



Agenda Report

18-173

Agenda Date: 4/11/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Consideration of Rezoning and Variance for 1141 Main Street

BACKGROUND

The applicant is requesting to rezone the property at 1141 Main Street (PLN2017-12945) from Downtown Commercial (CD) to Single Family Residential (R1-6L) to be consistent with the existing residential use of the property. The applicant is also requesting approval of a Variance to allow an expansion of a 2-story garage and new accessory dwelling unit (ADU) use on the project site. The property, currently developed with a historic single family detached residence, is located on the east side of Main Street between Fremont Street and Benton Street. Under the current CD zoning, an ADU is not permitted. Per the zoning code, ADUs are only permitted on R1-6L and R1-8L (Single Family Zoning District) properties.

The existing main residence is a 2-story vernacular Queen Anne/Shingle Style design constructed circa 1893. The property is listed on the City's Historic Resources Inventory (HRI) and was granted a Mills Act agreement by the City Council in 2011. A detached 2-story carriage house is located to the rear of the property consisting of a garage and an attached storage shed. The owner wishes to utilize this structure and make additional modifications to create a new garage and an ADU.

DISCUSSION

The request would rezone the 7,500 square foot lot from Downtown Commercial (CD) to Single Family Zoning district (R1-6L). The project proposes the demolition and reconstruction of a 300 square foot existing storage shed attached to the rear of the existing carriage house, and relocation, conversion and expansion of the existing nonconforming 606 square foot 2-story carriage house utilizing a 563 square foot garage as part of a new 908 square foot 2-story accessory dwelling unit (ADU) with a 519 square foot 2-car garage. The relocation of the carriage house, adding a new foundation, would bring it into compliance with the side (5 feet) and rear (5 feet) setbacks as per the City of Santa Clara Zoning Code.

The existing carriage house is two stories and is 22'-7" in height. The project proposes to increase the height by 8 inches for a total of 23'-3" as part of the rehabilitation and creation of the new garage and ADU structure. The Variance is needed to exceed the maximum allowed height of 14' for detached accessory units per the Santa Clara City Code (SCCC) section 18.12.030(d) (5). The applicant also requests a Variance to Section 18.06.010(a)(1) of the Santa Clara City Code (SCCC) to allow an additional half bath on the first floor. Since the living space is divided over two floors with the bedrooms on the second floor, the applicant proposes a half bath on the first floor in addition to a full bath on the second floor. Accessory Units, as defined in SCCC section 18.06.010(a)(1), are allowed only one bathroom. Therefore, the project would require a Variance for the additional half bath on the first floor. In most cases, ADUs would be smaller, one-story structures. In this case the

request for the additional half bathroom is recommended from a practical standpoint to provide bathroom facilities on both floors for the convenience of future residents.

The requested increase in height for the garage/ADU would result from the proposed new foundation that elevates the structure by 8". Other changes to the structure include the addition of three skylights and two new exterior lighting fixtures, and replacement of the existing full width sliding garage doors with two wood sectional overhead doors with diagonal paneling. To address the privacy concerns of the adjacent neighbor, the lower pane of the proposed dormer window on the left elevation would make use of opaque glass. There is no work proposed on the main residence.

A Secretary of the Interior's Standards review for the proposed project was performed by Leslie Dill, Architect Historian of Archives and Architecture, and is attached to this report. The project was reviewed by the Historical and Landmarks Commission (HLC) on February 1, 2018. The HLC found that the rezoning and granting the Variance to the applicant as requested would not diminish the historical significance of the property and recommended approval of the request.

Planning Commission review and a recommendation to the City Council is required under Santa Clara City Code (SCCC) section 18.112.040 for rezoning applications. Planning Commission approval is required under SCCC section 18.108.030 for Variance applications. The associated project data and maps are attached to this report (Attachment #2, Table 1).

Variance Findings

The applicant is seeking a variance to allow a 2-story accessory dwelling unit with an extended height of 23'-3" and an additional half bath. The applicant has provided a letter of explanation to support the variance request. The lot is 50 feet in width by 150 feet in depth. The distance from the back of the residence to the rear property line is approximately 73 feet.

Per SCCC section 18.108.040, a variance may be granted when the Planning Commission makes the following findings:

- (1) That there are unusual conditions applying to the land or building which do not apply generally in the same district, and
- (2) That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

Variances are limited to those situations where the peculiar physical characteristics of a site or structure make it difficult to develop under standard regulations. Staff has determined that there are specific physical or unique circumstances for the owners to comply with the City's zoning standards as they propose to rehabilitate the existing 2-story carriage house. To maintain the existing footprint and the original use of the structure, the design proposes two-story accessory dwelling unit (ADU) with the living area, kitchen and half bath on the first floor, and the bedrooms and a full bathroom on the upper floor. The half bathroom would be allowable from practical standpoint to have bathroom facilities on both floors. A variance for the increased height of 23'-3" (8" more than the existing 22'-7") would be necessary to rehabilitate the existing 2-story carriage house as an accessory unit. The increase in height by 8" does not impact the historic integrity of the existing structure.

General Plan and Zoning Conformance:

The site currently is designated for Very Low Density Residential land use on the General Plan. This designation supports the development of single-family residential uses, which are typically

implemented through a Single Family zoning district. The General Plan supports the provision of ADUs on single-family sites as a means of providing a variety of new housing types. The proposed continuation of an existing single-family residential use, including an ADU, would conform with the General Plan.

The project site is currently zoned Downtown Commercial (CD), which is intended to encourage the development of a large concentration of commercial and office uses in the central business area of the city. A single family residence is not a permitted use in this district. The property is a historic residence located in the old quad and is surrounded by mostly single family residential uses. The applicant is requesting a rezoning to Single Family zone district (R1-6L) that would appropriately reflect the historic use of the property and align with adjacent uses.

Neighborhood Compatibility:

The proposed project preserves the significant historic fabric of the existing 2-story structure and, although there is some intensification of use, there is no effective change of use for the residential property. The form and location of the existing carriage house is generally preserved and the proposed height change will have little impact on the overall perception of the building. The historic residence in the front is preserved and there is no work proposed on it. Therefore, the project remains compatible with the historical character of the neighborhood. The project also proposes to relocate the structure, so it would be 5 feet away from the north and east property lines, improving separation from the neighbor's yard and thereby protecting their privacy.

Conclusion:

Staff finds that granting approval for this variance application will be necessary for the preservation and enjoyment of property, and would not adversely affect the general welfare of the people residing in this neighborhood.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Section 15303, new construction or conversion of small structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. The project is also exempt per CEQA Section 15331, Historical Resource Restoration/Rehabilitation as the project proposes rehabilitation of the historic resource consistent with the Secretary of the Interior's Standards.

PUBLIC CONTACT

The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet of the project site. There were some privacy concerns from the adjacent neighbor on 1159 Main Street that have been addressed via the design and additional conditions of approval for the project.

ALTERNATIVES

1. Recommend approval for rezoning the property from Downtown Commercial (CD) to Single Family Zoning District (R1-6L) to the City Council.
2. Approve the Variance to allow extended height of 23'-3" for the conversion of the existing 2-story carriage house and storage shed into a 2-story accessory dwelling unit (Contingent upon City Council approval of the rezoning).

