

REPORT TO PLANNING COMMISSION

SUBJECT

..Title

Action on Rezone and Variance for the property located at 130 Serena Way

..Report

BACKGROUND

The property owner of 130 Serena Way, George Tsai, is requesting that his property be rezoned from the A Agricultural district to the R1-6L Single Family zoning district and that a Variance be granted to the property for existing structures that would not conform to the R1-6L zoning district standards. Mr. Tsai initiated the current process by submitting a letter to the Planning Division requesting that the Planning Commission initiate a rezoning of his property. On April 11, 2018, the Planning Commission considered and approved the request to initiate the rezone. An excerpt of the Planning Commission meeting minutes of April 11, 2018 is attached.

Subsequently, on June 22, 2018, the owner submitted a formal application requesting issuance of a variance to allow an existing two foot and two inch side yard setback on the north side of the property where a three foot side yard setback is normally required and to allow an existing 648 square foot detached garage when 480 square feet is the maximum allowed for a detached accessory building in R1-6L Zoning District.

The property at 130 Serena Way was annexed into the City in 1969 from the County, and assigned the A - Agricultural zoning designation upon annexation. The City initiated a rezoning to the R1-6L designation in January 1974, but the Project Clearance Committee continued the item for further study due to a question over the imposition of conditions on a City-initiated project. The 1974 City-initiated rezoning was never acted upon and the property retained the A - Agricultural zoning designation.

The property is currently developed with a single-family residence, as are the neighboring properties along both sides of Serena Way. The back yard of the site abuts the Spring Creek Apartments multi-family residential site.

DISCUSSION

The owner's intent for the requested rezone is to establish a zoning district for the property consistent with the existing single-family residential use. Although a single-family residence is a permitted use in the A zone, the A zone development standards place limitations on future improvement of the existing single-family residence including larger setback requirements and preclude development of an accessory dwelling unit. Rezoning to the R1-6L district would facilitate single family residential use of the site consistent with neighboring uses, and allow for expansion of the existing single-family use and future construction of an accessory dwelling unit.

The subject property was constructed in 1947 as a 1,291 square foot single-story residence with a 648 square foot detached garage. The detached garage is set back by

two feet and two inches from the side yard property line to the north. Approval of the rezoning would create a nonconforming side yard setback and detached accessory building area because under the proposed rezoning to R1-6L, a three foot interior side yard setback is required and a detached accessory building cannot exceed 480 square feet.

General Plan and Zoning Conformance:

The General Plan land use designation for the subject property is Medium Density Residential. The project data, aerial map, zoning map, and General Plan map are provided in the attached Project Data Sheet.

The Medium Density Residential designation is intended to support a mix of residential development at a density of 20 to 36 units per acre with access from collector or arterial streets or in close proximity to neighborhood centers and mixed uses. Discretionary Use Policy section 5.5.1-P1 allows application of the next lower density range for smaller residential properties, but the proposed project's density of approximately 5 dwelling units per acre is less than the 8-19 dwelling units per acre density range for Low Density Residential. As a Charter City, Santa Clara is allowed to apply zoning districts that don't directly align with General Plan designations. The subject site is immediately adjacent to single-family residences to the north, south and east and already developed with a single-family residence at a density consistent with the established surrounding neighborhood. While the Spring Creek Apartment community backs up to the west of the property, the existing single-story residence on the property is similar in appearance and character to the other single-family residences along Serena Way.

Given the similarity in scale and character with the established surrounding single-family neighborhood, rezoning the proposed single-family home to the R1-6L district would be consistent with General Plan Transitional Goals and Policies that focus on preserving neighborhood identity, ensuring continuity in design, and providing an appropriate transition between existing land uses in that the proposed rezoning would promote the long-term maintenance of a use of the subject property consistent with adjoining properties. These goals and policies include:

Goal 5.5.2-G2: Preservation of the character of individual neighborhoods.

Goal 5.5.2-G3: New development that is compatible with adjacent existing and planned residential neighborhoods.

Policy 5.5.2-P5: Require that new development provide an appropriate transition to surrounding neighborhoods.

Policy 5.5.2-P6: Adjust new building height, scale and massing along the site perimeter abutting planned lower- intensity uses.

The proposed rezoning was reviewed for consistency with the criteria for rezoning actions established within the City's Zoning Code. The existing Agricultural zoning is inappropriate or inequitable for the project site in that it does not allow similar development standards as single-family residential zoning districts. Rezoning the property to R1-6L would also give the Owner the option of adding an accessory dwelling unit in the future; accessory units are not a permitted use under the existing zoning,

Santa Clara City Code ("SCCC") Chapter 18.08. Further, the proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, in that the existing building is visually consistent with use as a single-family home and is located within a neighborhood surrounded by mostly single-family residences. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed zone change supports residential development that is consistent with policies of the General Plan that allow smaller lots of less than half an acre in size to be developed entirely as a residential use to maintain the neighborhood compatibility with surrounding land uses. The 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 create a single-story dwelling that is compatible with the City's Single-Family and Duplex Design Guidelines.

The rezoning of the site would create a nonconforming side yard setback and detached accessory building area that would require an approval of a Variance. The City's practice is to require issuance of a Variance in cases where an action initiated by the property owner, such as the requested rezoning, would result in a non-conforming condition. The deficiency of 10 inches and 168 square feet is beyond the 25% variation from the Zoning Code that may be approved administratively and thus requires approval of a Variance by the Planning Commission or City Council. The Variance findings are met and are included in the attached resolution. Given that the Variance is relying upon the approval of the rezoning by Council, the Planning Commission would provide recommendation of the Variance to Council for final action.

Conclusion:

Approval of the proposed rezoning and Variance will be necessary for the preservation and enjoyment of the property, and would not adversely affect the general welfare of the people residing in this neighborhood. The existing building and the proposed single-family use would be compatible in density and character with the surrounding neighborhood.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301 (Class 1 - "Existing Facilities") as the activity 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.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On October 12, 2018, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

RECOMMENDATION

..Recommendation

1. Recommend to City Council approval of the rezoning of the property at 130 Serena Way from Agricultural (A) to Single-Family Zoning District (R1-6L) and;
2. Recommend to City Council approval of a Variance for an existing substandard side yard setback of two feet and two inches and a 648 square foot detached accessory building.

..Staff

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Request Letter for Rezoning
2. Project Data
3. Excerpt of Planning Commission Minutes 4.11.18
4. Development Plans
5. Resolution Recommending Approval of a Variance
6. Resolution Recommending Approval for Rezoning
7. Conditions of Approval