrounded by industrial warehouse and office uses. The site is zoned Light Industrial (ML) and the General Plan land use designation is Santa Clara Station Area Plan.]

### **DISCUSSION**

The project proposes to legalize the conversion of the existing approximately 5,000 square foot industrial building to a gym. The gym operates from 6:30 a.m. to 8:00 p.m. daily. The gym is primarily used for personal training by appointment only, but there are also group fitness classes offered throughout the week. The interior was remodeled to allow space for fitness instruction, restrooms, and showers. Approval of the building permit for the completed work is pending the outcome of the subject Use Permit.

Based on group fitness attendance logs provided by the applicant from July through September of 2018, a total of 15 group classes are offered on a weekly basis. One class is typically held in the morning, midday, and in the evening. The average participation is 4.5 people.

The primary issues for the project are consistency with the City's General Plan and Zoning Code and parking requirements.

#### *General Plan Conformance*

The subject property has a General Plan designation of Station Area Plan as it is within the Santa Clara Station Focus Area. This classification is intended to aid the redevelopment of the area surrounding Santa Clara Station and would allow for the development of up to approximately 1,650 residential units and two million square feet of non-residential building space within the Station Plan area boundaries.

The proposed project is consistent with the following Santa Clara Station Focus Area Policy:

- 5.4.3 P6 Provide pedestrian oriented retail uses to serve new residential development, Station visitors and area employees. The proposal provides a needed residential amenity in what is envisioned to be a predominantly residential area.

#### *Zoning Conformance*

A gymnasium is not permitted by right in the Light Industrial (ML) zoning district. Pursuant to Section 18.48.040(e) of the Santa Clara City Code, uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the ML zone, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs.

### Parking

Section 18.74.020 of the Santa Clara City Code does not specify parking requirements for gyms. Based on the most similar listed use and parking demand, the Zoning Administrator determined that parking shall be provided on the same basis as required for recreational enterprises, which is one parking space per 200 square feet. Based on 4,155 square feet of instruction and staff office areas, a total of 21 parking spaces are required. However, as there is another occupied building on site, the landlord has allotted 16 parking spaces to the subject gym. Therefore, the applicant is requesting a Zoning Administrator Minor Modification to allow a 25% reduction to the required parking.

To support this request, the applicant provided a parking study prepared by Hexagon Transportation Consultants, Inc. (Attachment 1). The report utilized the assumptions that the average class size was four people and that the maximum use is four clients and four trainers at one time. Hexagon counted the parked cars on a typical weekday between 10:00 a.m. and 3:00 p.m. This was considered the peak period because the other uses on site are light industrial with no evening activities. Assuming maximum use of the gym, the report concludes that a total of eight parking spaces are needed to meet the demands of the use. Based on this conclusion, staff supports the Zoning Administrator Minor Modification request for reduced parking.

### *Conclusion:*

The proposal contributes to the variety of private service uses available in the industrial area of the city and is designed to be compatible with the industrial offices, with sufficient parking to support the proposed use. A non-industrial use, such as a gym, may only be conditionally permitted when the use is appropriate for an industrial area and would not be objectionable or detrimental to the industrial area or adjacent properties. Based on the operational description of the proposed use provided by the applicant, the use would be compatible with the adjacent land uses.]

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 of the CEQA Guidelines (Class 1 - Existing Facilities), in that the use is confined within an existing on-site facility. The proposed activity consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the City's determination.

### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

On February 15, 2018, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 500 feet of the project site. Planning Staff has not received public comments for this application.

**RECOMMENDATION**

Adopt a Resolution to Approve a Use Permit to allow a gym located at 1678 Coleman Avenue, subject to conditions of approval.

Prepared by: Rebecca Bustos, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Parking Study
2. Project Data
3. Development Plans
4. Resolution Approving a Use Permit
5. Conditions of Approval



# HEXAGON TRANSPORTATION CONSULTANTS, INC.

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January 15, 2019

Ms. Thao Vu-Dring  
BMI Fitness  
1678 Coleman Ave  
Santa Clara, CA 95050

**Re: *Parking Study for Fitness Center Located at 1678 Coleman Avenue in Santa Clara, California***

Dear Ms. Vu-Dring:

Hexagon Transportation Consultants, Inc. has completed a parking study for the fitness center located at 1678 Coleman Avenue in Santa Clara. We understand that the landlord has designated 16 spaces for current use. We further understand that the City of Santa Clara would like to determine if the current number of parking spaces is adequate for the fitness center's 'by appointment only' business model to obtain a conditional use permit.

## **Project Description**

The fitness center provides one-on-one training and small classes for their clients. The hours of operation for the fitness center are Monday through Friday, from 7 AM to 8 PM. We understand that the average class size consists of 4 people. Also, we understand that at most there would be 4 clients and 4 trainers utilizing the fitness center at any given time.

## **Parking Analysis**

Hexagon counted the parked cars at the site from 10 AM to 3 PM on a typical weekday (Thursday January 3<sup>rd</sup>, 2019). The parking lot has a total of 46 striped parking spaces. The parking counts focused on the peak during the middle of day since the other uses at the site are light industrial with no night activities. Table 1 shows that the peak parking usage was found to occur around noon with 7 cars parked. The parking counts show that there were 3 vehicles parked at 10 AM and 2 vehicles parked at 3 PM. Therefore, it can be assumed that there would be even fewer cars before 10 AM and after 3 PM.

Assuming maximum usage of the fitness center, and assuming that each person drove alone, the fitness center would need 8 parking spaces. The parking counts showed that there were at least 39 parking spaces available in the lot at any given time.



**Table 1**  
**Number of Parked Cars**

Time of Day	Number of Cars
10:00 AM	3
10:30 AM	3
11:00 AM	3
11:30 AM	6
12:00 PM	7
12:30 PM	7
1:00 PM	2
1:30 PM	3
2:00 PM	3
2:30 PM	3
3:00 PM	2

## Conclusions

It is estimated that the fitness center would use a maximum of 8 parking spaces at a time, which is within the landlord's designated 16 spaces as well as the total available parking spaces. At all times during the parking count, there were at least 39 vacant spaces available on-site. It can be concluded that the site provides adequate parking for the fitness center.

We appreciate the opportunity to provide this parking study. If you have any questions, please do not hesitate to call.

Sincerely,

**HEXAGON TRANSPORTATION CONSULTANTS, INC.**

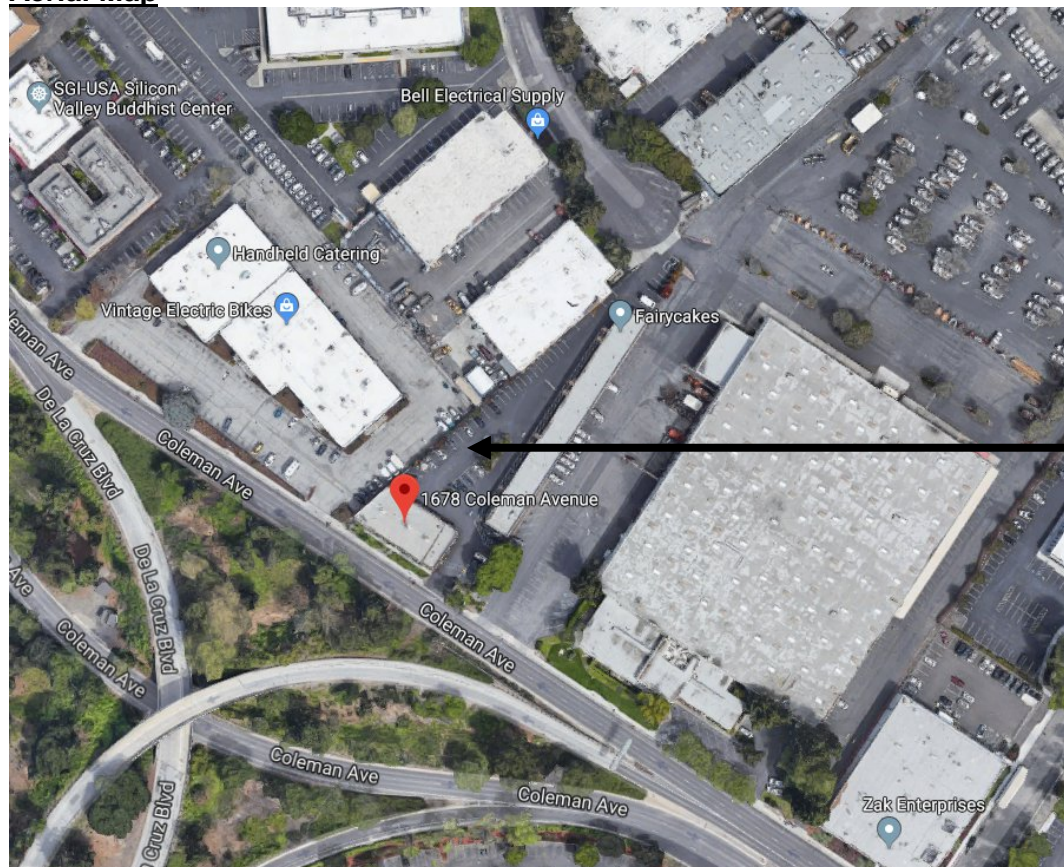
Gary K. Black  
President

## Project Data

**File:** PLN2018-13555  
**Location:** 1678 Coleman Avenue, a 1.02 acre property located on the north side of Coleman Avenue, APN: 230-05-110; property is zoned ML – Light Industrial  
**Applicant:** BMI Fitness  
**Owner:** Ken Mitchell  
**Request:** **Use Permit** to allow a gym in the Light Industrial Zoning District  
**CEQA Determination:** Categorically Exempt per CEQA Section 15301, Existing Facilities  
**Project Planner:** Rebecca Bustos, Associate Planner  
**Recommendation:** Approve, subject to conditions.

	Existing	Proposed
General Plan Designation	Station Area Plan	Same
Zoning District	Light Industrial	Same
Lot Size	1.02 acres	Same
Land Use	Two industrial building	5,600 sf will be converted to a gym
Stories / Total Height	One-story	same
Parking	46	46 (16 for gym use)

## Aerial Map





## Zoning Map



**Project Site**

## General Plan Map



**Project Site**

# BMI FITNESS

## TENANT IMPROVEMENTS

ELEVEN TEN

Architect & Associates

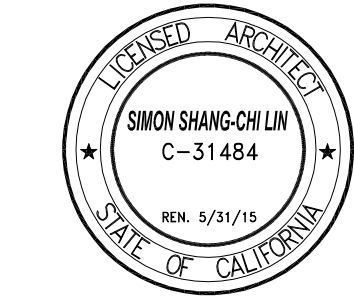
1400 COLEMAN AVE., #B24

SANTA CLARA, CA 95050

Tel. (408) 505-3805

contact@1110architect.com

FIRE SAFETY RELATED NOTES	CONTACT LIST	APPLICABLE CODES	PROJECT DATA	VICINITY MAP
<div><div>1. NO CHANGE SHALL BE MADE IN THE USE OR OCCUPANCY OF ANY STRUCTURE THAT WOULD PLACE THE STRUCTURE IN A DIFFERENT DIVISION OF THE SAME GROUP OR OCCUPANCY OR IN A DIFFERENT GROUP OF OCCUPANCIES, UNLESS SUCH STRUCTURE IS MADE TO COMPLY WITH THE REQUIREMENTS OF THE CURRENT CODE(S). INTERNATIONAL FIRE CODE, APPENDIX 1, SECTION 102.</div><div>2. AUTOMATIC SPRINKLER SYSTEM TESTING, MAINTENANCE, AND CERTIFICATION FIRE DEPARTMENT RECORDS SHOW THAT THIS BUILDING MAY BE IN NEED OF "ANNUAL" AND "5-YEAR" INSPECTION AND TESTING CERTIFICATION. CURRENT SYSTEM CERTIFICATION IS REQUIRED PRIOR TO FINAL. CFC SECTION 901.6.1, CA TITLE 19, DIVISION 1, NFPA 25</div><div>3. PRIVATE FIRE HYDRANTS TESTING, MAINTENANCE AND CERTIFICATION: PRIVATE FIRE HYDRANT TESTING AND MAINTENANCE. PROVIDE RECORDS SHOWING THAT THE PRIVATE FIRE HYDRANTS HAVE HAD THE NECESSARY INSPECTION, TESTING AND MAINTENANCE IN ACCORDANCE WITH THE NFPA 25, CALIFORNIA EDITION. SYSTEM CERTIFICATION IS REQUIRED PRIOR TO FINAL.</div></div> <div><div>4. FIRE SPRINKLER SYSTEM DRAINAGE WHEN A SYSTEM IS REQUIRED TO BE DRAINED, DO NOT DISCHARGE WATER INTO THE STORM DRAIN. USE ALTERNATE DRAINAGE POINTS SUCH AS SANITARY SEWER, LARGE LANDSCAPE AREA WHERE NO RUN-OFF WILL OCCUR, OR CONTAINMENT TANK WITH DISCHARGE INTO SANITARY SEWER. PROVIDE SIGNAGE (DURABLE, PERMANENT WITH CONTRASTING BACKGROUND) AT ALL DRAIN VALVES TO READ: DO NOT DRAIN FIRE SPRINKLER WATER SYSTEM INTO THE STORM DRAIN(S).</div></div>	<div><div><u>BUILDING OWNER</u> KEN MITCHELL 26117 PARKSIDE DR. HAYWARD, CA 94542 TEL: (510) 537-4140</div><div><u>ARCHITECT</u> ELEVEN TEN ARCHITECTS 1400 COLEMAN AVE, B24 SANTA CLARA, CA 95050</div><div>PROJECT ARCHITECT: SIMON LIN 408.505.3805 simon@1110architect.com</div></div>	<div>CITY OF MILPITAS ZONING ORDINANCES</div> <div><div>CALIFORNIA BUILDING CODE2013</div><div>CALIFORNIA MECHANICAL CODE2013</div><div>CALIFORNIA PLUMBING CODE2013</div><div>CALIFORNIA ELECTRICAL CODE2013</div><div>CALIFORNIA FIRE CODE2013</div><div>CALIFORNIA ENERGY EFFICIENCY STANDARDS2014</div></div>	<div>GOVERNING AGENCY: CITY OF SANTA CLARA</div> <div>APN230-05-110</div> <div>LOT SIZE:1.02 NET ACRES</div> <div>CONSTRUCTION TYPE:VB</div> <div>NUMBER OF STORY:1</div> <div>SPRINKLERYES</div> <div>BUILDING AREA5,600 SQ FT</div>	<div></div>
			DRAWING INDEX	PROJECT DESCRIPTION
			<div><u>ARCHITECTURAL</u> A0 COVER SHEET A1 SITE PLAN &amp; DETAILS  A2 FLOOR PLANS</div>	<div>THIS PROJECT'S MAIN GOAL IS TO APPLY FOR USE PERMIT FOR A BY-APPOINTMENT PRIVATE FITNESS LESSON CENTER WITH THE FOLLOWING OPENING HOURS:  MONDAY TO FRIDAY 6:30 AM - 8 PM  REFER TO PERMIT NUMBER: BLD2015-39500 &amp; VIOLATION CRN 2015-01070.</div>