3. Approve the Variance to allow an additional half bath for the conversion of the existing 2-story carriage house and storage shed into a 2-story accessory dwelling unit (Contingent upon City Council approval of the rezoning).
4. Deny the Variances and recommend disapproval of the rezoning of the property from Downtown Commercial (CD) to Single Family Zoning District (R1-6L).
5. Recommend approval for rezoning of the property from Downtown Commercial (CD) to Single Family Zoning District (R1-6L) to the city Council and approve the Variance for extended height of 23'-3", deny the Variance for additional half bath for the conversion of the existing 2-story carriage house and storage shed into a 2-story accessory dwelling unit.
6. Recommend approval for rezoning of the property from Downtown Commercial (CD) to Single Family Zoning District (R1-6L) to the city Council and deny the requested Variances.

RECOMMENDATION

Adopt Resolution(s) to implement Alternatives #1, #2, and #3

1. Recommend approval of the rezoning of the property from Downtown Commercial (CD) to Single Family Zoning district (R1-6L) to the City Council;
2. Approve the Variance to allow extended height of 23'-3" for the conversion of the existing 2-story carriage house and storage shed into a 2-story accessory dwelling unit (Contingent upon City Council approval of the rezoning); and
3. Approve the Variance to allow an additional half bath for the conversion of the existing 2-story carriage house and storage shed into a 2-story accessory dwelling unit (Contingent upon City Council approval of the rezoning).

Prepared by: Nimisha Agrawal, Assistant Planner I

Reviewed by: Gloria Sciara, Development Review Officer

Reviewed by: Kevin Riley, Acting Planning Manager

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Manuel Pineda, Assistant City Manager

ATTACHMENTS

1. Reserved for Summary of Planning Commission Action
2. Project Data and Maps
3. Planning Commission Resolution for Recommending Approval for Rezoning
4. Planning Commission Resolution for Approval of the Variance
5. Conditions of Approval
6. Letter of Request for Rezoning and Letter of Justification for Variance
7. Development Plans

Attachment #1

Reserved for Summary of Planning Commission Action

Attachment 2

Project Data

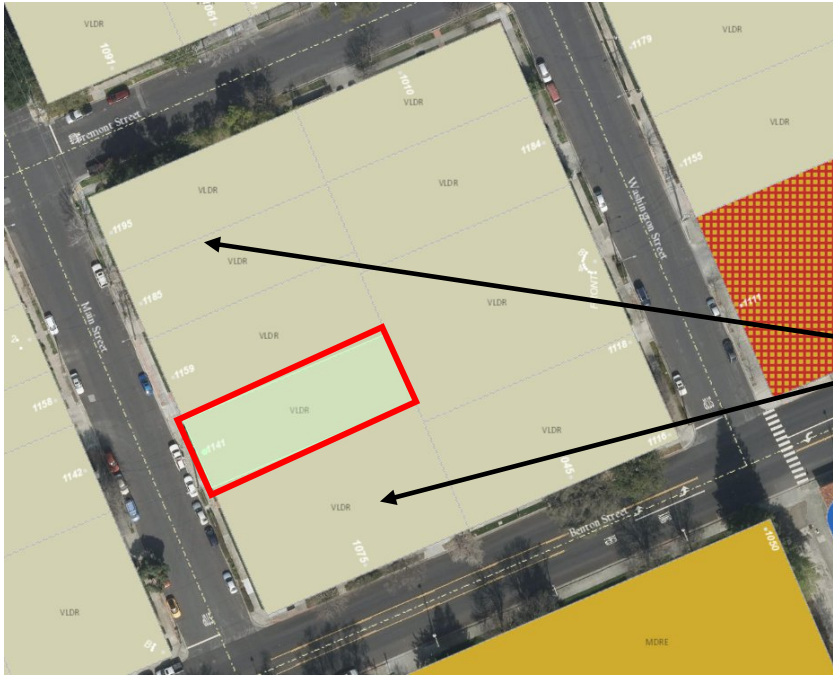
	Existing	Proposed
General Plan Designation	Very Low Density Residential	Same
Zoning District	Downtown Commercial (CD)	Single Family Zoning district (R1-6L).
Land Use	Single family residence	Same
Lot Size	7,500 square feet	Same
Main House (2-story)	2,572 square feet	Same
Porch	72 square feet	Same
Carriage House (E)	606 square feet	908 square unit
First Floor	54 square feet	398 square feet
Second Floor	562 square feet	515 square feet
Non-Habitable Floor Area		
Garage (E)	563 square feet	519 square feet
Storage Shed (E)	300 square feet	0
Lot Coverage	2,396 square feet (32%)	Same

Site Location and Context

Surrounding Land Uses:

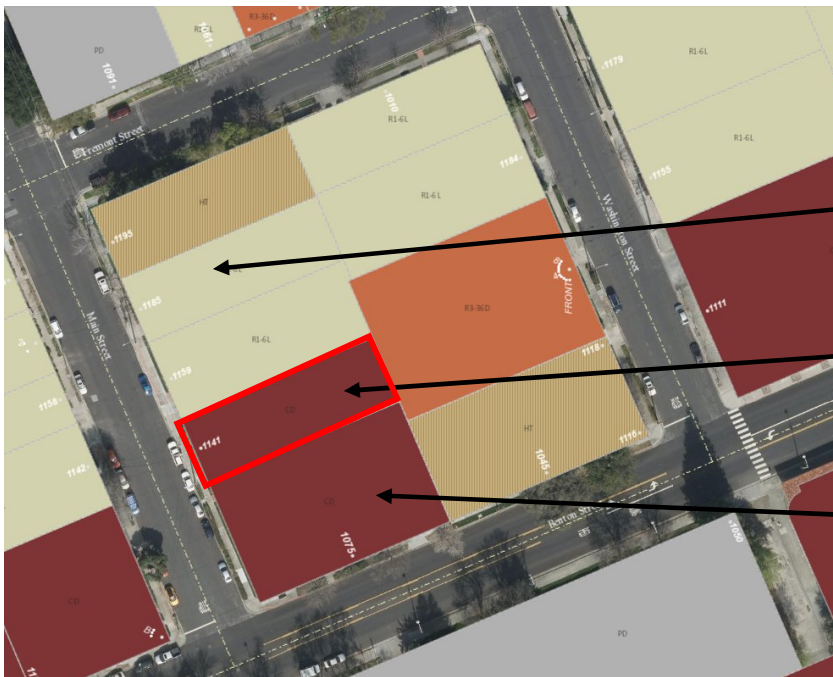
The project site is bound by Main Street on the west and single family residences to the north, south, and east. The General Plan land use designation of the neighboring properties to the project site is Very Low Density Residential. This designation is intended to allow residential densities of up to ten units per gross acre. Development is typically single-family in scale and character. The properties surrounding the project site are zoned Single-Family (R1-6L), which allows single family dwellings, private garages, accessory buildings, and home occupations.

