

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

A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, APPROVING THE VARIANCE FOR AN  
EXISTING SUBSTANDARD SIDE YARD SETBACK OF TWO  
FEET AND TWO INCHES AND A 648 SQUARE FOOT  
DETACHED ACCESSORY BUILDING FOR THE PROPERTY  
LOCATED AT 130 SERENA WAY, SANTA CLARA,  
CALIFORNIA

PLN2018-13356 (Variance)

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

**WHEREAS**, George Tsai ("Property Owner") filed an application on June 22, 2018 requesting a  
Rezone from A to R1-6L and a Variance to maintain a two feet and two inches side yard  
setback to the north and a 648 square foot detached accessory building for the property located  
at 130 Serena Way (APN: 294-36-017) ("Project Site") in the City of Santa Clara;

**WHEREAS**, the Project Site is a developed property with a single-family residence and a  
detached garage, as shown on the attached Development Plans;

**WHEREAS**, the Project Site is zoned Agricultural (A);

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

**WHEREAS**, the existing 648 square foot detached garage backs up to the two feet and two  
inches side yard setback on the north side;

**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. Pursuant to CEQA Guidelines section 15301 (Class 1 -  
"Existing Facilities"), the project is categorically exempt from formal environmental review, as it  
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;*

**WHEREAS**, on October 24, 2018, the Planning Commission conducted a duly noticed public hearing to consider the proposed variance, at the conclusion of which, the Planning Commission voted to recommend that the City Council approve the variance;

**WHEREAS**, on November 16, 2018, the notice of public hearing for the November 27, 2018 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 300 feet of the Project Site; and

**WHEREAS**, on November 27, 2018, the City Council held a duly noticed public hearing to consider the Variance application, during which the City Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the proposed Variance application.

**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 approves the Variance to allow a two feet and two inch side yard setback on the north side of the Project Site and a 648 square foot detached garage where a three foot side yard setback is required and 480 square foot is the maximum allowed size for a detached accessory building in a R1-6L zone.
3. That pursuant to SCCC Section 18.108.040, the City Council determines that the following findings exist for approval 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 location of the detached garage was constructed along with the primary residence in 1947 and a Variance is required at this time due to the implementation of the R1-6L development standards for setback and maximum allowable area for a detached accessory building.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner in that maintaining the pre-existing location and size of the detached garage reasonably meets personal family needs.

C. That the granting of such Variance, under the circumstances of the particular case, will not materially affect adversely the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Property Owner's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposed Project is compatible in layout and appearance of homes in the surrounding neighborhood.

D. That the approval of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that the proposed Project would provide and maintain on-site parking on the driveway and in the existing garage as current conditions.

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 27th DAY OF NOVEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

\_\_\_\_\_  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Development Plans