BMI FITNESS

CONDITIONAL USE PERMIT

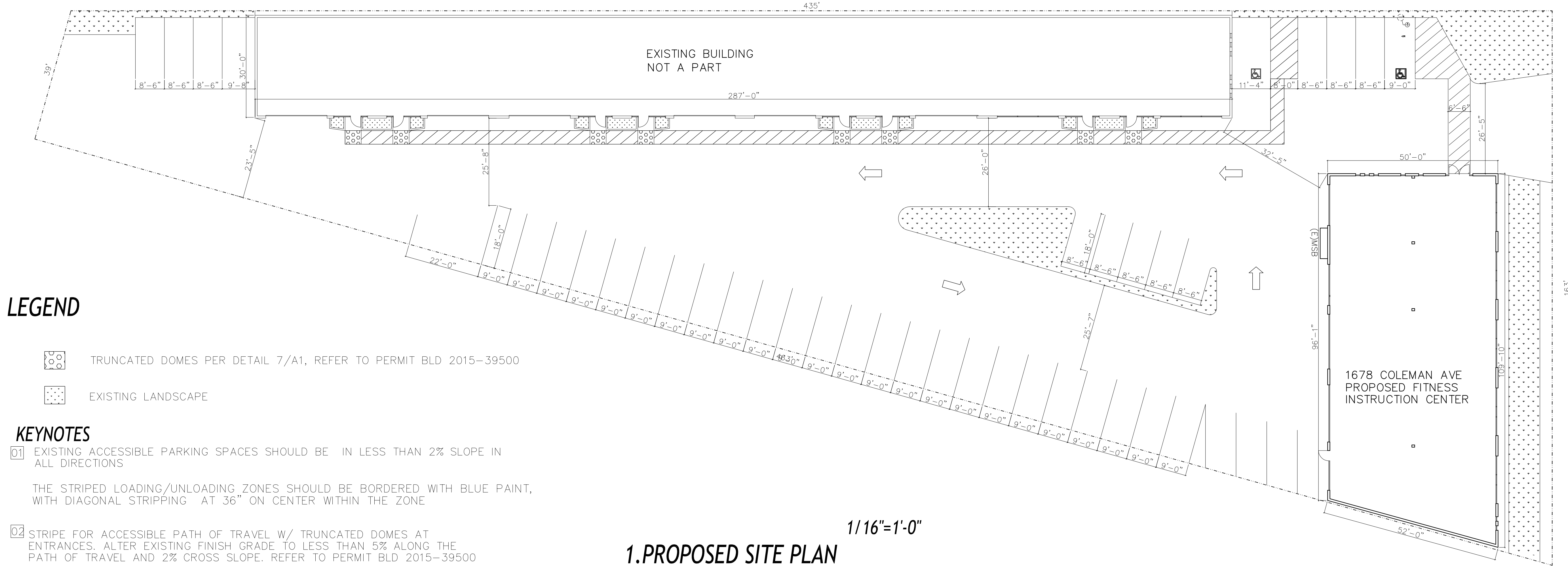
1678 COLEMAN AVENUE, , SANTA CLARA, CA

SHEET TITLE

COVER SHEET

DATE: NOV 15TH, 2015  
SCALE: AS SHOWN  
SHEET NO.

A0



LEGEND

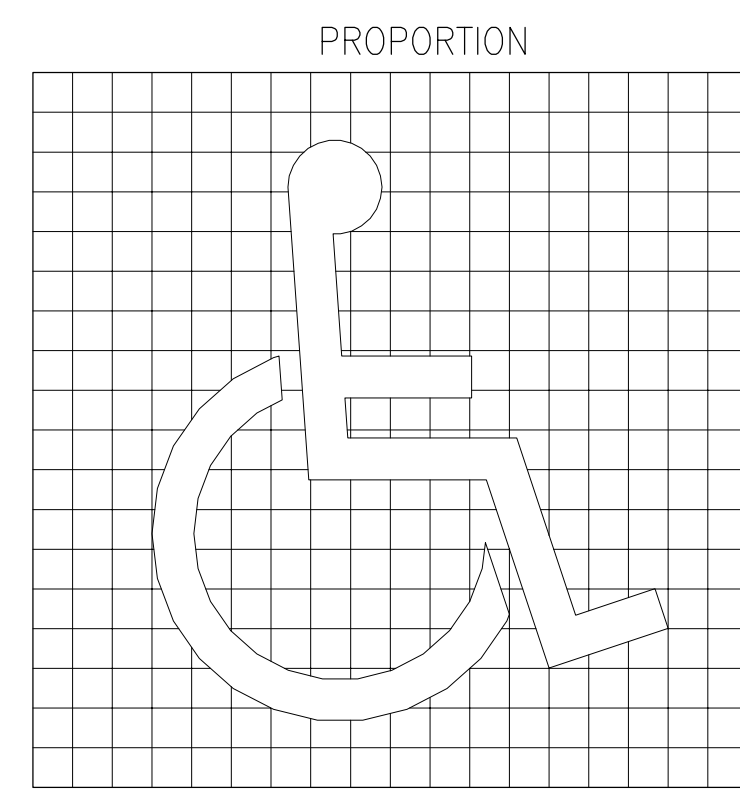
- TRUNCATED DOMES PER DETAIL 7/A1, REFER TO PERMIT BLD 2015-39500
- EXISTING LANDSCAPE

KEYNOTES

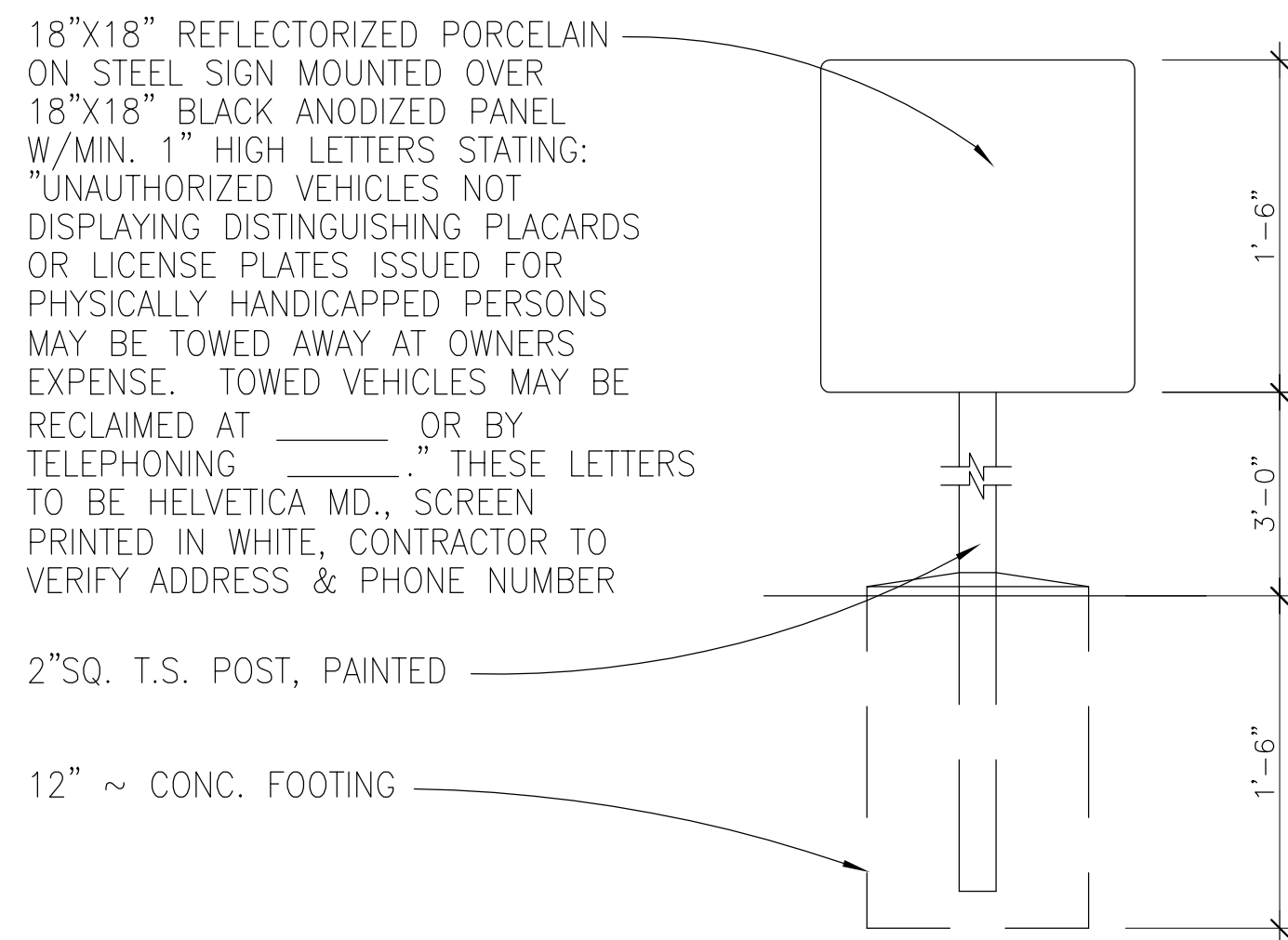
- 01 EXISTING ACCESSIBLE PARKING SPACES SHOULD BE IN LESS THAN 2% SLOPE IN ALL DIRECTIONS
- THE STRIPED LOADING/UNLOADING ZONES SHOULD BE BORDERED WITH BLUE PAINT, WITH DIAGONAL STRIPPING AT 36" ON CENTER WITHIN THE ZONE
- 02 STRIPE FOR ACCESSIBLE PATH OF TRAVEL W/ TRUNCATED DOMES AT ENTRANCES. ALTER EXISTING FINISH GRADE TO LESS THAN 5% ALONG THE PATH OF TRAVEL AND 2% CROSS SLOPE. REFER TO PERMIT BLD 2015-39500
- 03 STRIPE FOR ONE-WAY ARROW SIGN, REFER TO PERMIT BLD 2015-39500
- 04 CONVERT TO REGULAR PARKING STALLS, 9'-0" WIDE EACH  
REFER TO PERMIT BLD 2015-39500

1. PROPOSED SITE PLAN

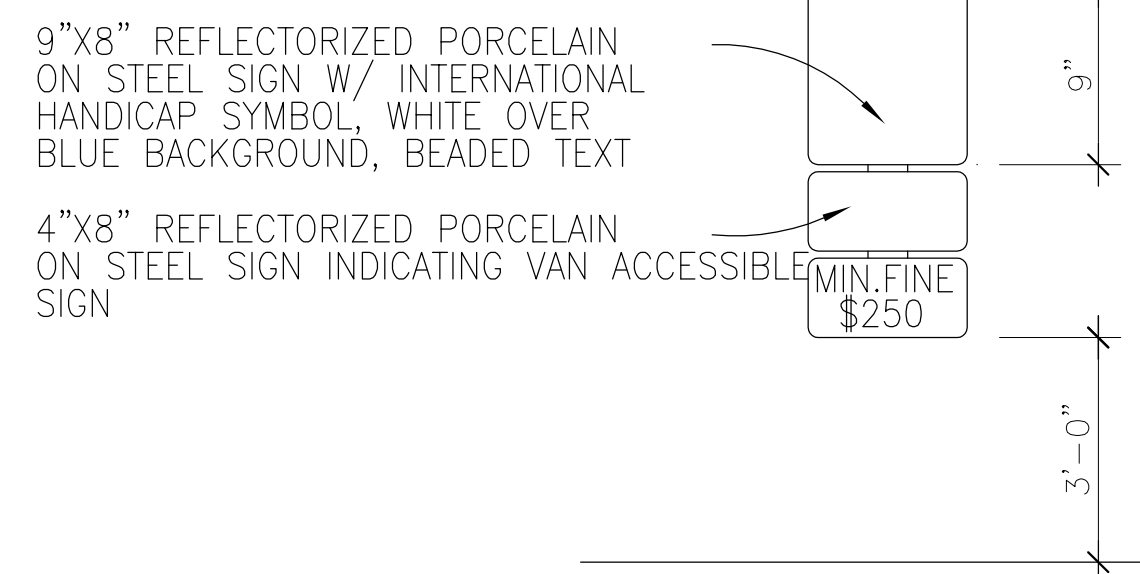
REFER TO PERMIT NUMBER: BLD2015-39500



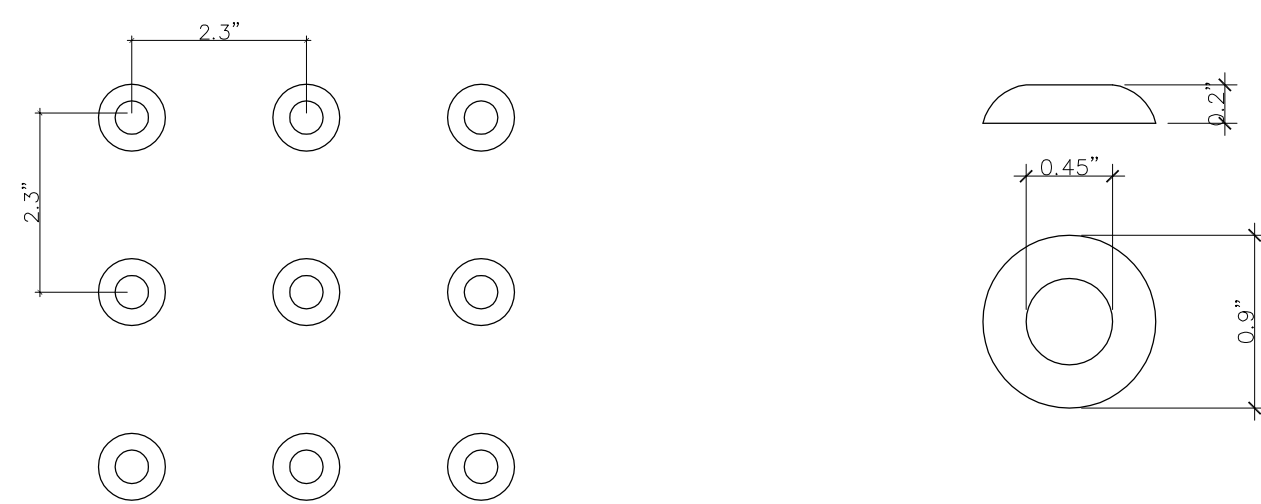
6. ACCESSIBLE PARKING SIGN  
N.T.S.