General Plan Map



Very Low Density Residential

Zoning Map



Single Family Zoning District

Downtown Commercial (CD)

Downtown Commercial (CD)

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING REZONING FROM DOWNTOWN COMMERCIAL (CD) TO SINGLE FAMILY ZONING DISTRICT (R1-6L) TO ALLOW CONVERSION OF THE EXISTING 2-STORY CARRIAGE HOUSE AND STORAGE SHED INTO AN ACCESSORY DWELLING UNIT ON A 0.17 ACRE SITE LOCATED AT 1141 MAIN STREET, SANTA CLARA

PLN2017-12945 (Rezone)

BE IT RESOLVED BY THE PLANNING COMMISSION 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, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. CEQA contains a list of categorical exemptions for projects that are not required to undergo environmental evaluation. 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 March 29, 2018, the notice of public hearing for this item was posted 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 Planning Commission on April 11, 2018 to consider the application. At the public hearing, the Planning Commission 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds the above Recitals are true and correct and by this reference makes them a part thereof.

2. That the Planning Commission hereby recommends that the City Council rezone the Project Site from Downtown Commercial (CD) to Single Family 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 and conditioned as specified in the attached Conditions of Approval, incorporated herein by this reference.

3. That pursuant to SCCC Section 18.112.040, the Planning Commission determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site 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 recommending 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.

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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 11th DAY OF APRIL, 2018, 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

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA APPROVING A VARIANCE FROM SECTIONS 18.12.030(d)(5) and 18.06.010(a)(1) OF THE SANTA CLARA CITY CODE TO ALLOW AN EXTENDED HEIGHT AND AN ADDITIONAL HALF BATH IN CONJUNCTION WITH THE CONVERSION OF THE EXISTING 2-STORY CARRIAGE HOUSE AND STORAGE SHED INTO AN ACCESSORY DWELLING UNIT ON A 0.17 ACRE SITE LOCATED AT 1141 MAIN STREET, SANTA CLARA

PLN2017-12945 (Variance)

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

WHEREAS, on November 2, 2017, Perviz Tharani (“Applicant”) filed an application for a Variance to Sections 18.12.030(d)(5) and 18.06.010(a)(1) of Santa Clara City Code (SCCC) to allow an extended height and an additional half bath in conjunction with the conversion of the existing 2-story carriage house and storage shed into an accessory dwelling unit on a 0.17 acre site located at 1141 Main Street, Santa Clara (“Project Site”);

WHEREAS, the Project Site is currently zoned as Downtown Commercial (CD);

WHEREAS, in order to implement the proposed development, the Project Site needs a Variance for conversion of the existing structure into an accessory dwelling unit (“Project”) as shown on the Development Plans, attached as Exhibit “Development Plans”;

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. The 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 March 29, 2018, the notice of public hearing for this item was posted within 300 feet of the Project Site and was mailed to property owners within a 300 foot radius of the Project Site; and,

WHEREAS, a duly noticed public hearing was held before the Planning Commission on April 11, 2018 to consider the application. At the public hearing, the Planning Commission 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds the above Recitals are true and correct and by this reference makes them a part thereof.

2. That the Planning Commission hereby finds that approving a variance to allow an extended height of and an additional half bath in conjunction with the conversion of the existing 2-story carriage house and storage shed into an accessory dwelling unit falls within the CEQA Exemption of the CEQA Guidelines Section 15303(e) and 15331 because the proposed project is a conversion of small structure and rehabilitates the existing historic structure consistent with the Secretary of the Interior's Standards. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the Project is not located in an environmentally sensitive area.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission determines that the following findings exist in support of the variance:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that the project proposes to rehabilitate the existing 2-story historic structure into a two-story Accessory Dwelling Unit (23'-3" height) with an additional half bath, whereas the Single Family (R1-6L) zoning district allows a maximum height of 14' and one bath for detached accessory dwelling units.

B. That the granting of the Variance 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.

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 conversion of the existing 2-story 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.

D. That the granting of the variance is in keeping with the purpose and intent of the Zoning Ordinance, in that it is an existing historic structure on the property, and strict application of the R1-6L standards would cause unnecessary hardship and prohibit the rehabilitation of the existing historic structure on the Project Site.

4. That based on the foregoing findings, the Planning Commission hereby approves the variance application.

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5. 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 11th DAY OF APRIL, 2018, 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

CONDITIONS OF APPROVAL

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 required permits and inspections from the Building Official and comply with the conditions thereof.
- C2. The subject property is currently listed on the City's Architecturally or Historically Significant Properties List and any changes to the proposed plans shall be reviewed and approved by the Planning Department.
- C3. Any existing historic elements shall be protected during relocation and construction.
- C4. All materials shall be repaired than replaced.
- C5. 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.
- C6. The applicant shall add one 24" box tree in the front yard from the City's approved tree list.
- C7. Any existing ADU in the main house shall be removed as the City of Santa Clara Zoning Code allows for only one ADU on a property.
- C8. Lower pane of the proposed dormer window will be obscured to address privacy concerns from the adjacent neighbor.
- C9. The fence along the adjacent residential property on 1159 Main Street shall be extended to the rear property line to address privacy issues.

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. 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.

ELECTRICAL

- EL1. Electric service shall be overhead. See Electric Department Rules and Regulations for available services.
- EL2. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL3. Overhead services shall be installed per City of Santa Clara Electric Department standard OH-550, MS-G6, and MS-G7 latest revision.
- EL4. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL5. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL6. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

WATER

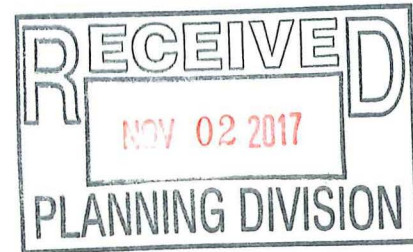
- W1. If fire sprinklers are required, a 1" water service shall be provided to supply the sprinkler system. Applicant shall maintain a minimum 10-foot horizontal clearance from any existing or proposed trees.

POLICE

- PD1. Address numbers of the individual residential buildings shall be clearly visible from the street and shall be a minimum of six (6) inches in height and a color contrasting with the background material. Ideally, numbers would be illuminated during hours of darkness so first responders can easily identify the address. Individual apartment numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material, and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building addresses shall be clearly visible.
- PD2. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
- PD3. For each individual address (unit, suite, etc.), phone company records (specifically '911' patch) shall reflect the actual address the phone is located.

October 24, 2017

Perviz Tharani and James Collins
1141 Main St
Santa Clara, CA
95050



Planning Department
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA
95050

Re: Zoning Change Request from Downtown Commercial (CD) to Single Family Residential (R1-6L)

Project Location: 1141 Main St
APN: 269-15-048

Dear Planning Commission and Planning Staff,

We are writing to you to request a zoning change for our property at 1141 Main St from Downtown Commercial to Single Family Residential. Our house is a single family house in a neighborhood with single family houses that are mostly zoned as Single Family Residential.

