

RESOLUTION NO.18-8626

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE REZONING FROM
AGRICULTURAL (A) TO SINGLE FAMILY ZONING DISTRICT
(R1-6L) FOR THE PROPERTY LOCATED AT 130 SERENA
WAY, SANTA CLARA**

PLN2018-13356 (Rezone)

BE IT RESOLVED BY 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 to allow a consistent zoning district for the existing single-family residential use 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, as shown on the attached Development Plans;

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

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, SCCC Sections 18.112.030 and 18.112.040 require that the Planning Commission hold a public hearing and provide a recommendation on any rezoning request prior to City Council action;

WHEREAS, on October 24, 2018, the Planning Commission held a duly noticed public hearing to consider the rezoning application, at the conclusion of which, the Planning Commission voted to recommend that the City Council approve the rezoning;

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 Rezone 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 Rezone application.

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

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

2. That the City Council hereby approves the rezoning from Agricultural (A) to Single Family Zoning District (R1-6L) for the property located at 130 Serena Way to allow a consistent zoning district for the existing single-family residential use at the Project Site.

3. That pursuant to SCCC Chapter 18.112.050, the City Council 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 require more restrictive standards than the R1-6L for single-family residential dwelling.

B. 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 within a neighborhood surrounded predominantly by single family residences.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed zone change provides residential development that is consistent with surrounding land uses.

D. That 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 maintain the existing single-family residence that is consistent with the City's Single-Family and Duplex Design Guidelines.

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:	Davis, Kolstad, Mahan, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Approval
2. Development Plans

CONDITIONS OF APPROVAL

130 Serena Way

PLN2018-13356

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

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. Applicant shall conform to all development standards under R1-6L, Single-family Zoning District.

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.

ELECTRICAL

- EL1. 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).
- EL2. 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.
- EL3. Any relocation of existing electric facilities shall be at Developer's expense.
- EL4. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.

PROJECT DATA

130 SERENA WAY, SANTA CLARA, CA 95051

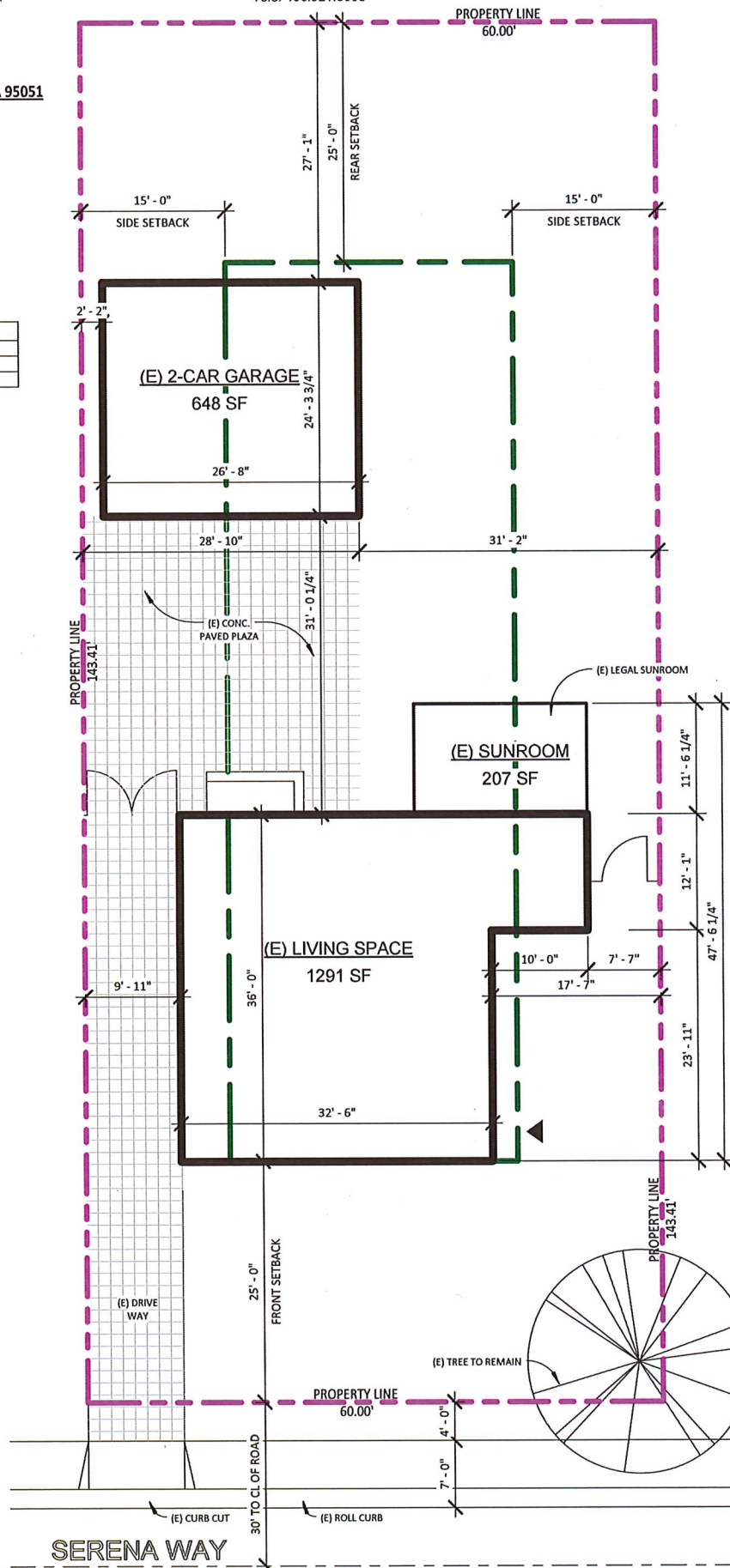
APN: 294-36-017
 ZONING: A
 LOT SIZE: 8605 SF

