

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA TO SUSTAIN THE APPEAL, OVERRULE THE
PLANNING COMMISSION DENIAL, AND APPROVE THE
BASEMENT CONVERSION AND A NEW ACCESSORY
DWELLING UNIT FOR THE PROPERTY LOCATED AT 1593
LEXINGTON STREET, SANTA CLARA, CALIFORNIA**

PLN2013-09691 (Architectural Review)

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

WHEREAS, on February 15, 2013, Fawzy Ismail ("Applicant") submitted an application for a basement conversion to an existing single-story house and second living unit located at 1593 Lexington Street ("Project Site");

WHEREAS, the applicant requests to convert approximately 1,296 square feet of unfinished basement area and construct a new 1,178 square foot detached accessory dwelling unit ("Project");

WHEREAS, the Project is located in the General Plan land use designation of Very Low Density Residential and in the R3-36D (Medium Density Multiple Dwelling) Zoning District;

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per guidelines section 15303 (Class 3 – New Construction or Conversion of Small Structures), in that the project adds onto an existing single-family residential structure and proposes an accessory dwelling unit;

WHEREAS, on February 6, 2014, the Historical & Landmarks Commission (HLC) reviewed the application at a duly noticed public meeting. At the conclusion of the meeting, the HLC voted to recommend denial of the application, because the project, as it was then proposed, would have made significant changes to the exterior of the building and would not have been compatible with other historic resources in the neighborhood;

WHEREAS, on February 27, 2014, the Zoning Administrator denied the application based on the HLC's findings;

WHEREAS, on February 27, 2014, the Applicant filed an appeal of the Zoning Administrator's decision to the Planning Commission;

WHEREAS, a duly noticed public hearing was held before the Planning Commission on March 12, 2014 to consider the application. At the conclusion of the public hearing, the Planning Commission voted unanimously to deny the Project as it was then proposed, citing its inconsistency with the Secretary of the Interior's Standards for Rehabilitation;

WHEREAS, on March 19, 2014, the applicant appealed the Planning Commission action to deny the basement conversion;

WHEREAS, on March 25, 2014, the City Council set a public hearing to review the applicant's appeal for the meeting of June 10, 2014. The Council subsequently moved the public hearing to January 13, 2015;

WHEREAS, on January 13, 2015, the City Council continued the public hearing to a date uncertain;

WHEREAS, on May 1, 2018, the Applicant submitted a revised set of Development Plans for a four-bedroom house with a two-bedroom accessory dwelling unit (Exhibit "Plans");

WHEREAS, on August 17, 2018, the notice of public hearing for the August 28, 2018, City Council meeting 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 foot radius; and

WHEREAS, on August 28, 2018, the City Council held a duly noticed public hearing to consider the appeal of the Planning Commission's approval of the MND, MMRP, and Architectural Review, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the appeal.

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

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the City Council hereby sustains the Appellants' appeal and overrules the Planning Commission's March 19, 2014 decision to deny the basement conversion, and approves the project as depicted on the plans submitted on May 1, 2018.

3. That pursuant to SCCC Section 18.76.020, the City Council determines that the following findings exist to support architectural approval:

A. That any off-street parking area, screening strips and other facilities and improvements necessary to secure the purpose and intent of the Zoning Ordinance and the General Plan of the City are a part of the proposed development, in that the development provides adequate parking spaces on site for the proposed single-family home with an accessory dwelling unit.

B. That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazards, in that there is no expansion of the parking or intensification of use that would cause increased traffic congestion or hazards.

C. That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by the Zoning Ordinance and the General Plan of the City, in that the Project is for a single story residence consistent and accessory dwelling unit with the scale and design characteristic of the surrounding residential neighborhood.

D. The granting of this approval will not materially affect adversely the health, comfort of general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the single-story residence would not pose a

privacy concern and the detached accessory unit would be constructed as a single-story structure with standard setbacks.

E. That the proposed development, as set forth in the plans and drawings and as conditioned, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, in that the Project is a single-family residence, which is allowed use in R3-36D Zoning District, and the proposed detached accessory dwelling unit complies with the standards set forth in the adopted Accessory Dwelling Unit Ordinance.

4. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report, the City Council hereby sustains the appeal, overrules the Planning Commission's denial, and approves the Project as set forth herein, as detailed in the attached development plans and subject to the attached conditions of approval.

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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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 28th DAY OF AUGUST, 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 Plan
2. Conditions of Architectural Approval

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Street\CC\8.28.18\Attachments\Resolution Overuling Planning Commission Denial.doc