In November 2016, we successfully petitioned the City Council to waive the rezoning fee. Here is the relevant excerpt from the meeting minutes of the November 15, 2016 City Council obtained from

[http://sireweb.santaclaraca.gov/sirepub/mtgviewer.aspx?meetid=1911&doctype=Minutes:](http://sireweb.santaclaraca.gov/sirepub/mtgviewer.aspx?meetid=1911&doctype=Minutes)

*The Council proceeded to consider the request to **waive the fee to rezone 1141 Main Street from Downtown Commercial Zoning District (CD) to Single-Family Residential (R1-6L).** Member Caserta recused himself (owns property within 500 feet of the subject site) and then stepped off the dais. The Acting City Manager introduced the Director of Community Development who then made an electronic presentation, which provided a review of the project site, current General Plan designation, the City's past practice in waiving fees and the current Zoning Code to allow reconstruction of non-conforming uses. Applicant, James Collins addressed the Council and made comments in support of his request, which would facilitate the long term preservation of the property as a single-family residence. The property is on The City of Santa Clara*

*Architecturally and Historically Significant Properties list and falls under the Historical Preservation Agreement (Mills Act). The Council discussed the item and the Director of Community Development and Perviz Tharani, also a property owner and applicant, answered Council questions. The Acting City Manager made brief comments addressing the genesis of the staff recommendation and cause for the recommended denial based on not having the authority to waive the fee at the staff level and possible precedence setting. **MOTION** was made by Davis, seconded and unanimously carried (Marsalli absent) (Caserta abstained), to waive the City's standard application fee cost for rezoning **1141 Main Street** from downtown Commercial Zoning District (CD) to **Single-Family Residential (R1-6L)**.*

We can be reached at [REDACTED] or [REDACTED].

Sincerely,

[REDACTED]
[REDACTED]

Perviz Tharani and James Collins, Homeowners and Residents of 1141 Main St

October 24, 2017

Perviz Tharani and James Collins
1141 Main St
Santa Clara, CA
95050



Planning Department
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA
95050

Re: Variance Request

Variance: Variance request for additional half bathroom

Project Location: 1141 Main St
APN: 269-15-048

Dear Planning Commission and Planning Staff,

This application includes plans for the conversion of the existing 2-story carriage house at 1141 Main St into an accessory dwelling unit. The property, a 7,500 square foot lot located in the Historic "Old Quad", also contains a 2-story Queen Anne main residence with a Mills Act Contract. With the creative adaptive reuse of the historic structure the proposed design creates living areas on two floors and therefore it is most practical to have a half-bath (sink and toilet) on the 1st floor for the occupants and guests.

Our primary motivation for converting the carriage house into an accessory dwelling unit is for James' mother to have a place to stay when she comes to visit from her retirement community in Arizona. She visits us multiple times a year and sometimes stays for months at a time to spend time with her two young grandchildren. She is getting on in years and having to go upstairs to use the bathroom will be hardship for her. We'd rather she expend her energy playing with our children rather than going up and down stairs multiple times a day.

The half-bath does not have a shower and is quite a distance from the upstairs bedrooms and therefore it would not promote more occupants in the structure.

We understand that the Planning Commission must make the following four findings in order to grant the variances (Sec 18.108.040). Our justification for the variance is as follows:

(1) That there are unusual conditions applying to the land or building which do not apply generally in the same district.

We are adapting an existing carriage house into an accessory unit while maintaining the historic character of the structure. This has resulted in having living areas on two floors. It is not practical for an elderly occupant to only have a bathroom on an upper floor. Having a bathroom only on the upper floor means having James' elderly mother climb stairs multiple times a day as the majority of the day is spent on the ground floor, in the living room and kitchen. If we relocated the main bathroom to the main floor, this would require James' mom to descend the stairs in the middle of the night, a sub-optimal situation.

(2) That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

The carriage house is not usable for a family in this modern age. It needs to be thoughtfully adapted for use as a garage and accessory unit. This application includes a Secretary of the Interior's Standards Review conducted by a Historic Architect. This review concluded that our proposed plans meet the Secretary of the Interior's Standards for Rehabilitation. The review notes that our proposed plans for the conversion of the carriage house preserve the following distinctive features:

1. The square footprint.
2. The low, one-and-one-half-story massing.
3. The moderately steep hipped-roof form and dormer.
4. The boxed eaves, the horizontal channel-rustic siding; the original first-floor windows.
5. The flat-board window trim, aprons, fascia and corner boards.
6. The hay-loft doors.
7. The cantilevered hoist beam.

In an effort to preserve the distinctive features, we are not able to situate the living area of the accessory unit all on one floor. This means that having only 1 bathroom to serve living areas on two floors is impractical. We are building this unit primarily for James' elderly mother to come stay with us for extended periods of time. She already visits us multiple times a year and stays with us in the main house. This is not ideal for her as it limits her privacy. Being able to stay in the accessory dwelling unit when she visits would allow her to fully enjoy her time with her grandkids and having a bathroom on the first floor of the unit would eliminate a hardship for her.

(3) 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.

There are no indications that our proposed addition of the an extra half-bathroom to the accessory dwelling unit harms the health, safety, peace, morals, comfort, or general welfare of the neighborhood. The half-bath does not have a shower and is quite a distance from the

upstairs bedrooms and therefore it would not promote more occupants in the structure.

(4) That the granting of the Variance is in keeping with the purpose and intent of this title.

Granting this variance does not allow the property owner to by-pass the developmental requirements for all future buildings proposed, it merely allows architecturally consistent architecture, befitting of the historic home on the property. Granting the variance improves local housing needs by providing additional living space while still maintaining the density requirements of the zoning district.

We can be reached at [REDACTED] or [REDACTED].

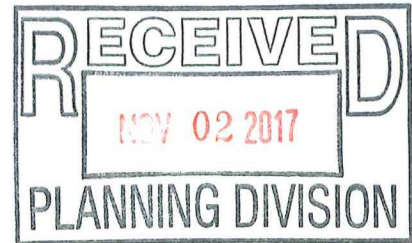
Sincerely,

[REDACTED]

Perviz Tharani and James Collins, Homeowners and Residents of 1141 Main St

October 24, 2017

Perviz Tharani and James Collins
1141 Main St
Santa Clara, CA
95050



Planning Department
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA
95050

Re: Variance Request

Variance: Variance request for building height

Project Location: 1141 Main St
APN: 269-15-048

Dear Planning Commission and Planning Staff,

This application includes plans for the conversion of the existing 2-story carriage house at 1141 Main St into an accessory dwelling unit with garage. The property, a 7,500 square foot lot located in the Historic "Old Quad", also contains a 2-story Queen Anne main residence with a Mills Act Contract. We are requesting a variance to convert the existing 22' 7" structure into a 23' 3" accessory dwelling unit where 14 feet is the maximum allowed. We are proposing this minor elevation increase to preserve the historic character of the accessory structure while allowing our family to properly utilize this existing structure on our property.

We understand that the Planning Commission must make the following four findings in order to grant the variances (Sec 18.108.040). Our justification for the variance is as follows:

(1) That there are unusual conditions applying to the land or building which do not apply generally in the same district.

The maximum 14 foot building height for accessory units is not in keeping with the historic character of our property. The main residence in the Queen Anne style, built in 1893, is 32' 6" high, exceeding the 25 foot maximum. The existing carriage house is 22' 7" and we are proposing to raise the elevation by less than a foot, the height of the new slab footing. Additionally, the existing carriage house already has a 2nd floor with habitable space. We are merely adapting the use of an existing 2-story structure, not requesting to build a new 2-story guest house. The Secretary of the Interior's Standards allows for "adaptive reuse" in the

rehabilitation and preservation of historic structures. Please see the Secretary of the Interior's Standards Review that is part of this application.

