

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA REZONING FROM DOWNTOWN COMMERCIAL
(CD) TO SINGLE FAMILY ZONING DISTRICT (R1-6L) AT 1141
MAIN STREET, SANTA CLARA**

PLN2017-12945 (Rezone)

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

WHEREAS, on November 2, 2017, Perviz Tharani (“Applicant”) filed an application for a rezoning of a 0.17 acre site located at 1141 Main Street, Santa Clara, currently occupied by a two-story historic residence, approximately 2,572 square feet, with a two-story historic structure in the rear (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Downtown Commercial (CD) to Single Family Zoning District (R1-6L) to allow the conversion of the existing 2-story carriage house and storage shed into an accessory dwelling unit (“Project”) as shown on the Development Plans, attached as Exhibit “Development Plans”;

WHEREAS, pursuant to Santa Clara City Code (SCCC) Section 18.112.040, on April 11, 2018, the City’s Planning Commission conducted a duly noticed public hearing to consider the rezoning requests, at the conclusion of which the Planning Commission voted to recommend that the City Council approve the proposed rezoning;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. CEQA contains a list of categorical exemptions for projects that are not required to undergo environmental evaluation. This Project would qualify for CEQA Guidelines Section 15303(e), an exemption for new construction or conversion of small structures, and Section 15331, Historical Resource Restoration/Rehabilitation, as the project proposes rehabilitation of the historic resource consistent with the Secretary of the Interior’s Standards;

WHEREAS, on May 11, 2018, the notice of public hearing for this item was posted in three conspicuous locations within 300 feet of the Project Site and was mailed to property owners within a 300 feet radius of the Project Site; and,

WHEREAS, a duly noticed public hearing was held before the City Council on May 22, 2018 to consider the application. At the public hearing, the City Council invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

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

1. That the City Council hereby finds the above Recitals are true and correct and by this reference makes them a part thereof.
2. That the City Council hereby rezones the Project Site from Downtown Commercial (CD) to Single Family Zone district (R1-6L) to allow the conversion of existing 300 square foot storage shed and 606 square foot 2-story carriage house into a 908 square foot 2-story accessory dwelling unit with an extended height of 23'-3" and an additional half bath as shown on the attached exhibit Development Plans, incorporated herein by this reference.
3. That pursuant to SCCC Section 18.112.040, the City Council determines that the following findings exist in support of the rezoning:
 - A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow single family residential development as identified in the 2010-2035 General Plan.
 - B. The proposed zone change will conserve property values, protect or maintain the existing historic character and stability of the neighborhood in question, in that the subject property is a historic single family residence on the City's Historic and Resource inventory, surrounded by single family residences.

C. That rezoning is necessary for the preservation and enjoyment of substantial property rights of the petitioner, in that the existing structure is not functional and granting a variance would allow its adaptive reuse as an accessory dwelling unit.

D. That approving rezoning shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposal would allow the conversion of the existing 2-story historic carriage house and storage shed into an accessory dwelling unit where the conversion is designed in a manner to be compatible with the main house and respectful of the neighbor's privacy.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

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

Attachments Incorporated by Reference:
1. Development Plans

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