OF STORIES: 1
 BLDG HEIGHT:

EXISTING USE: SINGLE FAMILY
 PROPOSED USE: SINGLE FAMILY
 OCCUPANCY GROUP: R3
 CONSTRUCTION TYPE: VB

(E) GROSS FLOOR AREA	
(E) LIVING SPACE	1291 SF
(E) 2-CAR GARAGE	648 SF
(E) SUNROOM	207 SF
	2146 SF

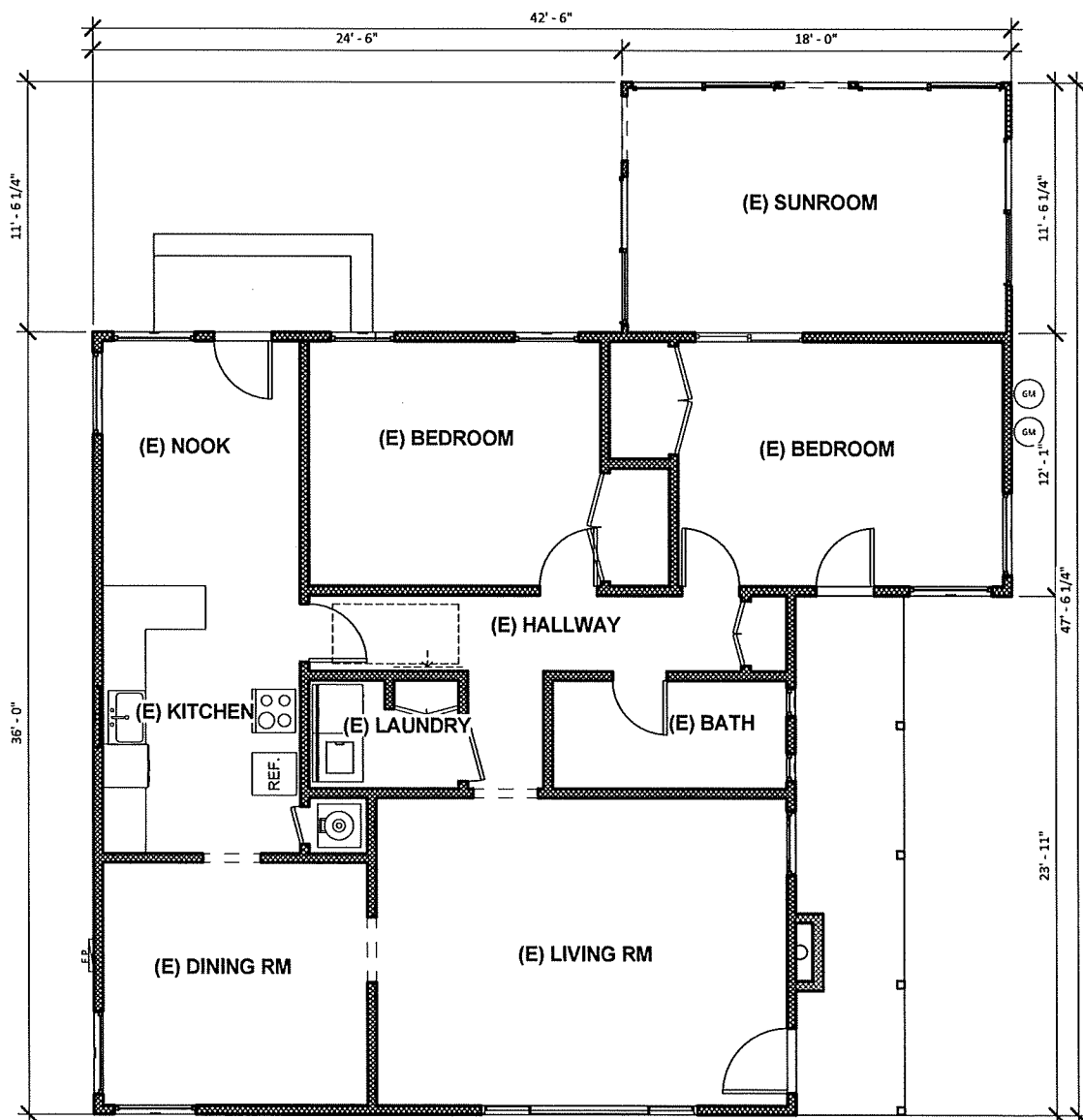
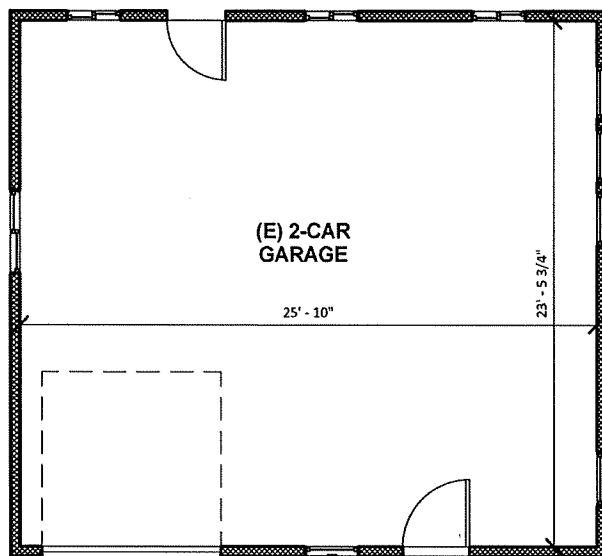
EXISTING BUILDING COVERAGE

 $2146 / 8605 = 24.9\% < 40\%$


SITE PLAN (EXISTING) - A ZONE

Scale 3/32" = 1'-0"

TSAI RESIDENCE



FLOOR PLAN (EXISTING)

Scale 3/16" = 1'-0"

TSAI RESIDENCE



LEFT VIEW



FRONT VIEW



REAR VIEW



RIGHT VIEW

EXTERIOR PHOTOS (EXISTING)

TSAI RESIDENCE