(2) That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

The carriage house is not usable in its existing state. It does not have a foundation, the rotting wood on the bottom floor does not allow for parking cars and even entering the carriage house requires manually pushing open heavy sliding carriage house doors. The carriage house needs to be thoughtfully adapted for use as an accessory dwelling unit with garage. This application includes a Secretary of the Interior's Standards Review conducted by a Historic Architect. This review concluded that our proposed plans meet the Secretary of the Interior's Standards for Rehabilitation. The review notes that our proposed plans for the conversion of the carriage house preserve the following distinctive features:

1. The square footprint.
2. The low, one-and-one-half-story massing.
3. The moderately steep hipped-roof form and dormer.
4. The boxed eaves, the horizontal channel-rustic siding; the original first-floor windows.
5. The flat-board window trim, aprons, fascia and corner boards.
6. The hay-loft doors.
7. The cantilevered hoist beam.

(3) 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.

There are no indications that our proposed conversion of the existing carriage house harms the health, safety, peace, morals, comfort, or general welfare of the neighborhood. The structure is located at the rear of the property, where it is closest to a small apartment complex. Windows are placed so that they do not face single-family homes.

In addition, the conversion of the carriage house into a garage and accessory dwelling will allow it to house cars, something that can't currently be done, increasing off-street parking in the neighborhood.

(4) That the granting of the Variance is in keeping with the purpose and intent of this title.

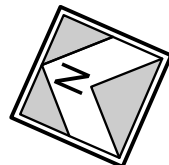
Granting this variance does not allow the property owner to by-pass the developmental requirements for all future buildings proposed, it merely allows architecturally consistent architecture, befitting of the historic home on the property. Granting the variance helps alleviate the parking problems in the neighborhood and improves local housing needs by providing additional living space while still maintaining the density requirements of the zoning district.

We can be reached at [REDACTED] or [REDACTED].

Sincerely,

[REDACTED]

Perviz Tharani and James Collins, Homeowners and Residents of 1141 Main St



8 | ABBREVIATIONS

SHEET INDEX

A-1

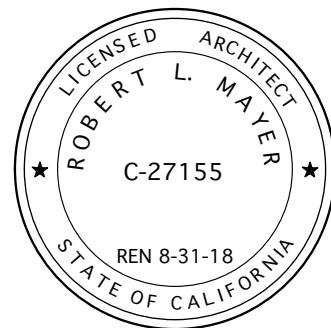
2016-16 COLLINS ADU VAR.vwx



NOT SCALED

<u>ARCHITECTURAL</u>	
A-1	PROJECT INFO, SITE PLAN
A-2	ACCESSORY DWELLING / GARAGE - PROPOSED FLOOR PLAN ACCESSORY DWELLING / GARAGE - EXISTING FLOOR PLAN
A-3	ACCESSORY DWELLING / GARAGE - EXISTING ELEVATIONS
A-4	ACCESSORY DWELLING / GARAGE - PROPOSED ELEVATION
A-5	MAIN RESIDENCE - EXISTING FLOOR PLANS
A-6	MAIN RESIDENCE - EXISTING ELEVATIONS
PP-1	PRESERVATION PLAN & PHOTOS

ROBERT MAYER



CONVERT CARRIAGE HOUSE TO ACCESSORY DWELLING:

SANTA CLARA, CA 95050
APN: 269-26-15

DESCRIPTION

DATE _____

MARK

ISSUE/REV: PLANNING APPLICATION

PROJECT #: 2016-16

DRAWN BY: RM

CHECKED BY: RM

ISSUE DATE: 10/18/17

SHEET TITLE

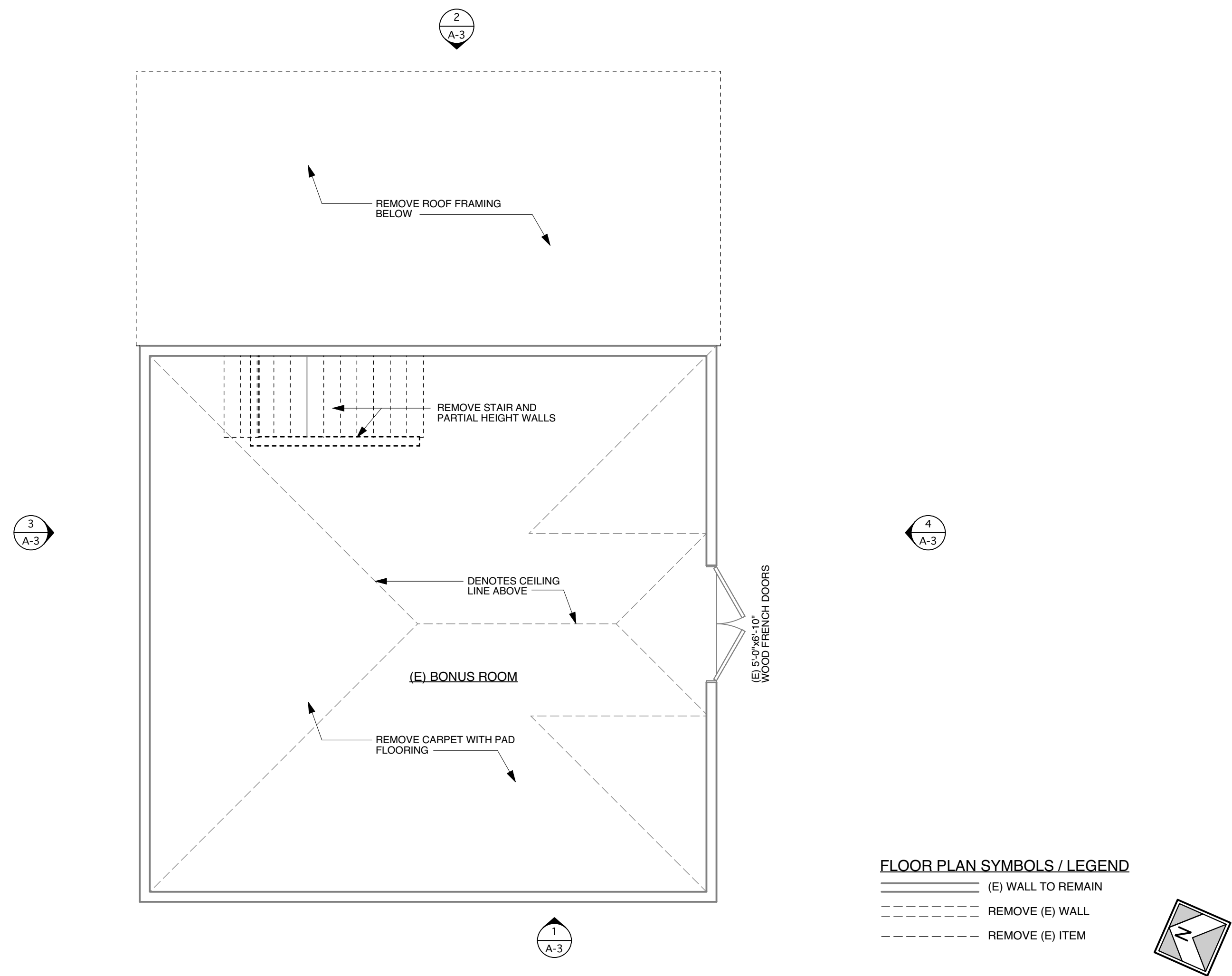
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SITE PLAN

DRAWING NO.

