

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING AN
AMENDMENT TO A VARIANCE FOR THE PROPERTIES
LOCATED AT 1560 and 1582 JACKSON STREET, SANTA
CLARA**

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

WHEREAS, on February 13, 2020, Alan Tsai (“Property Owner of 1560 Jackson Street”) filed a Planning Application (PLN2020-14333) with consent of Mai-Li Chen (“Property Owner of 1582 Jackson Street”) to amend a Variance for the properties located at 1560 and 1582 Jackson Street (Project Site”);

WHEREAS, the Project Site has a General Plan designation of Very Low Density Residential and is zoned Single Family Residential (R1-6L);

WHEREAS, the Variance requires a Covenant Agreement between the City and the Property Owners prohibiting the intensification of the residential use on the Project Site;

WHEREAS, the Property Owner of 1560 Jackson Street has submitted an application to rescind the Covenant Agreement prohibiting the intensification of the residential use on the Project Site;

WHEREAS, the Project is Categorically Exempt per Section 15321, Enforcement Actions by Regulatory Agencies as the proposal is a request to rescind the requirement for a Covenant Agreement between the City and the Property Owners of the Project Site;

WHEREAS, on May ----, 2020, the notice of the 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 May 27, 2020; and

WHEREAS, on May 27, 2020, the Planning Commission held a duly noticed public hearing to consider the Amendment to the Variance application, during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of or 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 thereof.

2. That the Planning Commission hereby approved the Amendment to the Variance to rescind the Covenant Agreement prohibiting the intensification of the residential use on the Project Site.

3. That pursuant to SCCC Section 28.108.040, 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 the Property Owners of 1560 and 1582 Jackson Street are not afforded the same property rights as single-family residential property owners throughout the City to construct residential additions or accessory dwelling units and improve their properties;

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that rescinding the prohibition of intensifying the residential use of the Project Site would allow the Property Owners to improve and invest in the Project Site with the construction of additional living area and/or an accessory dwelling unit on the Project Site consistent with R1-6L development standards and State law;;

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 detrimental to the public welfare 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 any proposal to intensify the residential use with construction of tan

accessory dwelling unit or residential addition on the Project Site would be subject to City Code and Building Code requirements; and

D. That the granting of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that the proposal would provide consistency with State law requirements to allow the construction of accessory dwelling units the R1-6L development standards.

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 27th DAY OF MAY, 2020, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

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

Attachments Incorporated by Reference:

1. None

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