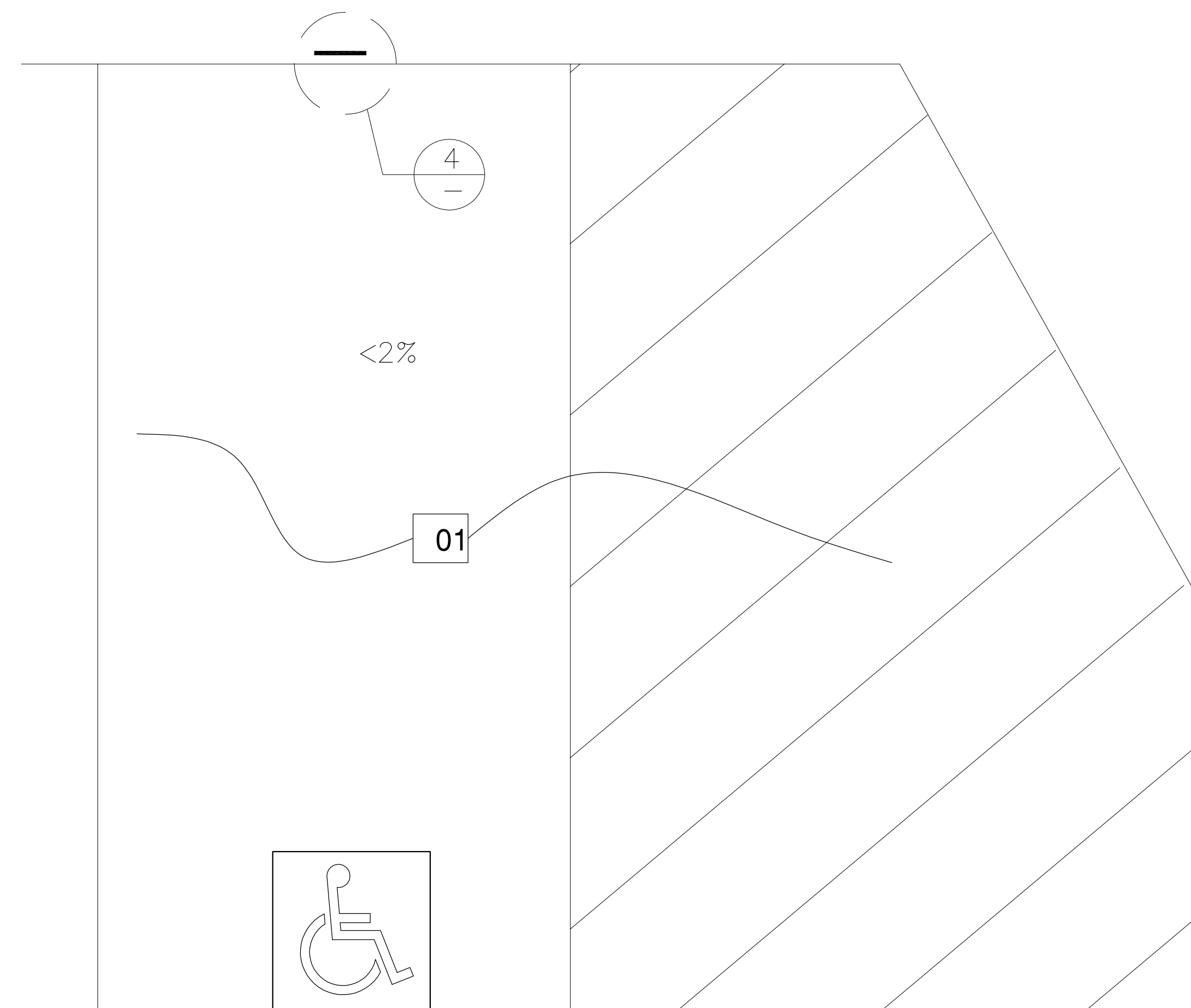
5. (E)TOW AWAY SIGN  
N.T.S.



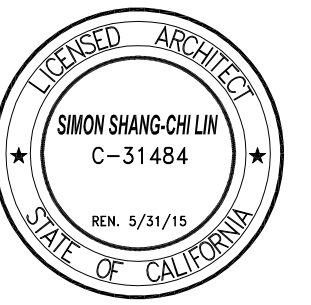
4 ACCESSIBLE PARKING SIGN  
N.T.S.

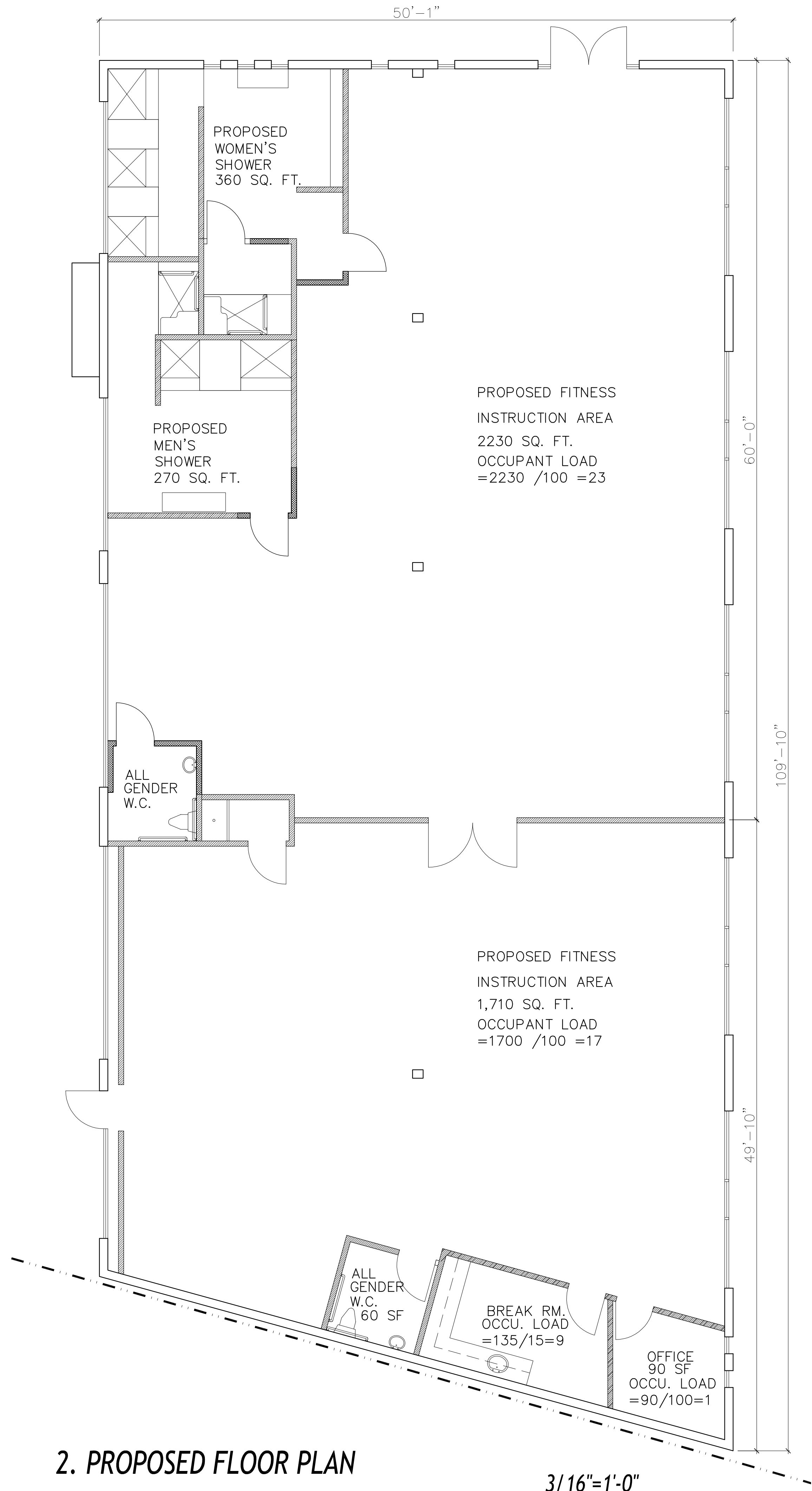


7. NEW TRUNCATED DOMES  
N.T.S.



2. ACCESSIBLE PARKING STALL  
1/2"=1'-0"



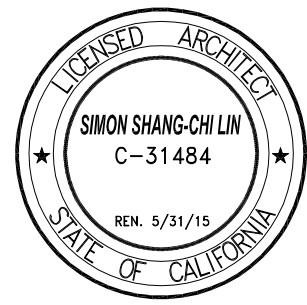


LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WINDOW TO REMAIN
- EXISTING ROLL UP DOOR TO REMAIN

**ELEVEN TEN**  
*Architect & Associates*

1400 COLEMAN AVE., #B24  
SANTA CLARA, CA 95050  
Tel. (408) 505-3805  
contact@1110architect.com



**BMI FITNESS**  
**CONDITIONAL USE PERMIT**  
1678 COLEMAN AVENUE, , SANTA CLARA, CA

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SHEET TITLE

**FLOOR PLANS**

DATE: NOV 15TH, 2015  
SCALE: AS SHOWN  
SHEET NO.

**A2**

2. PROPOSED FLOOR PLAN

3/16"=1'-0"



**RESOLUTION NO \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE  
PERMIT TO ALLOW A GYM FOR THE PROPERTY LOCATED  
AT 1678 COLEMAN AVENUE, SANTA CLARA, CA**

PLN2018-13555 (Use Permit)

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

**WHEREAS**, on September 28, 2018, Simon Lin with Eleven Ten Architects (“Applicant”) applied for a Use Permit to allow a gym located at 1678 Coleman Avenue (“Project Site”);

**WHEREAS**, the Project Site is currently zoned ML – Light Industrial and has the General Plan land use designation of Santa Clara Station Area Plan;

**WHEREAS**, pursuant to Santa Clara City Code (“SCCC”) Section 18.48.040(e), uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the ML zoning district, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs, if the Planning Commission approves a Use Permit;

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 (Class 1 – Existing Facilities), in that the use is confined within an existing on-site facility, and the activity consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the City’s determination;

**WHEREAS**, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

**WHEREAS**, on February 15, 2019, the notice of public hearing for the February 27, 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 500 feet of the Project Site; and

**WHEREAS**, on February 27, 2019, the Planning Commission conducted a public hearing, at which the item was continued to March 13, 2019; and

**WHEREAS**, on March 13, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

**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 that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit to allow a 5,000 square foot gym at the Project Site, as depicted on Exhibit "Development Plans," attached hereto and incorporated herein by this reference.

3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposal contributes to the variety of private service uses available in the industrial area;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that use is entirely within an existing building and is unlikely to adversely impact adjacent industrial uses;

2) The property or improvements in the neighborhood of such proposed use, in that no expansion of the building is proposed and the proposal provides adequate on-site parking;

3) The general welfare of the City, in that the proposed use contributes to the variety of private service uses available in the industrial area of the City and is designed with sufficient on-site parking to support the proposed use;

C. That said use will not impair the integrity and character of the zoning district, in that no changes are proposed to the exterior of the existing building;

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a non-industrial use may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in the Light Industrial zoning district.

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 13TH DAY OF MARCH, 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:

1. Development Plans
2. Conditions of Approval

**CONDITIONS OF APPROVAL**  
**1678 Coleman Avenue**  
**PLN2018-13555**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

**GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

**ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

**COMMUNITY DEVELOPMENT**

- C1. This project involves change of occupancy per the Building Code, from industrial use to Assembly Use. There are Building Code requirements that shall be determined by a California licensed architect or civil engineer.
- C2. Obtain Building permit for all work subject to Building Permit per City Administrative code Chapter 15.05. Comply with all requirements current at the time of application for building permit (CBC, Cal Green, California Energy Conservation Code (Title 24), CPC, CMC and CEC).
- C3. Property owner is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C4. The Director of Community Development may refer the Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval area violated or the operation is inconsistent with the approved operational statement. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the Conditional Use Permit to the Planning Commission within three months for consideration of revocation proceedings.
- C5. Based on 16 available parking spaces, group fitness class size shall be limited to 12 attendees between 8:00 a.m. and 5:00 p.m. Additional attendees may be permitted contingent upon approved use of the remainder of the on-site parking after 5:00 p.m. by the property owner.

**ENGINEERING**

- E1. Development fees to be paid prior to issuance of building permit for change in use from previous warehouse to gym.
- E2. If building permit valuation is \$200,000 or greater, ADA frontage improvements shall be required.
- E3. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E4. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E5. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E6. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his



designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

- E7. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E8. All proposed sidewalk, walkway, and driveway(s), shall be per ADA compliant City standard.
- E9. Show and comply with City's driveway vision triangle requirements at proposed driveway. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E10. Provide ADA walkway connecting the proposed buildings to public sidewalk.
- E11. All traffic striping, messages, and symbols shall be thermoplastic.
- E12. On-street parking shall not be counted towards on-site parking requirements.
- E13. For the proposed site development, provide the following minimum bicycle parking spaces at the main entrance and/or high visible areas:
  - a. Fitness center: provide 1 Class I per 30 employees and 4 Class II bicycle spaces.