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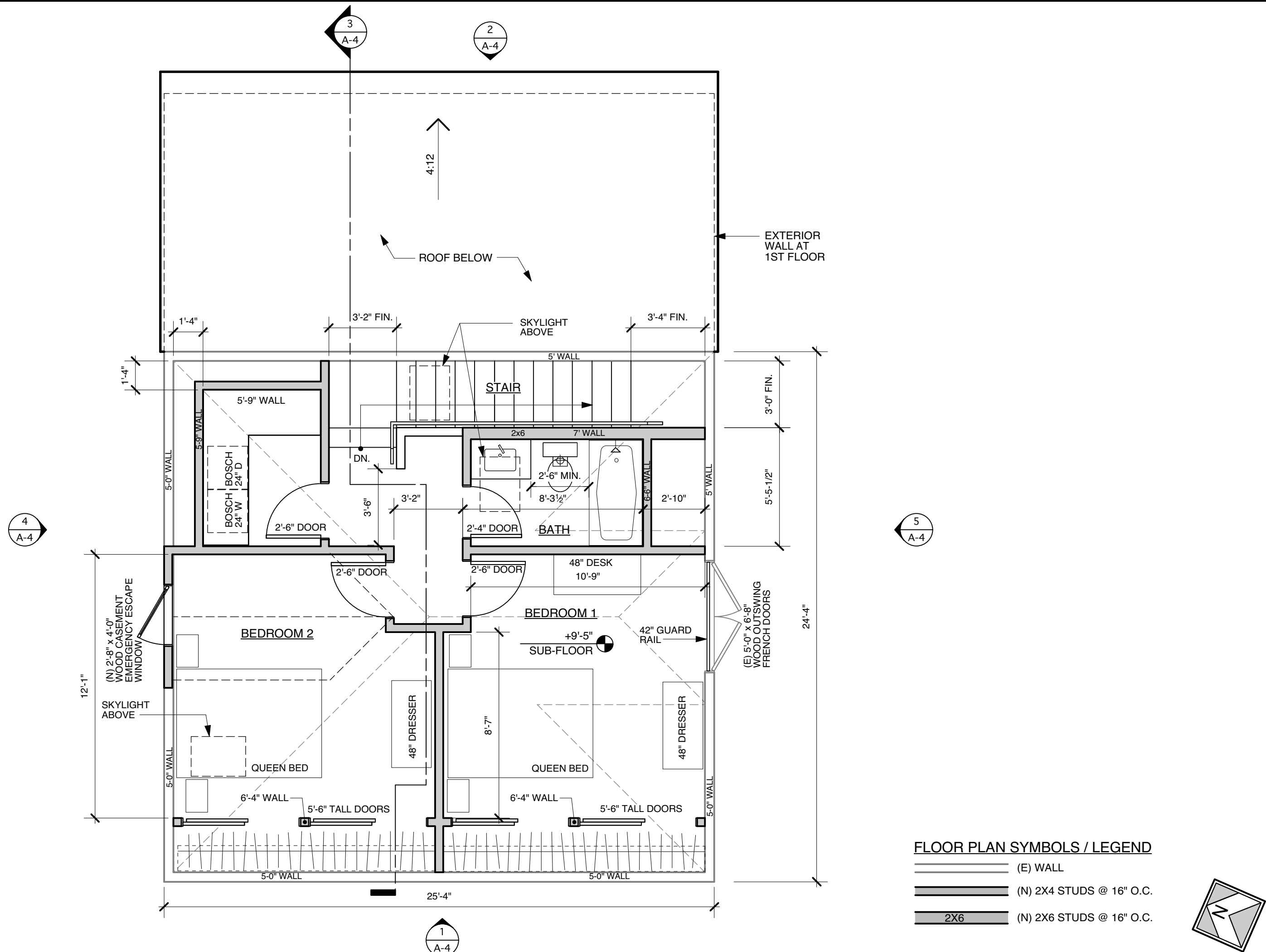
of 7



ACCESSORY DWELLING - 2ND FLOOR DEMOLITION PLAN

1/4" = 1'-0"

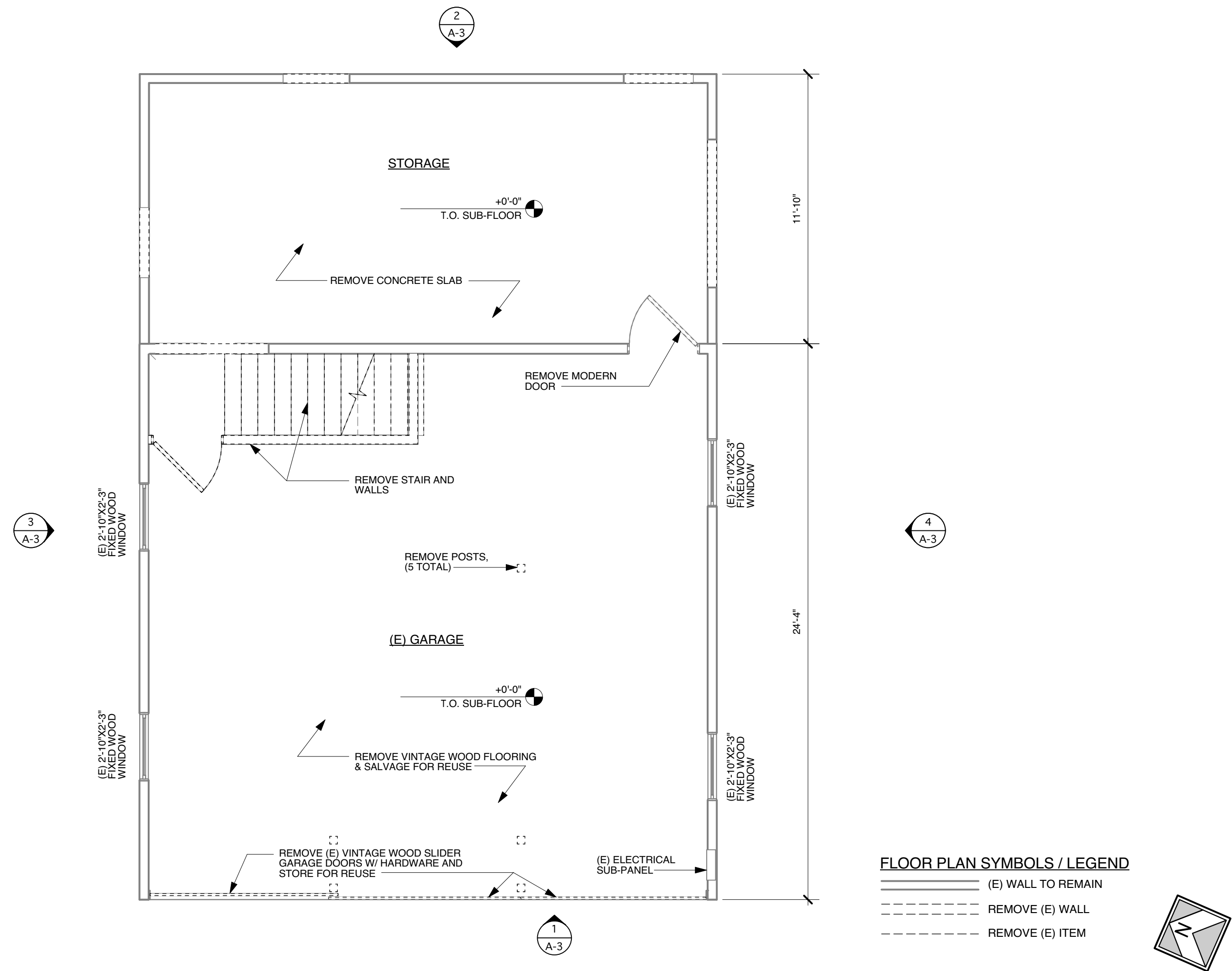
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ACCESSORY DWELLING - PROPOSED 2ND FLOOR PLAN

