

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA TO DENY THE  
APPEAL AND UPHOLD THE ZONING ADMINISTRATOR'S  
DENIAL OF THE MINOR MODIFICATION REQUEST FOR THE  
PROPERTY LOCATED AT 2133 SANTA CRUZ AVENUE,  
SANTA CLARA, CALIFORNIA**

PLN2020-14445

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

**WHEREAS**, on June 8, 2020, Devin and Nicole Bissman, ("Owners") filed a Planning Application for the 5,062 square-foot property located at 2133 Santa Cruz Avenue ("Project Site");

**WHEREAS**, the Owners request Architectural Review Approval for a proposed 427 square-foot addition to an existing three bedroom and two bathroom house, resulting in a four bedroom and two bathroom house as well as a 50 square-foot porch addition with an attached 410 square-foot two car garage to remain; and a Zoning Administrator Minor Modification to permit the building addition in the rear yard at a proposed 17'4" setback from the rear property line, where a minimum 20-foot rear yard building setback is required ("Project"), as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301(e) (Class 1 "Existing Facilities"), because the project is a 477 square foot addition to an 1,104 square foot existing structure that will not result in an increase of more than 50 percent of the floor area of the structure before the addition;

**WHEREAS**, on August 3, 2020, the request for Minor Modification was denied by the Zoning Administrator, since modifications are limited to those situations where there are unusual

conditions applying to the land or building which do not apply generally in the same district, and the Zoning Administrator was unable to make a finding that unusual conditions existed;

**WHEREAS**, on August 10, 2020, the Owners appealed the decision to the Planning Commission;

**WHEREAS**, on September 11, 2020, the notice of public hearing for the September 23, 2020, Planning Commission meeting for this item was posted at least three conspicuous locations within 300 feet of the project site and was mailed to property owners within 300-foot radius; and

**WHEREAS**, on September 23, 2020, the Planning Commission held a duly noticed public hearing to consider the appeal of the Zoning Administrator's Denial of the Minor Modification request, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the appeal.

**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 pursuant to SCCC Sections 18.90.030 and 18.108.040, the Planning Commission determines that the lot is rectangular in shape and similarly sized to many lots in the R1-6L zone, and therefore, the Commission is unable to make the required finding for a minor modification that there are unusual conditions applying to the land or building which do not apply generally in the same district.
3. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission hereby denies the appeal and upholds the Zoning Administrator's denial of the Minor Modification as set forth herein, and as detailed in the attached development plans.

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 23<sup>rd</sup> DAY OF SEPTEMBER 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. Development Plan

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