## Agenda Report

19-290

Agenda Date: 3/13/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Public Hearing: Action on a Variance from the parking requirement for the single family residence at 648 Robin Drive. Continuance from February 27, 2019 Planning Commission Meeting.

#### **REPORT IN BRIEF**

Project: Variance to allow an 891 square feet rear addition, resulting in a 1,828 square foot 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.

Applicant/Owner: Sanchali Srivastava, SAN Interior Design/Sean Randolph

General Plan: Very low density residential

Zoning: Single Family Residential (R1-6L)

Site Area: 5,880 square feet (0.13 acres)

Existing Site Conditions: Developed with a one-story single family residence

#### **Surrounding Land Uses**

North and South: Single Family residences along Robin drive

West: Single Family residences along Armanini Avenue

East: Robin Drive and Single family residences

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Alternative 1: Deny the request for a variance from the parking requirement for the single family residence.

#### **BACKGROUND**

The applicant requests approval of a variance to the covered parking requirement of the R1-6L Single Family Zoning District in order to move forward with a proposed 891 square foot addition to the rear of the existing house. The property was originally developed with a house and attached one-car garage in 1951, predating the City's requirement for two covered parking spaces pursuant to Section 18.12.120(a) of the Santa Clara City Code (SCCC). The proposal is subject to the parking requirements of the Zoning Code unless a variance is granted by the Planning Commission.

Pursuant to Chapter 18.108 of the City's Zoning Ordinance, where practical difficulties, unnecessary hardships and effects inconsistent with the general purposes of the Zoning Code may result from the strict application of certain provisions, variances may be granted. However, granting of a variance would require making the findings in SCCC Section 18.108.040, including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

The project was previously heard at the February 27, 2019 Planning Commission meeting. After

receiving presentations by staff, and public testimony from the applicant and members of the community, the Planning Commission continued the item to the March 13, 2019 Planning Commission meeting to allow the owners to obtain letters of support from the neighbors.

### **DISCUSSION**

The application proposes to remodel the existing two-bedroom and two-bathroom house, and remove the existing rear porch to add two additional bedrooms, one additional bathroom and a family room. The proposed addition would result in a four bedroom/three bathroom house. The project proposes to remove the existing 80 square foot shed in the rear and maintain an existing legal nonconforming one-car garage with substandard inside dimensions of 11' 3 1/2" in width and 21'7" in depth. The interior clearance requirements for new garage/carport construction are 20 feet by 20 feet for side-by-side parking of two vehicles.

Pursuant to the General Plan, an expansion to an existing home beyond three bedrooms or by another 500 square feet triggers the requirement for a two-car garage. The subject property is somewhat narrow, measuring 56 feet in width, where properties in R1-6L zoning districts are required to be at least 60 feet in width. The existing residence measures 42' in width with a side yard of 8'7" on one side that exceeds the minimum required setback of 5' in the R1-6L zoning district. While the existing lot is narrower than the standard lot in the R1-6L zoning district, the excess side yard provides an opportunity to expand the garage. The proposed addition is substantial, almost doubling the size of the existing house. Alternative designs are possible that would meet the two-car covered parking requirement. The property is located in a residential neighborhood originally constructed with one-story homes on narrower lots with attached one-car garages. Therefore, there are no unusual conditions applying to the land or building, which is one of the required findings for granting a variance.

#### *Consistency with General Plan:*

The project site has a General Plan land use designation of Very Low Density Residential. This designation is intended for residential densities up to 10 units per acre and is typically represented in detached single-family neighborhoods. The proposed project to maintain an existing one-car garage is not consistent with following:

General Plan Implementation Action 4: One- and Two-Story Additions: Santa Clara's zoning regulations for single family homes are liberal enough that virtually every home can be added onto. The major exception is when older homes with only a one car garage are expanded beyond three bedrooms or by another 500 square feet. This triggers a two car covered parking requirement. However, parking variances are usually granted when the house layout makes a two car garage impossible.

Given that the project proposes a substantial addition, alternative designs with a different floor plan can be incorporated to meet the two car covered parking requirement. The existing house has an 8'-7" side yard providing 3'-7" beyond the required side setback of 5' in the R1-6L zoning district. The extra space in the side yard, together with reconfiguration of the proposed plan, could be utilized to widen the garage to meet the Zoning Administrator modification standard, allowing a 17 foot interior width.

#### *Zoning Conformance:*

The project is consistent with the R1-6L zoning designation for the property, in that the proposed

addition complies with the minimum side yard and rear yard building setback requirements, maintains useable private rear yard open space, does not exceed allowable lot coverage for the property, and would continue to be in keeping with the neighborhood character.

However, the project is not consistent with SCCC Section 18.12.120(a), minimum parking requirements, which requires that each single-family property provide two covered parking spaces. Pursuant to SCCC Section 18.108.010, where practical difficulties, unnecessary hardships, and effects, inconsistent with the general purpose of the Zoning Ordinance may result from the strict application of certain provisions, variances may be granted. The granting of a variance would require making the findings in SCCC Section 18.108.040, including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

The property is located in a residential neighborhood originally constructed with one-story homes on narrower lots with attached one-car garages. Therefore, there are no unusual conditions applying to the property. Allowing one covered parking would be an exception as compared to the other single family homes in the R1-6L zone, similarly situated in the neighborhood and in the City.

#### *Circulation and Parking*

An existing one-car wide driveway pad measuring approximately 16 feet wide x 20'-3" feet deep in front of the garage provides access to the 11' 3 1/2" wide x 21' 7" deep one-car garage. The applicant is proposing to utilize the existing driveway as an additional parking space.

#### *Conclusion:*

Given that this is a substantial addition, there may be alternative designs that would meet the Zoning Code requirement for two covered parking spaces. The property is located in a residential neighborhood originally constructed with one-story homes on narrower lots with attached one-car garages. Therefore, the proposed project does not meet the purpose and intent of the Zoning Code in that there are no unusual conditions applying to the land or building that do not apply generally in the same district. The findings required for denying the variance are included in the attached resolution. At the February 27, 2019 Planning Commission meeting, the Commission indicated a possibility of approving the variance. As such also attached is a draft resolution for approval with potential findings based on the Planning Commission discussion on February 27, 2019.

### **ENVIRONMENTAL REVIEW**

The proposed is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301(e)(2), Class 1 "Existing Facilities," as the activity consists of the minor alteration of existing public or private structures, consisting of an addition of not more than 10,000 square feet in an area where all public services and facilities are available and the area is not environmentally sensitive.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense for the typically covered by processing fees paid by the applicant

### **COORDINATION**

This report was coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

On February 15, 2018, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. At the time of preparation of this report no comments related to this project were received from the public.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**ALTERNATIVES**

1. Deny the variance to allow an 891 square feet rear addition, resulting in a 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.
2. Approve the variance to allow an 891 square feet rear addition, resulting in a 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.

**RECOMMENDATION**

Alternative 1: Adopt a resolution denying the variance to allow an 891 square feet rear addition, resulting in a 4 bedroom and 3 bathroom one-story single family residence with an existing 292 square feet one car garage to remain.

Prepared by: Nimisha Agrawal, Assistant Planner I  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Project Data Summary Sheet
2. Applicant's Statement of Justification
3. Development Plans
4. Resolution Denying the Variance
5. Resolution Approving the Variance
6. Conditions of Approval

## 1. Project Summary Data and Maps–648 Robin Drive

### Project Data

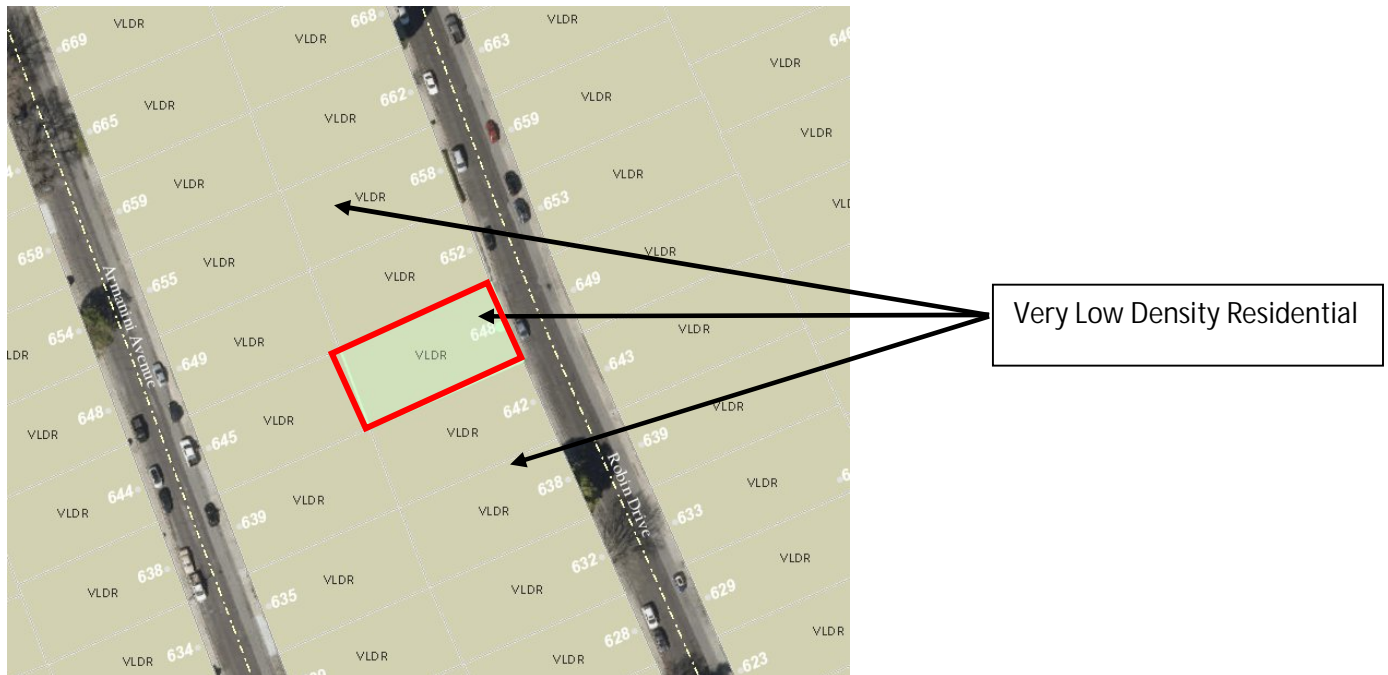
	Existing	Proposed
<b>General Designation</b>	Very Low Density Residential	Same
<b>Zoning District</b>	Single Family Residential (R1-6L)	Single Family Residential (R1-6L)
<b>Land Use</b>	Single family Residence	Same
<b>Lot Size</b>	5,880	Same
<b>Living Area</b>	937 square feet	1,828
<b>Porch</b>	67 square feet (front) 188 square feet (rear)	67 square foot (front)
<b>Garage</b>	292 square feet	292 square feet
<b>Shed</b>	80 square feet	-
<b>Gross Floor Area</b>	1,229 square feet	2,120 square feet
<b>Lot Coverage</b>	1,564/5,880 = 26.6%	2,187/5,880 = 37.2%
<b>Bedrooms/Bathrooms</b>	2/2	4/3

### Site Location and Context

#### **Surrounding Land Uses:**

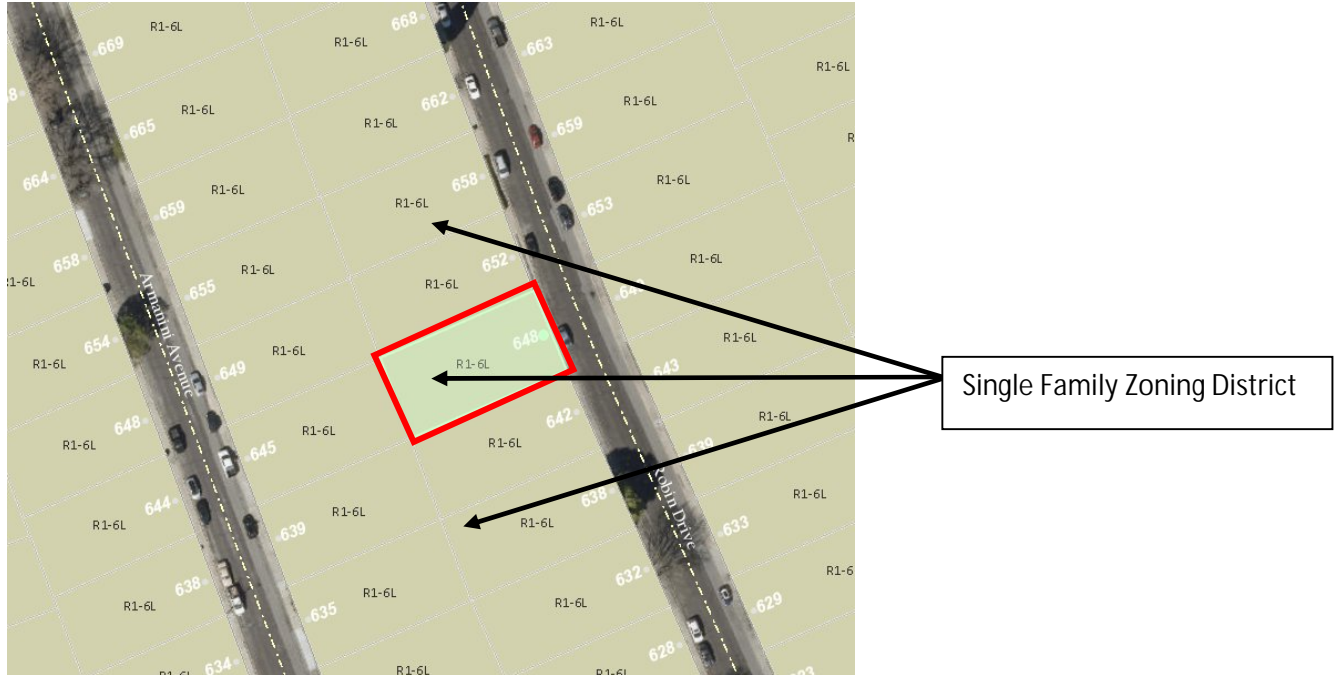
The project site is located in a residential tract developed predominantly with one-story single family homes having attached one-car garages. The residences bordering the project site to the north, south, west and across Robin Drive to the east are one-story ranch style single family homes with attached one-car garages.

