

RESOLUTION NO. 18-8627

**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 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:	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

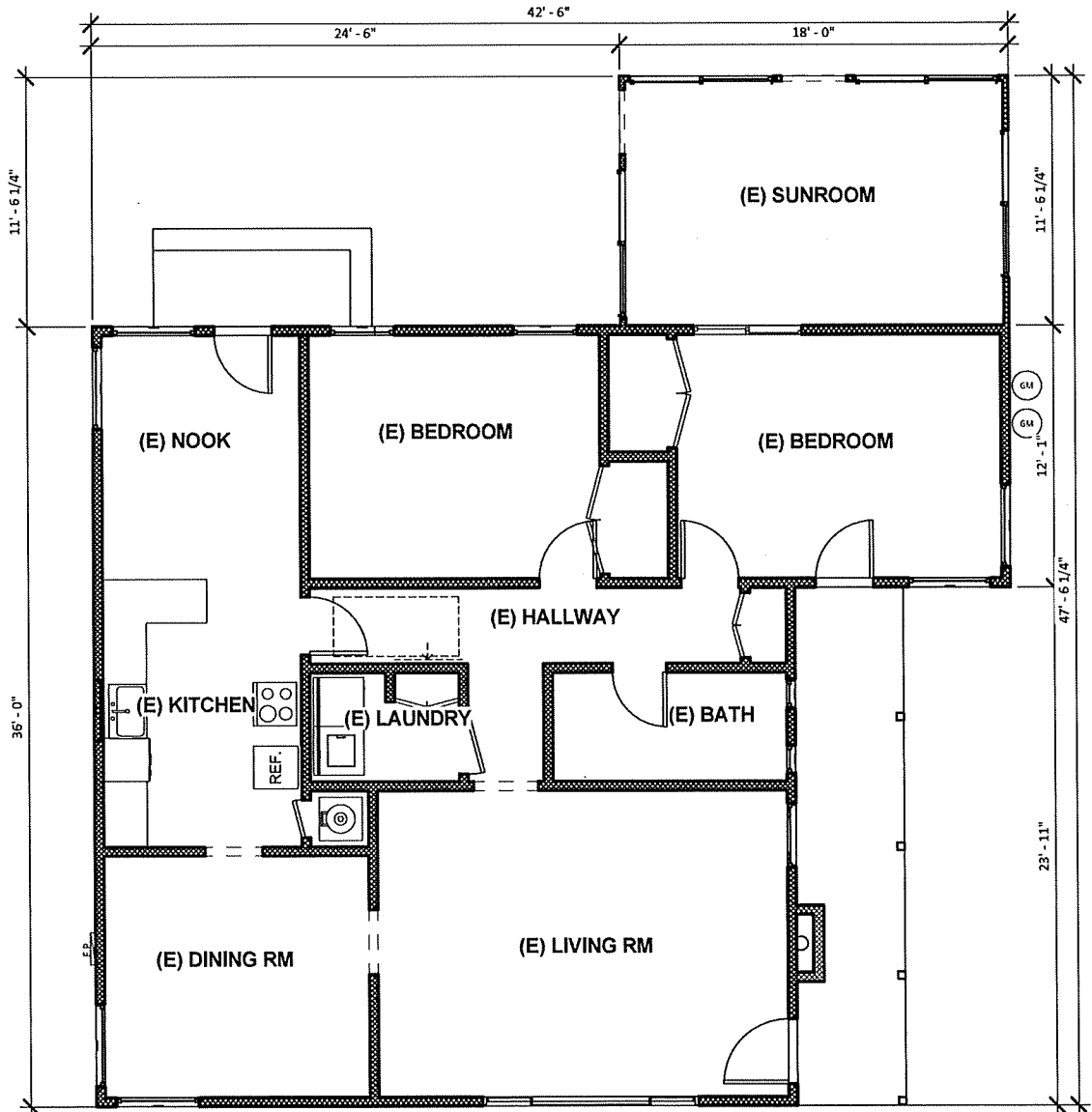
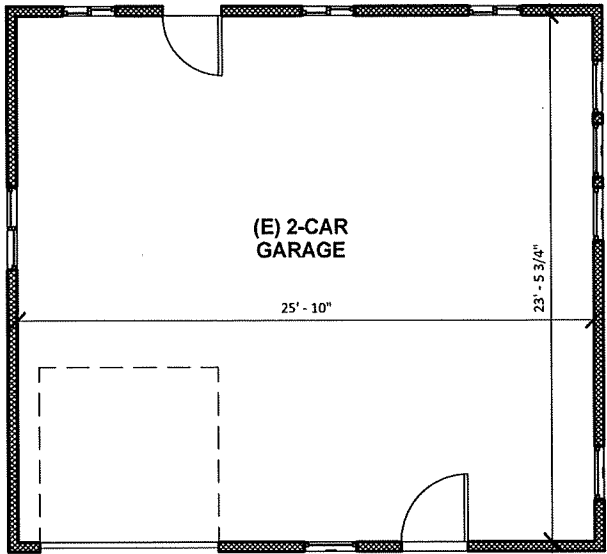
- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- C2. Applicant shall conform to all development standards under R1-6L, Single-family Zoning District.

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.



FLOOR PLAN (EXISTING)

Scale 3/16" = 1'-0"

TSAI RESIDENCE



LEFT VIEW



FRONT VIEW



REAR VIEW



RIGHT VIEW

EXTERIOR PHOTOS (EXISTING)

TSAI RESIDENCE