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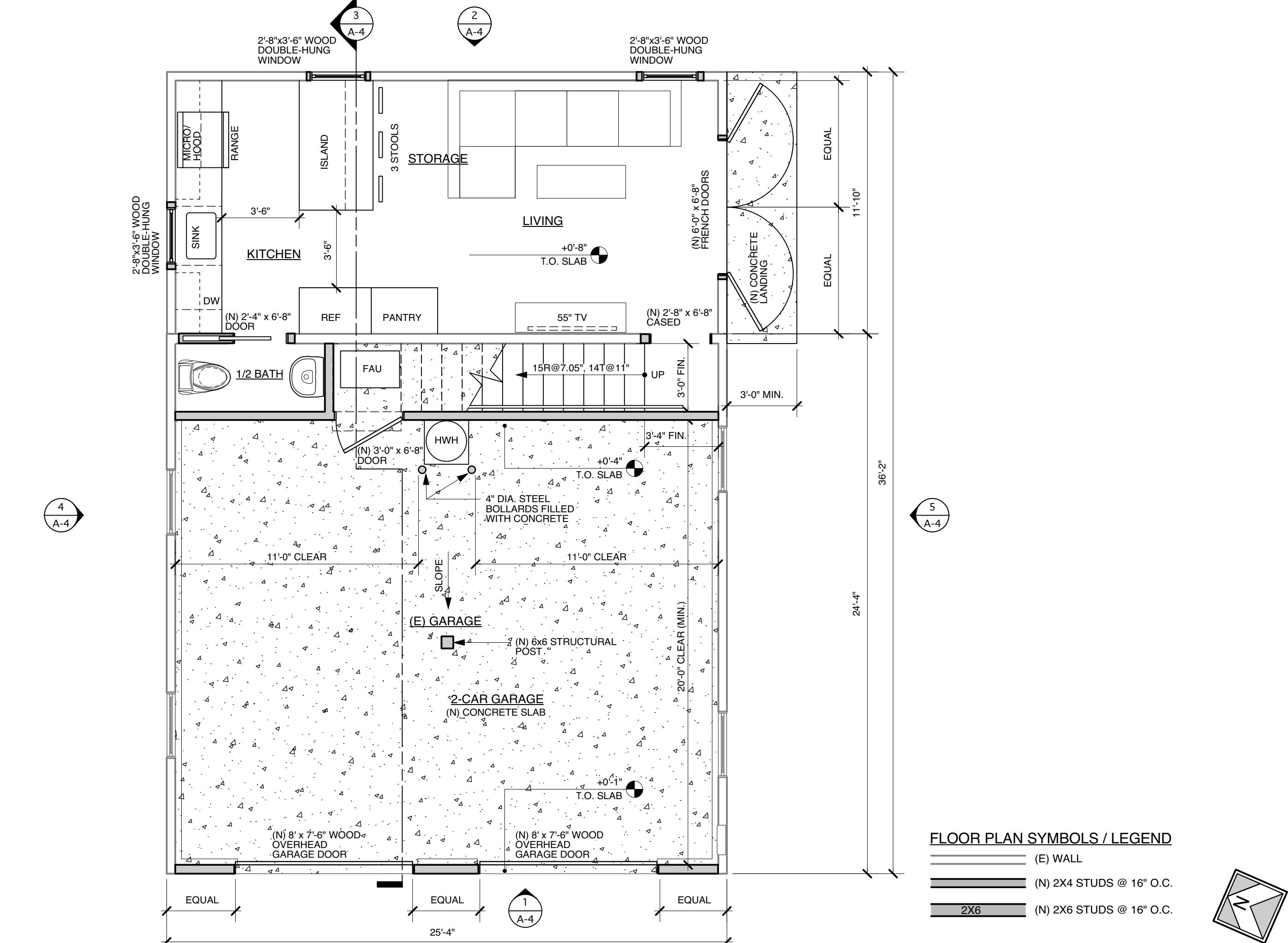
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ACCESSORY DWELLING - 1ST FLOOR DEMOLITION PLAN

1/4" = 1'-0"

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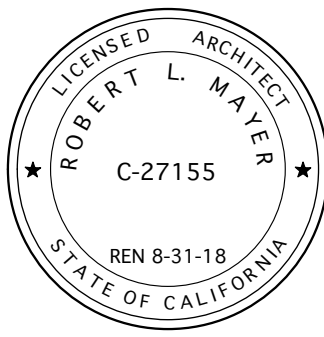
ACCESSORY DWELLING - PROPOSED 1ST FLOOR PLAN

1/4" = 1'-0"

1

Architect

ROBERT MAYER



CONSULTANT

CONVERT CARRIAGE HOUSE TO ACCESSORY DWELLING:
1141 MAIN STREET

SANTA CLARA, CA 95050
APN: 268-26-15

ISSUE/REV: PLANNING APPLICATION

PROJECT #: 2016-16

DRAWN BY: RM

CHECKED BY: RM

ISSUE DATE: 10/18/17

SHEET TITLE

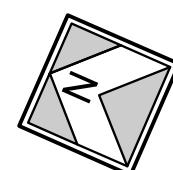
ACCESSORY DWELLING
PROPOSED FLOOR PLANS
DEMOLITION FLOOR PLANS

DRAWING NO.