### **General Plan Map**



## 1. Project Summary Data and Maps–648 Robin Drive

### ***Zoning Map***





December 11, 2018

Sean and Jessica Randolph  
648 Robin Dr  
Santa Clara, CA 95050

Dear Members of the Planning Commission,

We are writing this letter to request the approval of an addition to our home at 648 Robin Dr, Santa Clara, CA 95050. We have lived in this city for nearly 12 years and love our community. Granting us this expansion will allow us to accommodate our growing family while staying in the neighborhood we call home.

Our plan is to complete a single-story addition at the rear of the property to include 2 additional bedrooms and 1 additional bathroom. This would result in a 4 bedroom, 3 bathroom single family home. We are also seeking a variance to retain the 1 car garage. Based on the current zoning rules, we believe that our request is appropriate given the following conditions:

- a) *That there are unusual conditions applying to the land or building which do not apply generally in the same district.* Our lot is of substandard width at 56' wide. Adding a 2-car garage in the front of the property would require us to make drastic changes to the layout of our house. In addition, the space on either side of the house is less than 10', making it impossible to create a driveway to a garage in the rear of the property.
- b) *That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.* Our family is growing - we already have 2 children and would like to have more. Additionally, we frequently have my mother stay at the house in order to help with child care. Approving our request would allow us to expand our home to accommodate these needs while still keeping the home reasonably consistent with the other houses in our neighborhood. Building a 2 car garage would require us to build a second story in order to get the space we need, which would not be financially possible for us.
- c) *That the granting of such variance shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, morals, 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.* Our planned addition is in the rear of the house and the proposed variance would allow us to avoid going up a story, so it will not have any impact on the look and feel of the neighborhood. Additionally, the vast majority of homes on our street have 1-car garages, so we would be keeping in line with the rest of the neighborhood in that regard as well. We have space in front of our garage for a car to park off the street, plus there is ample street parking in our neighborhood as well, so there will be no impact on the availability of parking to our neighbors.
- d) *That the granting of the variance is in keeping with the purpose and intent of this title.* We hope that the reasons we've outlined have convinced you that our request is



reasonable and in spirit with the purpose and intent of the zoning laws seeing as how our plan would maintain the current onsite parking for 2 vehicles in the driveway and existing garage.

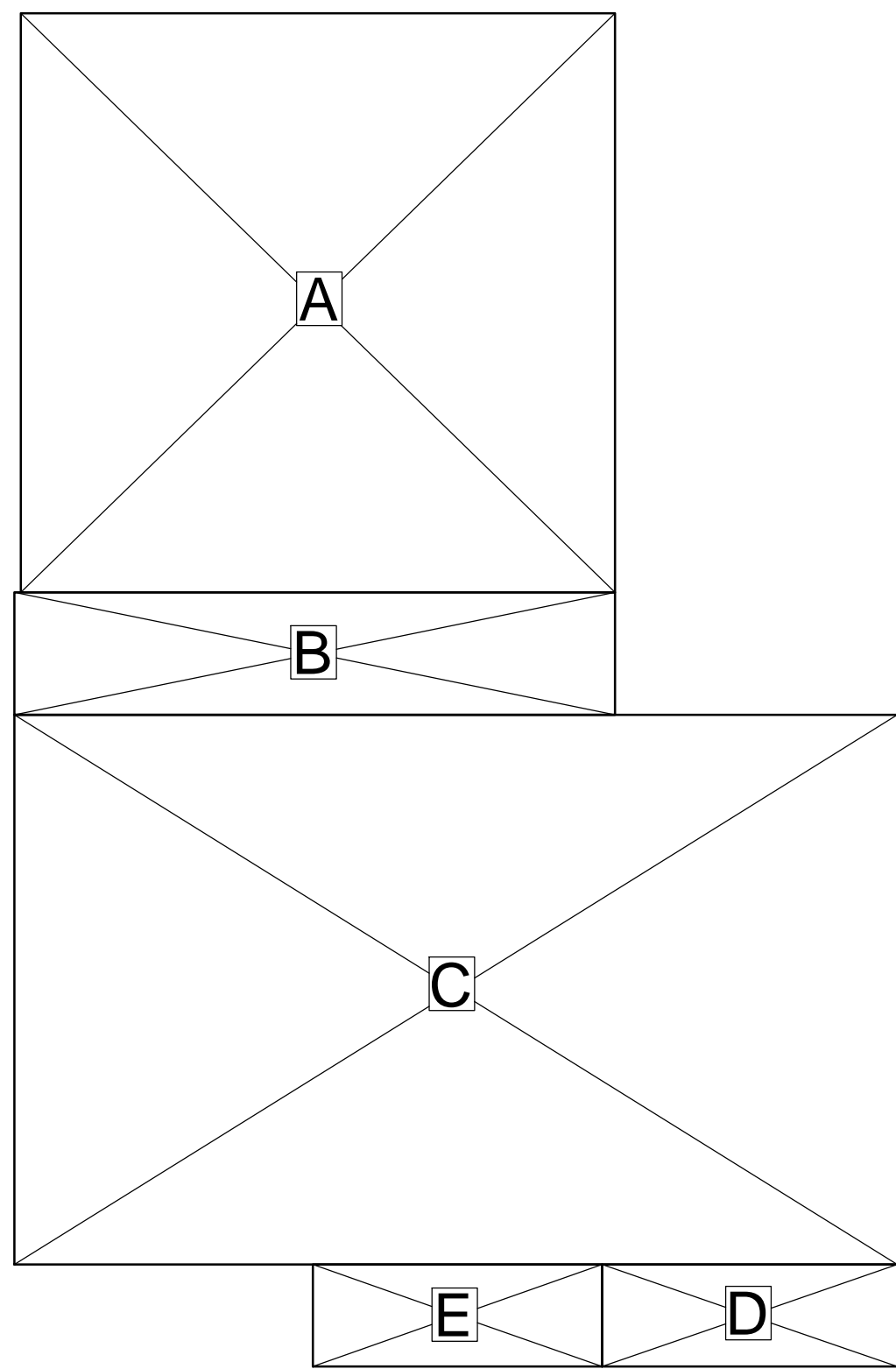
We are more than happy to discuss this matter further or answer any questions you may have about the project. We are reachable by phone at 408-905-9295 or by email at [jessicakailee@gmail.com](mailto:jessicakailee@gmail.com)

Thank you for your consideration,

A handwritten signature in blue ink that reads "Sean Randolph". The script is cursive and fluid.A handwritten signature in blue ink that reads "Jessica Randolph". The script is cursive and fluid.

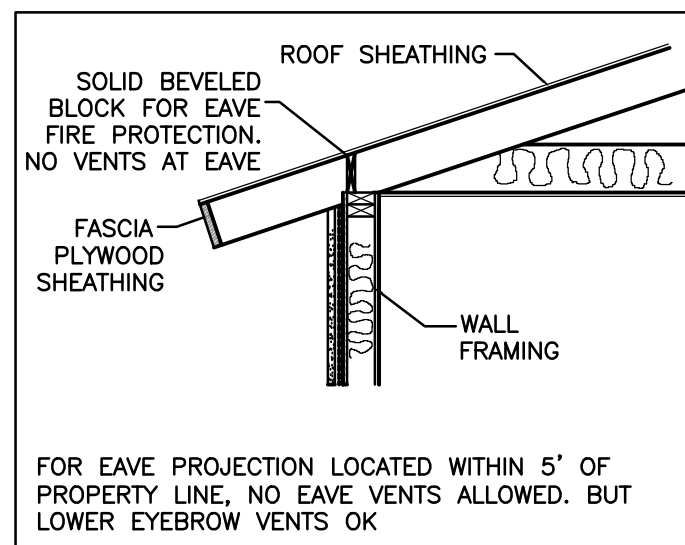
Sean and Jessica Randolph





A =	28'-3" X 27'-7"	= 783 SF
B =	28'-7" X 5'-10"	= 168 SF
C =	42' X 26'-2"	= 1100 SF
D =	14'-1/2" X 4'-10"	= 69 SF
E =	13'-9" X 4'-10"	= 67 SF
TOTAL AREA		= 2,187 SF
LOT AREA		= 5,880 SF
LOT COVERAGE = 2187/5880 X100 =		37.2%

## 9 AREA DIAGRAM SCALE: 1/8"



LEGEND:	
-----	(E) AREA TO REMAIN
=====	PROPOSED ADDITION AREA
-----	PROPOSED REMODEL AREA
-----	BUILDING LINE
-----	SETBACK LINE
-----	PROPERTY LINE
-----	FENCE LINE
-----	P.U.E. LINE
-----	ELEC. SERVICE DROP
oDS	DOWN SPOUT
□	38 SQIN ROOF VENT
□	56 SQIN EAVE VENT
—	252 SQIN GABLE VENT

### NOTES:

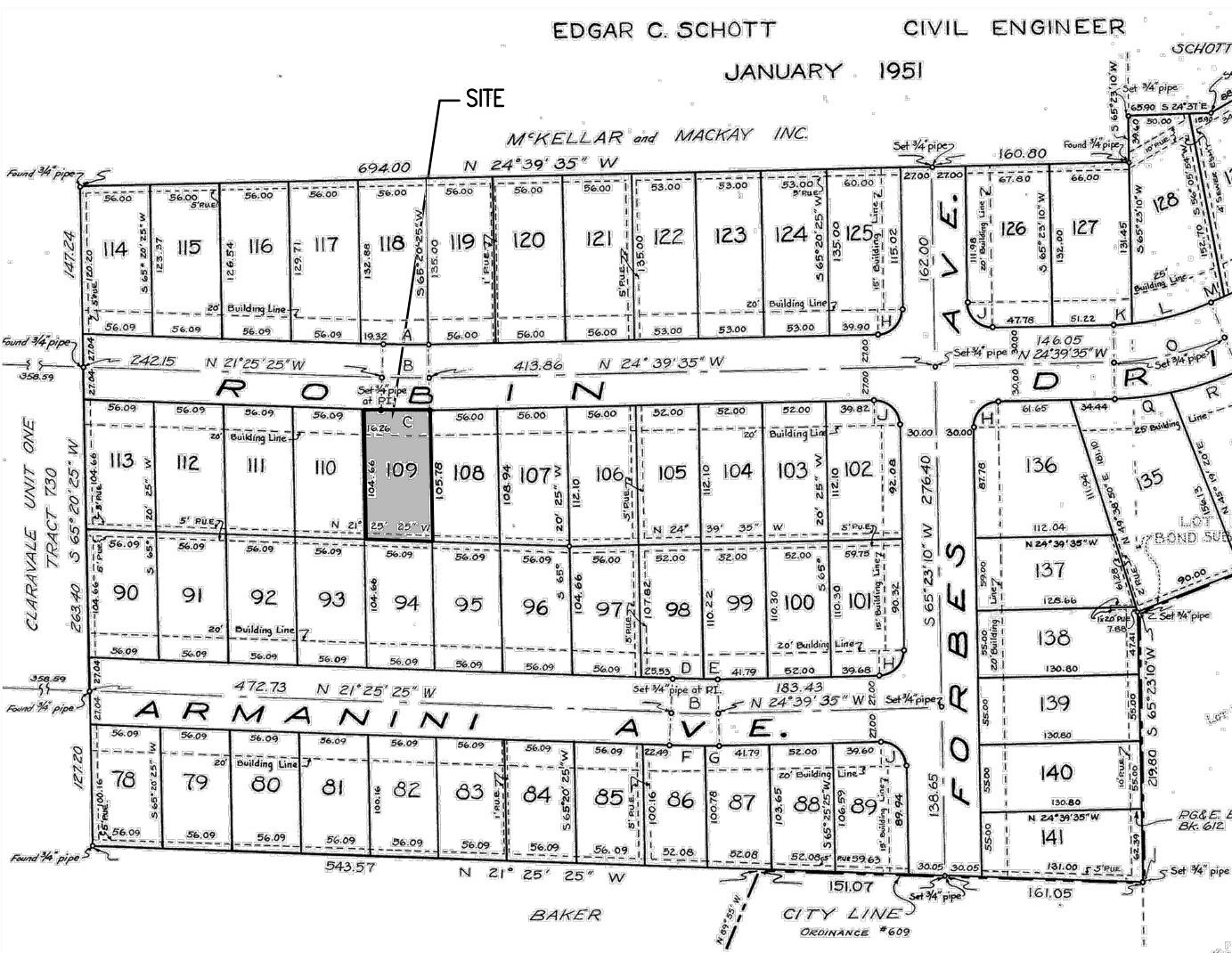
- NO TREES ON SITE TO BE REMOVED U.N.O.
- ON GRADED SITES, THE TOP OF ANY EXTERIOR FOUNDATION SHALL EXTEND ABOVE THE ELEVATION OF THE STREET GUTTER AT A POINT OF DISCHARGE (OR THE INLET OF AN APPROVED DRAINAGE DEVICE), A MIN. OF 12" PLUS 2%
- ROOF DRAINAGE DISCHARGE TO BE 5' MIN. FROM FOUNDATION TO AN APPROVED DRAINAGE SYSTEM

## 8 SITE PLAN & ROOF PLAN

SCALE: 1/8"=1'-0"

- (N) ADDITION TOWARDS THE REAR OF A FAMILY ROOM, TWO BEDROOMS, A BATHROOM & A LAUNDRY ROOM.
- (E) ELEC. METER TO BE RELOCATED TO THE SIDE
- (E) AC TO BE MOVED TO THE SIDE.
- (E) SHED IN THE BACKYARD TO BE REMOVED.

