

August 28, 2018

Item #5

# City of Santa Clara

## **City Council Meeting August 28, 2018**

### **1593 Lexington Street**

Public Hearing Item # 5



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

**POST MEETING MATERIAL**



## 1593 Lexington Street

### Site Location

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



2



## 1593 Lexington Street

### Project Timeline

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

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## 1593 Lexington Street

### Project Timeline

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

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## 1593 Lexington Street

### Appeal of Planning Commission Denial of the Architectural Review for

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



5

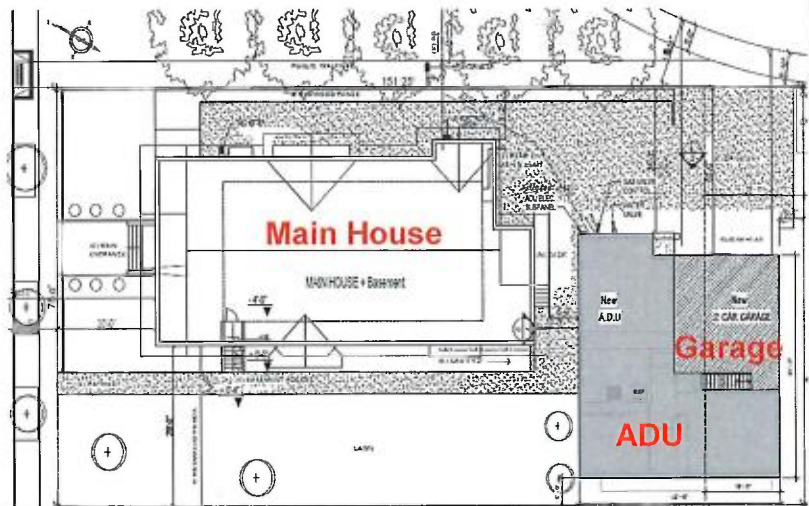




## 1593 Lexington Street

### Project Description

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



## 1593 Lexington Street

### Floor Plans

Existing  
Main Floor



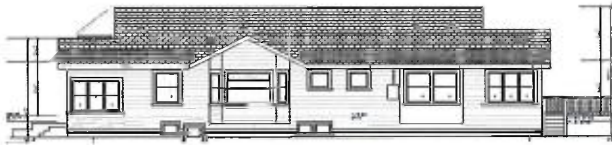
Proposed  
Basement Floor





## 1593 Lexington Street

### Existing Elevations



### Proposed Elevations



Raised  
by 16"

8



## 1593 Lexington Street

### Floor Plans

Proposed  
ADU



Underground  
Storage



9

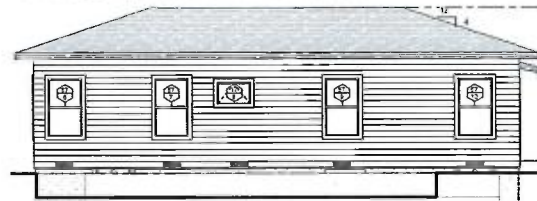


## 1593 Lexington Street

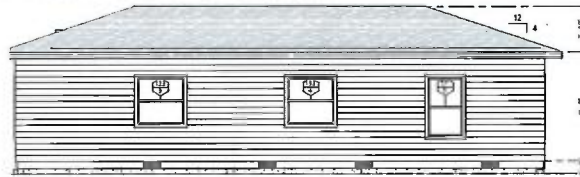
ADU South Elevation



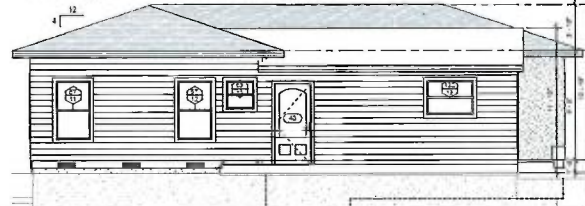
ADU North Elevation



ADU East Elevation

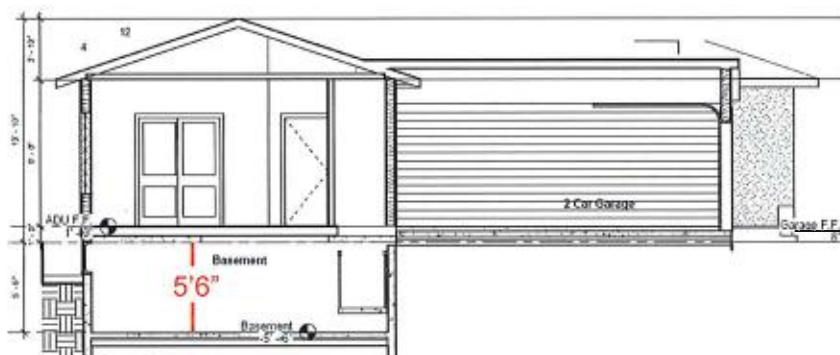


ADU West Elevation



## 1593 Lexington Street

ADU Section View







## **1593 Lexington Street**

### **Considerations**

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

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## **1593 Lexington Street**

### **Staff Recommendation**

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

13

# 1593 Lexington Street



7





## 1593 Lexington Street

### Existing Elevations



### Proposed Elevations



08/28/18

5A

Genevieve Yip

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

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

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

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

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

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

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

Thank you and best regards,  
Fawzy Ismail

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

Tuesday, August 28<sup>th</sup>, 2018

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

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

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

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

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

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

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

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

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

Thank you in advance for your support,  
Fawzy Ismail and Family  
[fawzyismail@gmail.com](mailto:fawzyismail@gmail.com)

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Fawzy Ismail  
Victor the Contractor, Inc.

