

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW REBUILDING OF AN EXISTING NON-CONFORMING ONE-CAR GARAGE AT ITS CURRENT LOCATION WITH ONE FOOT REAR YARD AND ZERO FOOT SIDE YARD SETBACKS AND THREE FOOT SEPARATION FROM THE MAIN HOUSE FOR THE EXISTING RESIDENCE LOCATED AT 1366 LEXINGTON STREET.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on October 8, 2019, Joaquin and Cruz Perez ("Property Owner") filed a Planning Application (PLN2019-14111) requesting a Variance for the property located at 1366 Lexington Street (APN: 269-26-105) ("Project Site") in the City of Santa Clara;

WHEREAS, the Project Site is zoned Single Family Residential (R1-6L);

WHEREAS, the General Plan land use designation for the Project Site is Very Low Density Residential;

WHEREAS, the Property Owner has submitted an application for a Variance to the rear yard and side yard requirement of the R1-6L Single Family Zoning District in order to move forward with rebuilding the existing non-conforming garage with a one foot rear yard and zero foot right side yard, and a three separation to the main house;

WHEREAS, the Project is Categorically Exempt from the California Environmental Quality Act ("CEQA") per CEQA Guidelines Section 15303(e), Class 3 "New Construction or Conversion of Small Structures," as the activity consists of the construction of a new, small facility or structure, a garage. The Class 3 Exemption expressly authorizes the construction of "[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences";

WHEREAS, on November 27, 2019, the notice of meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to property owners within a

300 foot radius of the Project Site for the Planning Commission hearing on December 11,, 2019;
and,

WHEREAS, on December 11, 2019, the Planning Commission held a duly noticed public hearing to consider the Variance application, during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the proposed Variance..

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby approves the Variance to the rear yard and side yard requirement and to the separation requirement from the main house in order to allow the reconstruction of the existing legal nonconforming garage.
3. That pursuant to SCCC Section 18.108.040, the Planning Commission hereby makes the following findings related to the Variance request:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that property lot size is unusually small which prevents the rebuilding of the garage in compliance with the SCCC side and yard requirements and main house separation requirement.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that accommodating a 5 foot rear yard and a three foot side yard, or accommodating a six foot separation from the main house, would prevent the Applicant from rebuilding the garage.

C. That the granting of such Variance 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 allow rebuilding an existing garage at its current location.

D. That the granting of the variance is in keeping with the purpose and intent of the Zoning Ordinance, in that because of the substandard size of the lot of the project site, strict application of the R1-6L standards would cause unnecessary hardship and prohibit the development of rebuilding a garage on the Project Site.

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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 11TH DAY OF DECEMBER, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

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