## 7 SCOPE OF WORK



## 6 VICINITY MAP

- MIN. 36" LANDING OUTSIDE EXTERIOR DOORS REQUIRED, NOT MORE THAN 7 3/4" LOWER THAN THE THRESHOLD. LANDINGS MUST SLOPE 2% AWAY FROM THE BUILDING.
- SITE GRADING MUST SLOPE 5% AWAY FROM FOUNDATION FOR A MIN. DISTANCE OF 10' MEASURED PERPENDICULAR TO THE FACE OF THE WALL, AND SLOPE ON SITE MUST BE 1% TO A PUBLIC WAY.
- SHOWER & TUB/SHOWER WALLS TO HAVE A SMOOTH, HARD & NON-ABSORBANT SURFACE (E.G. CEMENT OR FIBER GLASS) OVER A MOISTURE RESISTANT UNDERLAYMENT (E.G. CEMENT, FIBER CEMENT, OR GLASS MAT GYPSUM BACKER) TO A MIN. HEIGHT OF 72" ABOVE THE DRAIN INLET. WATER-RESISTANT GYPSUM BACKING BOARD SHALL NOT BE USED OVER VAPOR RETARDER IN SHOWER OR BATHTUB COMPARTMENTS. BACKING BOARD SHALL MEET THE ASTM REQUIREMENTS AS/2016 CRC.
- PROVIDE A NET CLEAR OPENING OF 5.7 SF IN BEDROOM WINDOWS, WITH A MINIMUM NET CLEAR OPENING HEIGHT OF 24", A MIN. NET CLEAR OPENING WIDTH OF 20", A SILL HEIGHT NO MORE THAN 44" ABOVE THE FINISH FLOOR (PER CRC R310.1, R310.1.1, R310.1.2, R310.1.3).
- PER CRC R303.1, ALL HABITABLE ROOMS SHALL HAVE AN AGGREGATE GLAZING AREA OF <8% OF FLOOR AREA OF SUCH ROOM. THE MIN. OPENABLE AREA SHALL BE 4% OF THE FLOOR AREA BEING VENTILATED  
PER CRC R303.1, FOR PURPOSES OF DETERMINING LIGHT & VENTILATION REQUIREMENTS, ANY ROOM SHALL BE CONSIDERED AS A PORTION OF AN ADJOINING ROOM WHEN AT LEAST ONE-HALF OF THE AREA OF THE COMMON WALL IS OPEN AND UNOBSTRUCTED AND PROVIDES AN OPENING OF NOT LESS THAN ONE-TENTH OF THE FLOOR AREA OF THE INTERIOR ROOM BUT NOT LESS THAN 25 SF)
- EXTERIOR STUCCO IS A 3-COAT SYSTEM, 7/8" MIN. THICK, HAS TWO LAYERS OF GRADE "D" PAPER UNDER STUCCO WHERE OCCURS OVER PLYWOOD SHEATHING, AND HAS 26 GAUGE GALVANIZED WEEP SCREED AT FOUNDATION PLATE LINE AT LEAST 4" ABOVE GRADE (OR 2" ABOVE CONCRETE OR PAVING), PER CRC R703.6.2, R703.6.2.1, AND R703.6.3

## 5 ARCHITECTURAL NOTES

PROJECT ADDRESS:	648 ROBIN DR., SANTA CLARA, CA 95050
OCCUPANCY CLASSIFICATION:	R3 (SINGLE FAMILY), U (GARAGE)
ZONING:	R1-6L
CONSTRUCTION TYPE:	TYPE V-B
STORIES:	1 STORY
SPRINKLERS REQUIRED:	NO
YEAR BUILT:	1951
APN #:	294-08-011
(E) FLOOR AREA:	= 937 SF
(N) FLOOR AREA ADDITION:	= 891 SF
TOTAL NET FLOOR AREA:	= 937 + 891 = 1,828 SF
(E) GARAGE AREA	= 292 SF
(E) FRONT PORCH	= 67 SF
(E) SHED TO BE REMOVED	= 80 SF
(E) REAR PORCH TO BE REMOVED	= 188 SF
(E) LOT AREA	= 5,880 SF
LOT COVERAGE:	= (1828+292+67/ 5880) X100 = (2187 / 5880) X 100 = 37.2 %

## 4 PROJECT DATA & AREA CALCULATIONS

1. ALL WORK TO COMPLY WITH THE 2016 CBC, CMC, CPC & CEC, 2016 CRC, 2016 CA ENERGY CODE, 2016 CAL GREEN BUILDING STANDARDS CODE.

## 3 CODES & REGULATIONS

OWNER:	SEAN & JESSICA RANDOLPH PHONE #: (510) 378-3949 EMAIL: seanrandolph@gmail.com
DESIGNER: (CONTACT PERSON)	SANCHALI SRIVASTAVA, KCD, CID SAN INTERIOR DESIGN PHONE #: (408) 705-0448 EMAIL: sanchali@saninteriordesign.com
STRUCTURAL ENGINEER:	EFE SOZKESEN, MS, P.E. 4X ENGINEERING, INC. PHONE #: (408) 642-5464 EMAIL: efe@4xengineering.com

## 2 OWNER & PROJECT TEAM CONTACT INFO

ARCHITECTURAL DRAWINGS	
A1.0	COVER SHEET, SITE PLAN & ROOF PLAN
A2.0	EXISTING/DEMO FLOOR PLAN & EXISTING ELEVATIONS
A2.1	PROPOSED FLOOR PLAN / ELECTRICAL PLAN
A3.0	PROPOSED ELEVATIONS, SECTIONS & DOOR/WINDOW SCHEDULE

STRUCTURAL DRAWINGS:	
S-1	FOUNDATION PLAN
S-2	2ND FL. FRAMING PLAN & 1ST FLOOR SHEAR WALL PLAN
S-3	ROOF FRAMING PLAN & 2ND FLOOR SHEAR WALL PLAN
SD-0	GENERAL NOTES
SD-1	TYPICAL FOUNDATION DETAILS
SD-2	TYPICAL SHEAR WALL DETAILS
SD-3	TYPICAL ROOF FRAMING DETAILS
SD-4	TYPICAL FOUNDATION DETAILS
SD-5	TYPICAL DETAILS
SD-6	TYPICAL DETAILS
HXF-1	HARDY FRAME DETAILS - 1
HXF-2	HARDY FRAME DETAILS - 2
HXF-3	HARDY FRAME DETAILS - 3

TITLE 24 & GREEN BUILDING DRAWINGS:	
1/2	T24 ENERGY CALCULATIONS - PART 1
2/2	T24 MANDATORY MEASURES - PART 2
GRN-1	GREEN BUILDING RESIDENTIAL CHECKLIST

## 1 TABLE OF CONTENTS

**San Interior Design**  
408-705-0448  
sanchali@saninteriordesign.com  
6937 Azalea Dr.  
San Jose, CA 95120

**CIDIC**  
SANCHALI SRIVASTAVA  
CERTIFIED INTERIOR DESIGNER  
EXPIRES 9-2-19 CID# 6360

# RANDOLPH RESIDENCE ADDITION / REMODEL

648 ROBIN DR.  
SANTA CLARA, CA 95050

REVISIONS	DATE	BY

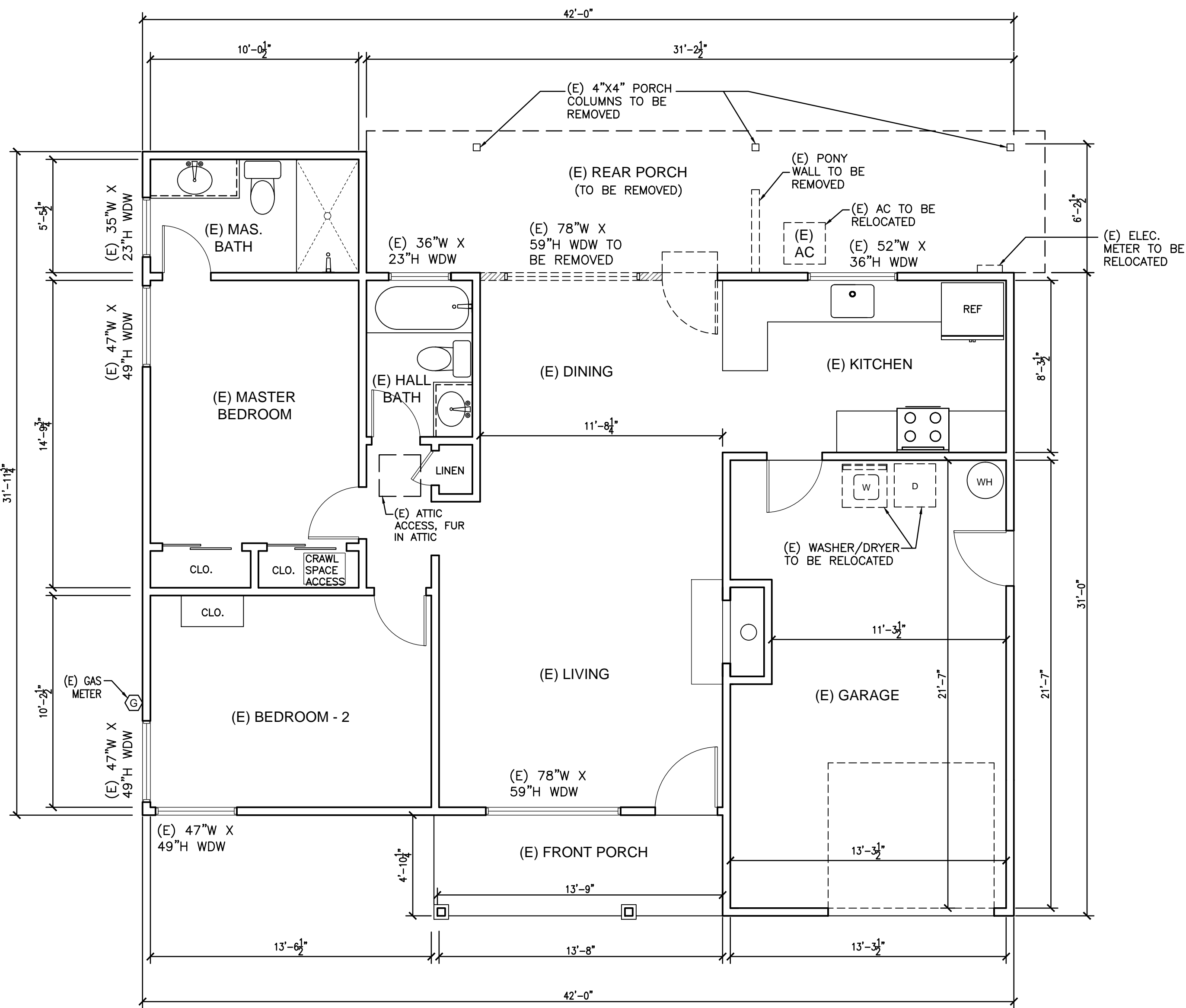
DATE:	12/04/18
DRAWN BY:	SANCHALI SRIVASTAVA
SCALE:	AS NOTED

SHEET TITLE:  
**COVER SHEET,  
SITE & ROOF  
PLAN**

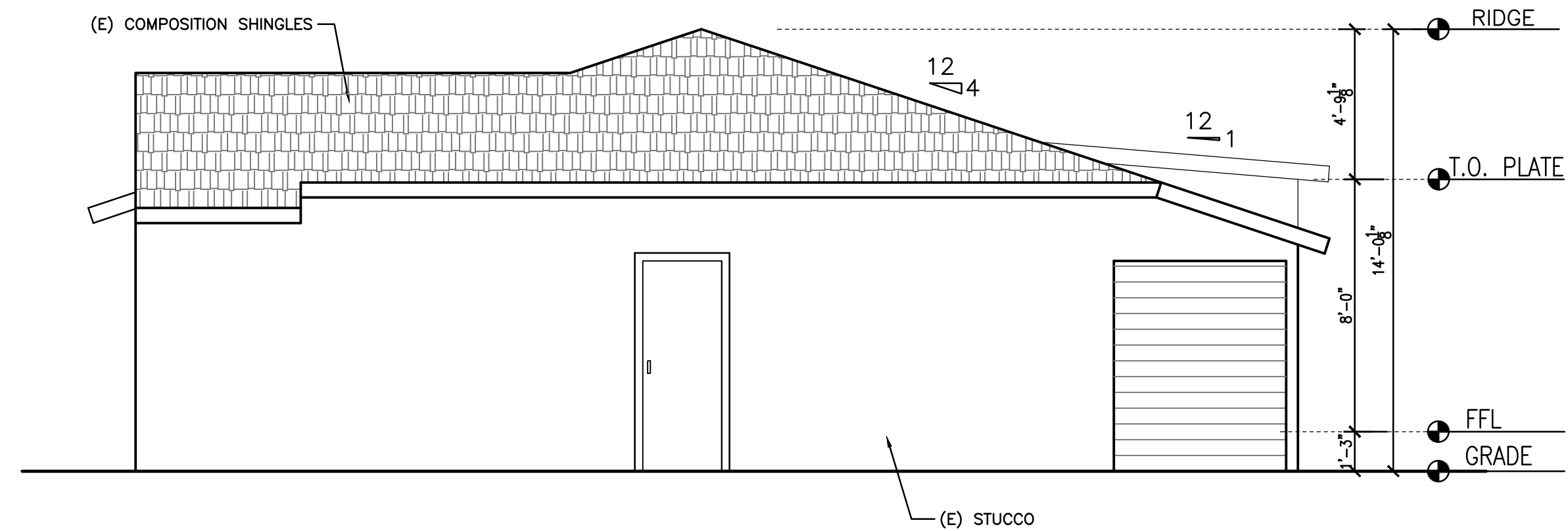
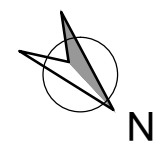
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**A1.0**