1593 Lexington St.  
Santa Clara, CA 95050

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

Email: [fawzyismail@gmail.com](mailto:fawzyismail@gmail.com)  
Website: [siliconvalleycontractors.com](http://siliconvalleycontractors.com)



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

Tuesday, August 28<sup>th</sup>, 2018

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Recommendation: Sustain the appeal, overrule the Planning Commission's action, and approve the basement conversion and a new accessory dwelling unit for the property at 1593 Lexington Street"

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Thank you in advance for your support,  
Fawzy Ismail and Family  
[fawzyismail@gmail.com](mailto:fawzyismail@gmail.com)

1593 Lexington  
Pictures taken 8/28/18

Backyard storage area



Construction Truck and  
Cars on Winchester  
continue to Homestead



Additional cars on  
Lexington in front of  
house



**POST MEETING MATERIAL**



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

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

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

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

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

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

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

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

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



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

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



## SANTA CLARA COUNTY RESIDENTIAL UNIT PROPERTY RECORD

ADDRESS 1111  
8124 REV 5/74

DISTRICT No.

TRACT No.

LOT

BLOCK

## RECORD DATA

DESCRIPTION OF BUILDING												
1 ROOF			8 FIREPLACE			12 ROOM AND FINISH DETAIL						
N	M	L	NUMBER	ROOMS	FLOORS	ROOM FINISH	INTERIOR FINISH					REMARKS
FLAT			MULT. OPENINGS		1	2	MATERIAL	GR	WALLS	CEILINGS		
GABLE			BARBEQUE	ALL								
HIP			RAISED HEARTH	ENT. HALL								
SHEO			METAL	LIVING								
CUT UP			STONE	DINING								
BOX EAVES			FREE STANDING	FAMILY								
SHINGLE				KITCHEN								
SHAKE				BREAKFAST								
COMPO SHINGLE			9 HEATING	BEDROOM								
COMPO ROLL			FORCED									
TAR AND GRAVEL			WALL	GRAVITY								
TILE			FLOOR	PERIM	UTILITY							
CONCRETE			ELIC	CEILING	13							
CONCRETE TILE			RADIANT									
ROCK			THERM	DR. BD & CAB TOP								
GUTTERS			ENGR	ECONO	14							
2 EXTERIOR			10 COOLING			15 MISCELLANEOUS STRUCTURES						
STUCCO	SHEATH	REFRIG	CENTRAL									
SIDING	SHINGLE	EVAP	WALL									
SHAKE	ASBESTOS	ENGINE	ECONO									
B & H	ALUM											
BR. VEN	STONE V.											
ADOBE V												
3 STRUCT. WALLS			11 LIGHTING									
FRAME	CONC. BLK	AVG	AVG									
BRICK	ADOBE	REC. FIX	220									
STEEL	CONC.											
COST DATA SUMMARY												
4 FOUNDATION		APPRaiser AND DATE										
CONCRETE RAISED	ITEM	FACT	AREA	UNIT COST	COST	UNIT COST	COST	UNIT COST	COST			
CONCRETE SLAB	FIRST FLOOR											
CONCRETE BLOCK	SECOND FLOOR											
ROBERT FROGE	THIRD FLOOR											
	GARAGE											
	PORCH											
5 GARAGE		COV. PATIO										
DOORS	WALLS											
AUTO CON	S.P. WALL											
ATTACHED												
DETACHED												
ROOM OVER												
LOFT OVER												
CARPORT												
6 WINDOWS		ATTIC										
DR	WOOD	BSMT. ONE	25	812								
CSMT	STEEL	POOL										
SLIDE	ALUM	HILL CONST.										
LVRS	INT	MISC.										
F	A	G										
SLIDING GLASS DR												
7 BUILT-INS		TOTAL RCH										
BARBEQUE		NORMAL	5	GOOD								
KITCHEN FAN		R.C. N.D.										
HOOD												
BUILDING PERMIT ACTIVITY												
RANGE TOP	PERMIT No	DATE	CONTRACTOR	DESCRIPTION OF WORK		AMOUNT						
OVEN	2814	6-5-77	HUBBARD	REPAIR RANGE		600						
DOUBT OVENS	2978	6-17-77	HUBBARD	REPAIR RANGE		1300						
ELECTRONIC OVEN	50501	5-29	HUBBARD	REPAIR RANGE		200						
DROP IN R & O	60361	1-17-85	ARMSTRONG	REPAIR RANGE		700						
SLIDE IN R & O	2000		HUBBARD	REPAIR RANGE		100						
GARBAGE DISPOSAL												
DISHWASHER												
REMARKS												
REFRIGERATOR	REFRIG. REPAIRS - 1000											
INTERCOM	INTERCOM - 1000											
BREAKFAST BAR	BKF. BAR - 1000											
VACUUM CLEANER	VAC. CL. - 1500											
WET BAR	WET BAR - 1000											
WATER SOFTENER	WATER SOFT. - 1000											
WTR. HTR. GAL.	WTR. HTR. GAL. - 1000											
TR. COMPACT	TR. COMPACT - 1000											

SHEET 01

BOOK PAGE PCL

POST MEETING MATERIAL

[illegible]