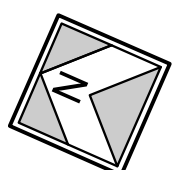
A-2

of 7

<p>(E) VINTAGE WOOD HAYPOLE (E) VINTAGE OUTSWING DOORS WITH WINDOWS (E) ASPHALT COMPOSITION SHINGLE ROOFING (E) VINTAGE 1x8 V-GROOVE SIDING (E) VINTAGE FIXED WOOD WINDOWS (E) MODERN PLYWOOD SIDING W/ BATTENS</p> <p>+14'-0" TOP PLATE +8'-9" SUB-FLOOR +0'-0" SUB-FLOOR</p> <p>22'-7" 11'-8"</p> <p>MAXIMUM BUILDING HEIGHT</p>		<p>(E) ASPHALT COMPOSITION SHINGLE ROOFING (E) VINTAGE 1x8 V-GROOVE SIDING (E) MODERN PLYWOOD SIDING W/ BATTENS</p> <p>+14'-0" TOP PLATE +8'-9" SUB-FLOOR +6'-8" TO PLATE +0'-0" SUB-FLOOR</p> <p>22'-7"</p> <p>MAXIMUM BUILDING HEIGHT</p>		<div>Architect</div> <div>ROBERT MAYER</div> <div>1490 Santa Clara Street Santa Clara, CA 95050 phone 408.564.5543 mayer.robert@comcast.net</div>				CONSULTANT		<div>CONVERT CARRIAGE HOUSE TO ACCESSORY DWELLING: 1141 MAIN STREET SANTA CLARA, CA 95050 APN: 268-26-15</div>		<div>DESCRIPTION</div> <div>DATE</div> <div>MARK</div>			
ACCESSORY DWELING - EXISTING LEFT ELEVATION		1/4" = 1'-0"		4		ACCESSORY DWELLING - EXISTING REAR ELEVATION		1/4" = 1'-0"						2	
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A-3														of 7	



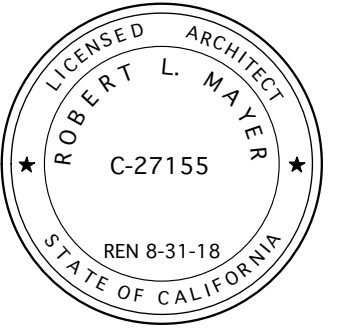
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SANTA CLARA, CA 95050
APN: 269-26-15

ROBERT MAYER



CONSULTANT

ISSUE/REV:	PLANNING APPLICATION
PROJECT #:	2016-16
DRAWN BY:	RM
CHECKED BY:	RM
ISSUE DATE:	9/7/17
SHEET TITLE	

MAIN RESIDENCE
EXISTING 1ST FLOOR PLAN
EXISTING 2ND FLOOR PLAN

DRAWING NO.

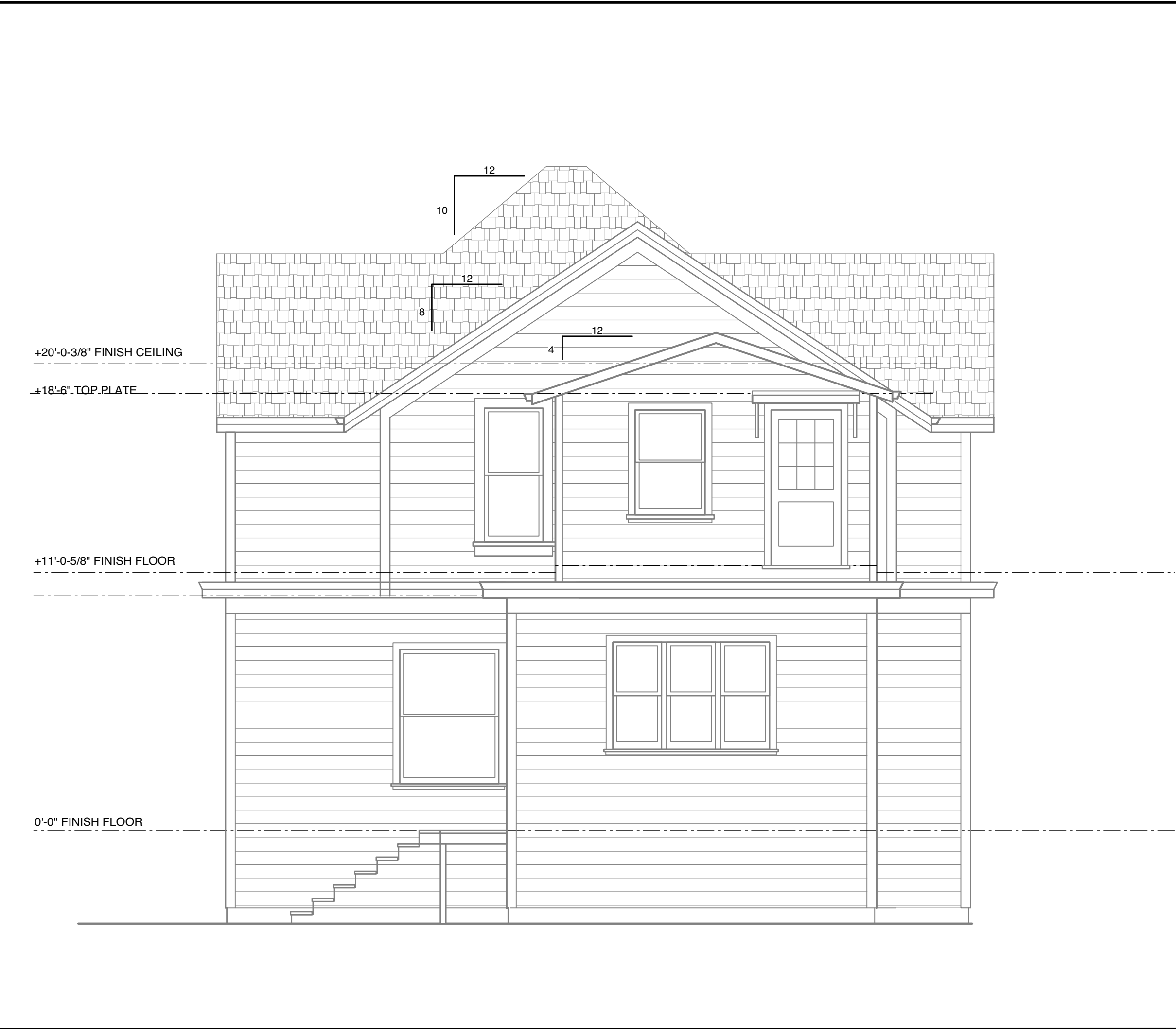
A-5

of 7



MAIN RESIDENCE - EXISTING RIGHT ELEVATION

1/4" = 1'-0"
4



MAIN RESIDENCE - EXISTING REAR ELEVATION

1/4" = 1'-0"
2



MAIN RESIDENCE - EXISTING LEFT ELEVATION

1/4" = 1'-0"
3



MAIN RESIDENCE - EXISITNG FRONT ELEVATION

1/4" = 1'-0"
1

Architect		ROBERT L. MAYER		1490 Santa Clara Street Santa Clara, CA 95050 phone 408.564.5543 mayer.robert@comcast.net	
CONSULTANT		ROBERT L. MAYER C-27155 REN 8-31-18 STATE OF CALIFORNIA			
CONVERT CARRIAGE HOUSE TO ACCESSORY DWELLING: 1141 MAIN STREET SANTA CLARA, CA 95050 APN: 268-26-15					
DESCRIPTION		DATE		MARK	
ISSUE/REV: Revision					
PROJECT #: 2016-16					
DRAWN BY: Drawn By					
CHECKED BY: Checked By					
ISSUE DATE: 9/7/17					
SHEET TITLE					
MAIN RESIDENCE EXISTING ELEVATIONS					
DRAWING NO.					
A-6					
of 7					

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