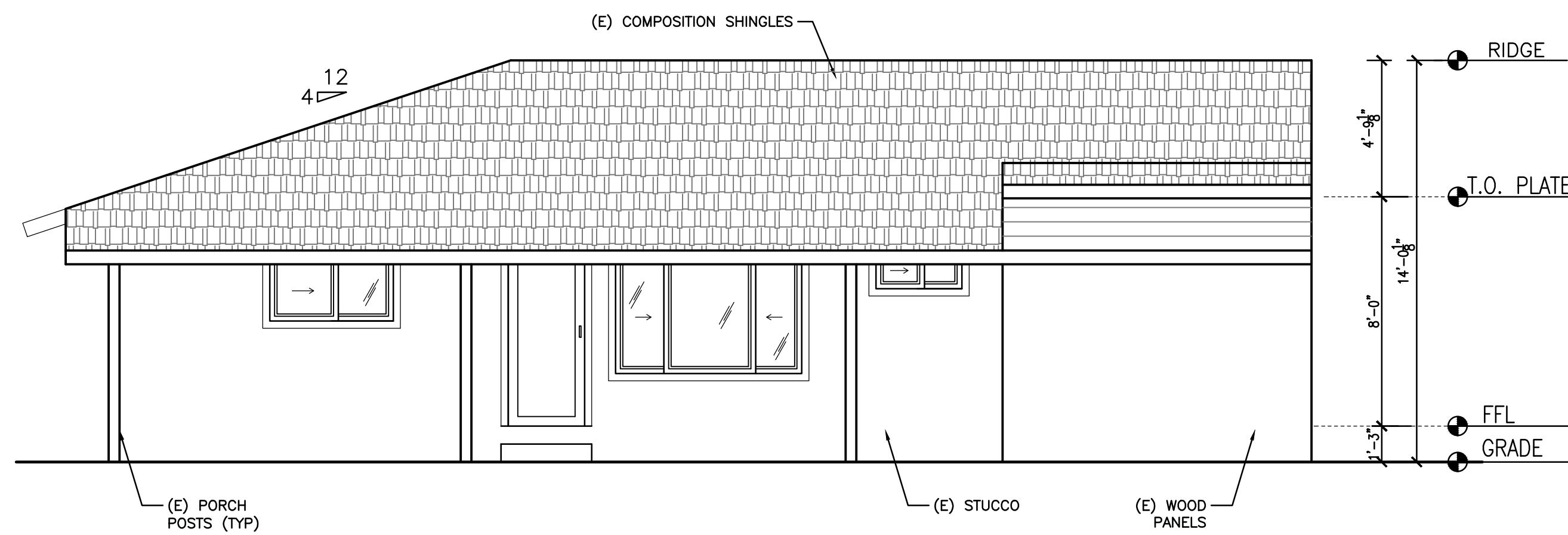




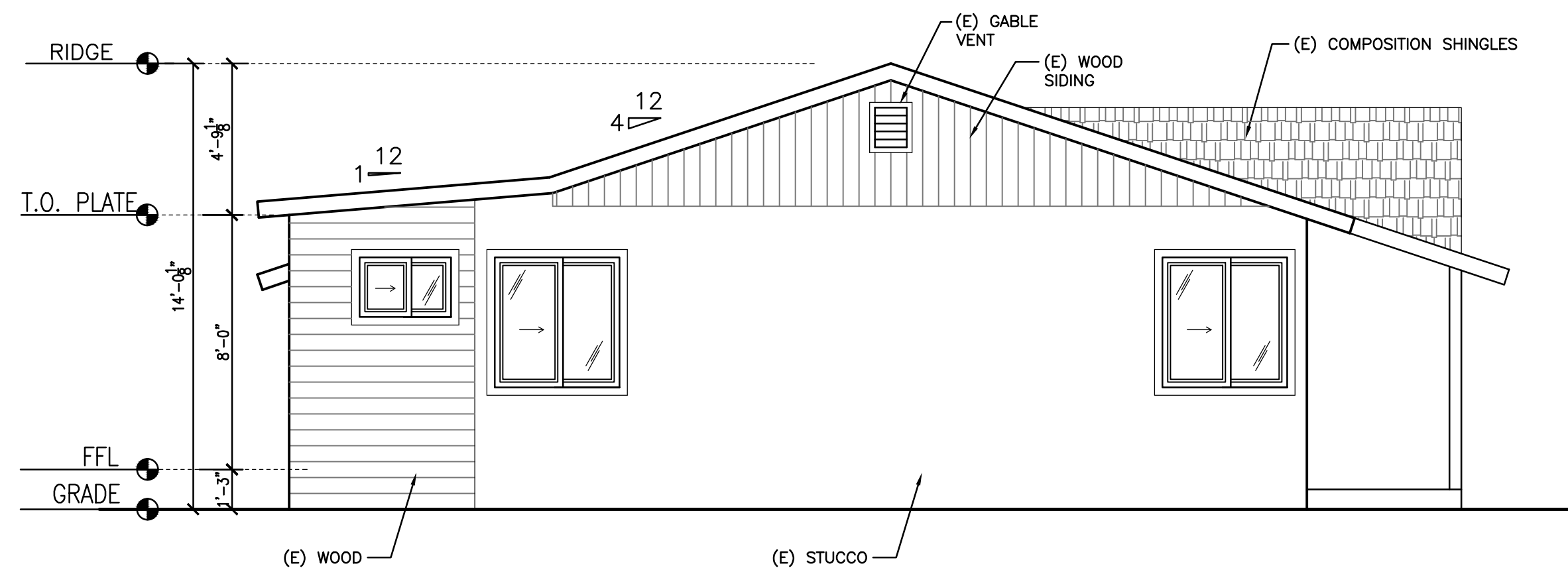
- LEGEND:
- (E) WALLS TO REMAIN
  - (E) WALLS TO BE DEMOLISHED
  - (E) DOOR/WINDOW/ITEMS TO REMAIN
  - (E) DOOR/WINDOW/ITEMS TO BE REMOVED



3 EXISTING RIGHT HAND SIDE ELEVATION SCALE: 1/4"=1'-0"

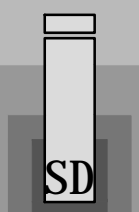


2 EXISTING REAR ELEVATION SCALE: 1/4"=1'-0"



1 EXISTING LEFT HAND SIDE ELEVATION SCALE: 1/4"=1'-0"

4 EXISTING FLOOR PLAN / DEMOLITION PLAN SCALE: 1/4"=1'-0"



San Interior Design  
408-705-0448  
sanchali@saninteriordesign.com  
6937 Azalea Dr.  
San Jose, CA 95120



RANDOLPH RESIDENCE  
ADDITION / REMODEL

648 ROBIN DR.  
SANTA CLARA, CA 95050

REVISIONS	DATE	BY

DATE: 12/04/18  
DRAWN BY: SANCHALI SRIVASTAVA  
SCALE: AS NOTED

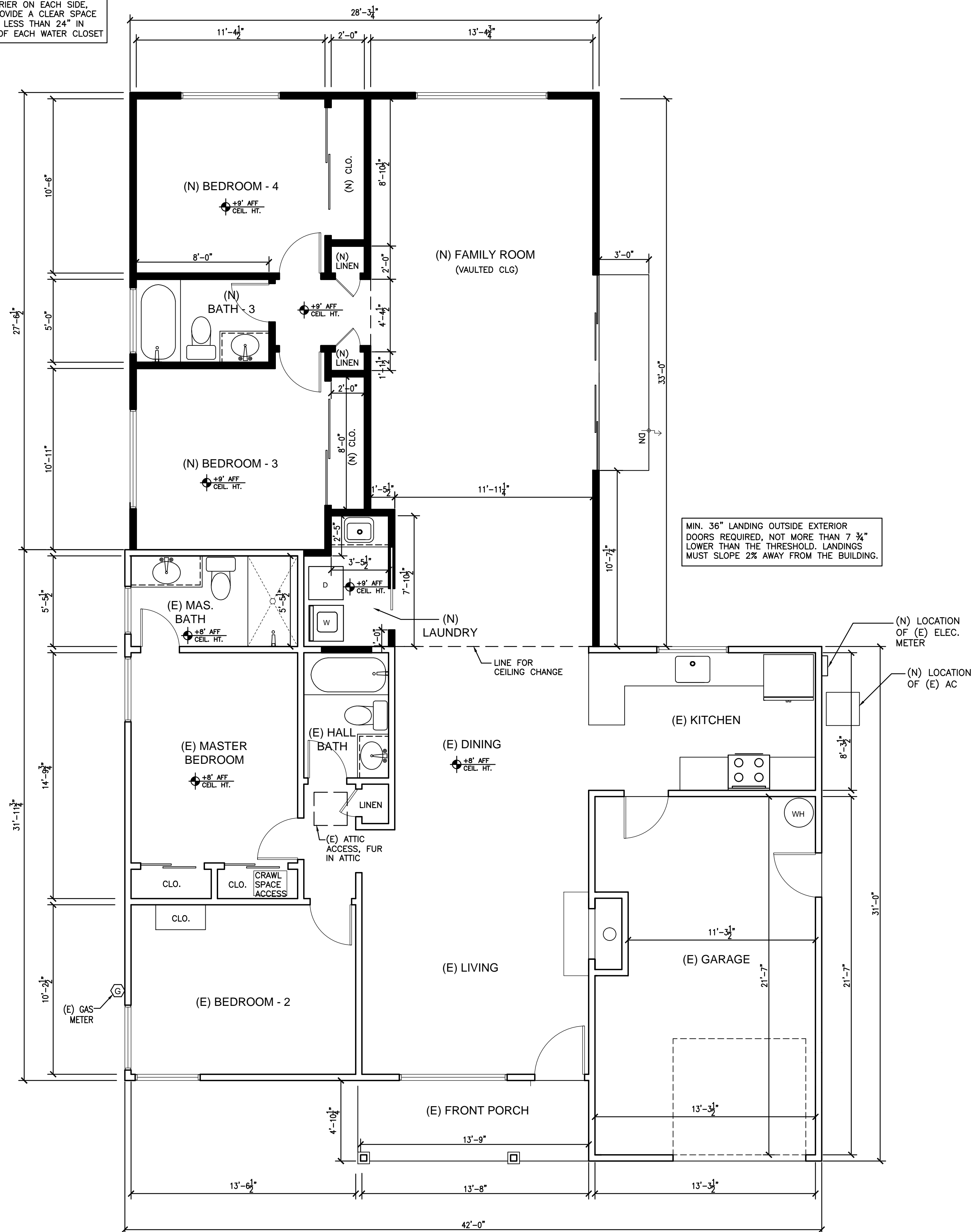
SHEET TITLE:  
EXISTING /  
DEMO PLAN &  
EXST.ELEVS

SHEET #:

A2.0







- MIN. 15" FROM CENTERLINE OF WATER CLOSETS TO THE WALL OR BARRIER ON EACH SIDE, AND PROVIDE A CLEAR SPACE OF NOT LESS THAN 24" IN FRONT OF EACH WATER CLOSET



- 3 | LIGHTING NOTES SCALE: NS

- |   |                   |              |
|---|-------------------|--------------|
| 2 | MECH./PLUMB.NOTES | SCALE:<br>NS |
|---|-------------------|--------------|

FIXTURE TYPE	FLOW RATE
SHOWER HEADS (RESIDENTIAL)	1.8 GPM @ 80 PSI
LAVATORY FAUCETS (RESIDENTIAL)	MAX. 1.2 GPM @ 60 PSI MIN. 0.8 GPM @ 20 PSI
LAVATORY FAUCETS IN COMMON & PUBLIC USE AREAS	0.5 GPM @ 60 PSI
KITCHEN FAUCETS	1.8 GPM @ 60 PSI
METERING FAUCETS	0.25 GAL/CYCLE
WATER CLOSET	1.28 GAL/FLUSH
URINALS	0.125 GAL/FLUSH

- LEGEND:**
-  (E) WALLS TO REMAIN
-  (E) DOOR/WINDOW/ITEMS TO REMAIN
-  (N) 2X4 WALL, 16" O.C. STUDS
-  (N) GAS LINE



SCALE: 1/4"=1'-0"

SD

San Interior Design

408-705-0448

6937 Azalea Dr.  
San Jose, CA 95120



# RANDOLPH RESIDENCE ADDITION / REMODEL

648 ROBIN DR.  
SANTA CLARA, CA 95050

	REVISIONS	DATE	BY

DATE: 12/04/18

DRAWN BY: SANCHALI SRIVASTAVA

SCALE: AS NOTED

SHEET TITLE:

PROPOSED  
FLOOR PLAN /  
ELEC. PLAN

SHEET #:

## A2.1

## 4 | ELECTRICAL LEGEND

1 | PROPOSED FLOOR PLAN / ELECTRICAL PLAN

## A2.1



5

4

3

1

PROPOSED RIGHT HAND SIDE ELEVATION

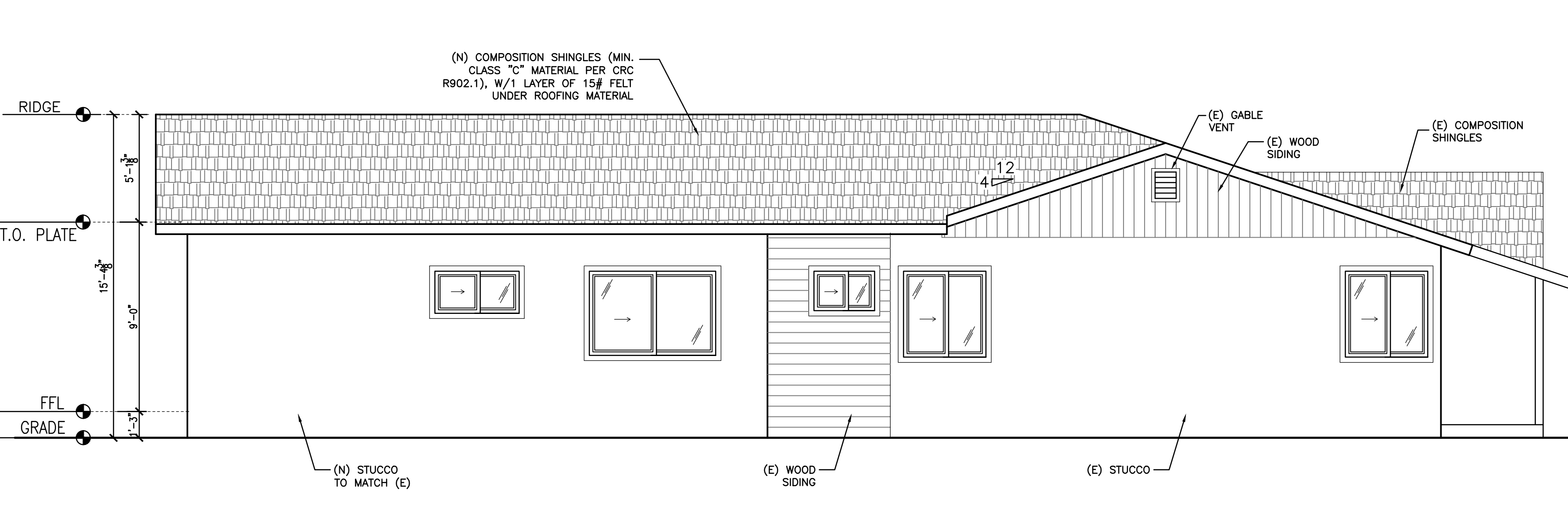
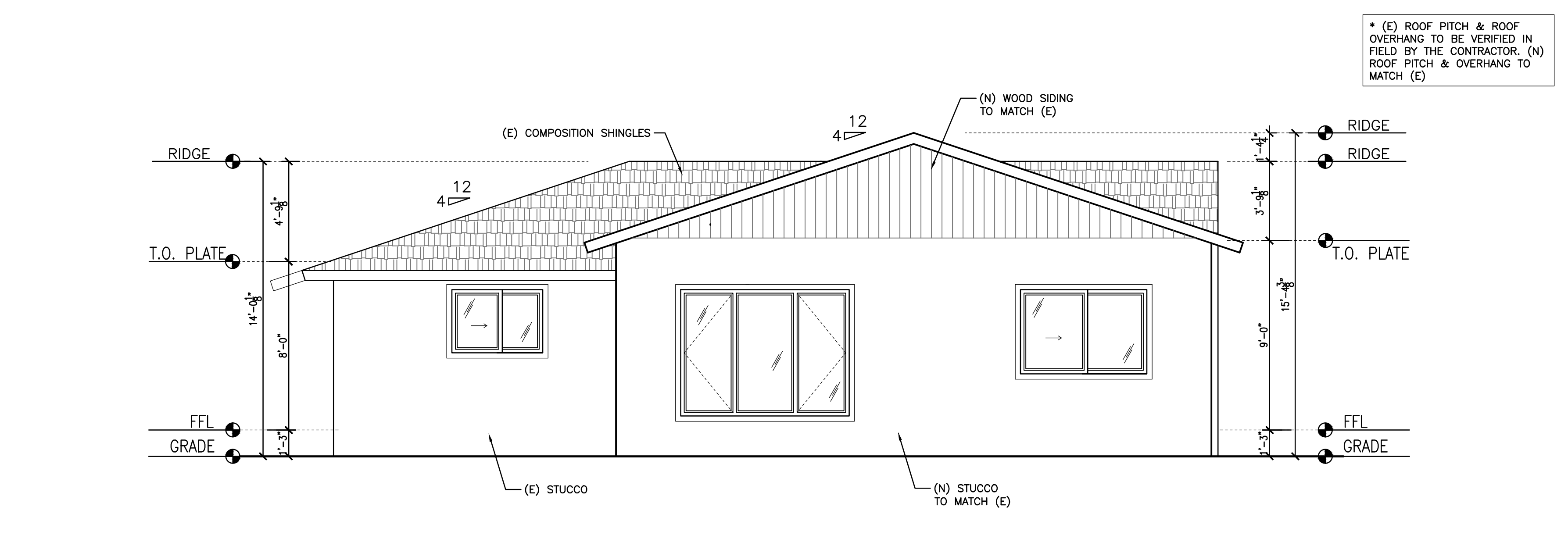
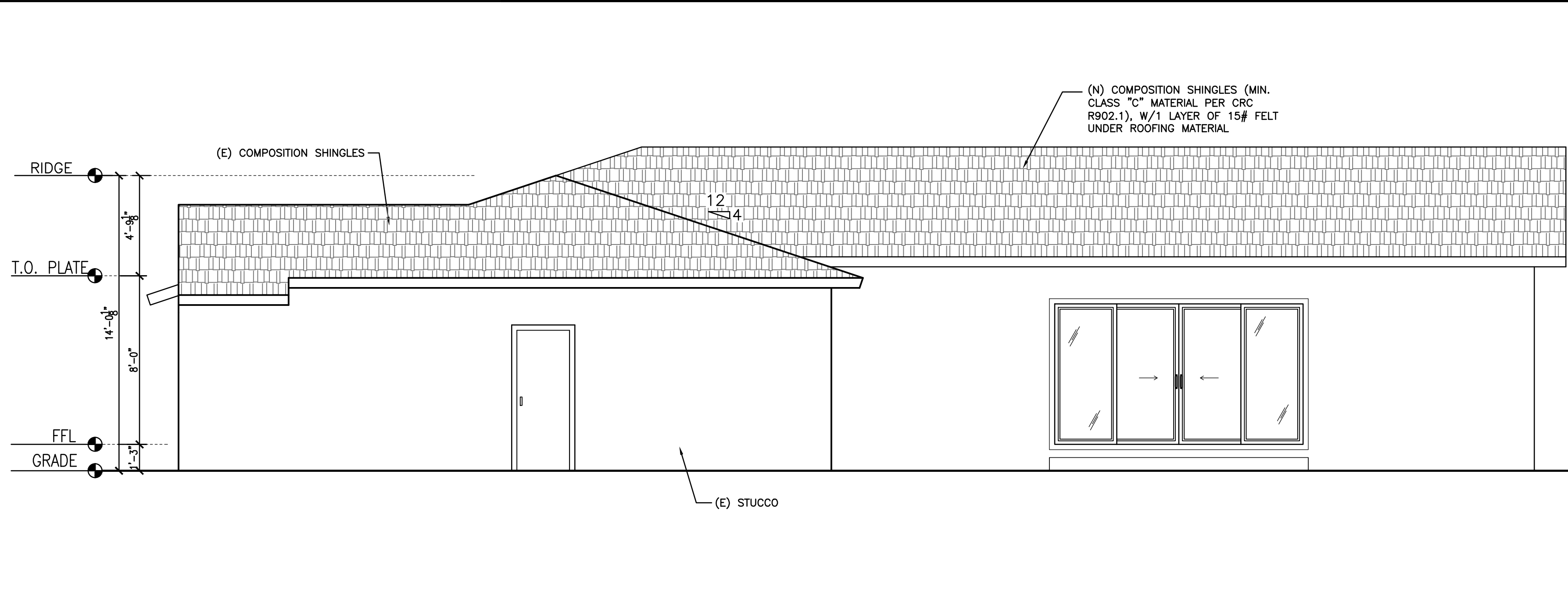
PROPOSED REAR ELEVATION

PROPOSED LEFT HAND SIDE ELEVATION

SCALE: 1/4"=1'-0"

SCALE: 1/4"=1'-0"

SCALE: 1/4"=1'-0"



SD

San Interior Design

408-705-0448

sanchali@saninteriordesign.com

6937 Azalea Dr.

San Jose, CA 95120

CALIFORNIA COUNCIL FOR

C C I D C

SANCHALI SRIVASTAVA

CERTIFIED INTERIOR DESIGNER

EXPIRES 2-19 CID# 6360

004 110R003 110R0031103

RANDOLPH RESIDENCE

ADDITION / REMODEL

648 ROBIN DR.

SANTA CLARA, CA 95050

REVISIONS	DATE	BY

DATE: 12/04/18

DRAWN BY: SANCHALI SRIVASTAVA

SCALE: AS NOTED

SHEET TITLE: PROPOSED ELEVATIONS

SHEET #:

A3.0

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, DENYING A VARIANCE TO THE TWO-CAR COVERED PARKING REQUIREMENT TO CONSTRUCT A 891 SQUARE FOOT ADDITION TO A SINGLE FAMILY RESIDENCE WITH AN ATTACHED ONE-CAR GARAGE LOCATED AT 648 ROBIN DRIVE, SANTA CLARA**

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

**WHEREAS**, on December 6, 2018 Sean Randolph ("Property Owner") filed a Planning Application (PLN2018-13652) requesting a Variance for the property located at 648 Robin Drive (APN: 294-08-011) ("Project Site") in the City of Santa Clara;

**WHEREAS**, the Project Site is zoned Single Family Residential (R1-6L);

**WHEREAS**, the General Plan land use designation for the Project Site is Very Low Density Residential;

**WHEREAS**, the Property Owner has submitted an application for a Variance to the City's two car covered parking requirement in order to construct a 891 square foot living area addition at the rear of an existing two-bedroom and two-bathroom single family residence with attached one-car garage, which would result in a four-bedroom, three bathroom house with an attached one-car garage;

**WHEREAS**, the Project is Categorically Exempt per Section 15301(e)(2), Class 1 "Existing Facilities," of the Guidelines of the California Environmental Quality Act ("CEQA"), which exempts the minor alteration of existing public or private structures, consisting of an addition of not more than 10,000 square feet in an area where all public services and facilities are available and the area is not environmentally sensitive;

**WHEREAS**, on February 15, 2019, the notice of meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to property owners within a 300 foot radius of the Project Site; and,

**WHEREAS**, on February 27, 2019 the Planning Commission held a duly noticed public hearing to consider the Variance 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 Variance. The Planning Commission continued the variance discussion to March 13, 2019 at which time they concluded all public testimony on the matter.

**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 that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby denies the Variance to the two-car covered parking requirement in order to allow construction of an 891 square foot addition to the existing single family residence with an attached one-car garage that is to remain.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission hereby makes the following findings related to the Variance request:

A. That there are no unusual conditions applying to the land or building which do not apply generally in the same district, in that property is located in a residential neighborhood originally constructed with one-story homes on narrower lots with attached one-car garages.

B. That the granting of the Variance is not necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that project could propose alternative designs to meet the two-car covered parking requirement.

C. That the granting of the Variance is not in keeping with the purpose and intent of the Zoning Ordinance, which establishes a requirement of two covered parking spaces for

residences in the R1-6L zone, and the proposed Variance would grant an exception as compared to the other similarly situated properties in the neighborhood.

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 \_\_\_\_ DAY OF \_\_\_\_\_, 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:

1. Conditions of Approval
2. Development Plans

I:\PLANNING\2018\Project Files Active\PLN2018-13652 648 Robin Dr (Variance & AC)\PC\PC Reso 648 Robin Dr PLN2018-13652.doc



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A VARIANCE TO THE TWO-CAR COVERED PARKING REQUIREMENT TO CONSTRUCT A 891 SQUARE FOOT ADDITION TO A SINGLE FAMILY RESIDENCE WITH AN EXISTING ATTACHED ONE-CAR GARAGE LOCATED AT 648 ROBIN DRIVE, SANTA CLARA**

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

**WHEREAS**, on December 6, 2018 Sean Randolph (“Property Owner”) filed a Planning Application (PLN2018-13652) requesting a Variance for the property located at 648 Robin Drive (APN: 294-08-011) (“Project Site”) in the City of Santa Clara;

**WHEREAS**, the Project Site is zoned Single Family Residential (R1-6L);

**WHEREAS**, the General Plan land use designation for the Project Site is Very Low Density Residential;

**WHEREAS**, the Property Owner has submitted an application for a Variance to the City’s two car covered parking requirement in order to construct an 891 square foot living area addition at the rear of an existing two-bedroom and two-bathroom single family residence with attached one-car garage, which would result in a four-bedroom, three bathroom house with an attached one-car garage;

**WHEREAS**, the Project is Categorically Exempt per Section 15301(e)(2), Class 1 “Existing Facilities,” of the Guidelines of the California Environmental Quality Act (“CEQA”), which exempts the minor alteration of existing public or private structures, consisting of an addition of not more than 10,000 square feet in an area where all public services and facilities are available and the area is not environmentally sensitive;

**WHEREAS**, on February 15, 2019, the notice of meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to property owners within a

300 foot radius of the Project Site for the Planning Commission hearing on February 27, 2019; and,

**WHEREAS**, on March 13, 2019, the Planning Commission continued the hearing on this matter from February 27, 2019 and held a duly noticed public hearing to consider the Variance 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 Variance.

**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 that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Variance to the two-car covered parking requirement in order to allow construction of an 891 square foot addition to the existing single family residence with an attached one-car garage that is to remain.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission hereby makes the following findings related to the Variance request:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that property is located in a residential neighborhood originally constructed with one-story homes on narrow lots with attached one-car garages that do not have sufficient space to expand the garage for two vehicles.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that accommodating a standard 20 foot by 20 foot garage would cause the Applicant an unnecessary burden by encroaching on a large portion of the family room space to accommodate the garage.

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 development of a 891 square foot addition to the existing 937 square foot house located on a 5,880 square foot lot where the addition is designed in a manner to be compatible with the main house and respectful of the neighbor's privacy. The property has one covered parking space and the Applicant is proposing to utilize the existing driveway to provide one additional uncovered parking space.

D. That the granting of the variance is in keeping with the purpose and intent of the Zoning Ordinance, in that because of the substandard width of the lot of the project site and the unusual location of the main house, strict application of the R1-6L standards would cause unnecessary hardship and prohibit the development of an addition on the Project Site.

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 \_\_\_\_ DAY OF \_\_\_\_\_, 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:

1. Conditions of Approval
2. Development Plans

I:\PLANNING\2018\Project Files Active\PLN2018-13652 648 Robin Dr (Variance & AC)\PC\PC Reso 648 Robin Dr PLN2018-13652.doc

## **CONDITIONS OF APPROVAL**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

### **COMMUNITY DEVELOPMENT**

- C1. Obtain Building permit for all work subject to Building Permit per City Administrative code Chapter 15.05. Detailed review will be done at time of submittal for building and Building Inspection Division related permits such as Electrical, Mechanical and Plumbing.
- C2. Applicant shall provide a street tree in the front yard from the City of Santa Clara Approved Residential Street Tree List.
- C3. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- C4. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- C5. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C6. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- C7. The applicant shall use the existing one covered parking space to store vehicles.

### **ENGINEERING**

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

- E4. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E5. Driveway shall be reconstructed to current City standard ST-4.

### **ELECTRICAL**

- EL1. Applicant shall provide a "Load Survey" Form showing all current and proposed electric loads.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.

### **WATER**

- W1. If fire sprinklers are required, the existing 5/8" water meter shall be abandoned and a new 1" water service shall be installed to supply the sprinkler system.
- W2. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project. Note that the site contains an existing 5/8" water service.

### **PARKS AND RECREATION**

- PR1. A dwelling unit tax (DUT) due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project is for the construction of two additional bedrooms for a total DUT of \$10.00.
- PR2. Calculations may change if the number of bedrooms changes.