



Legislation Details (With Text)

File #: 20-87 **Version:** 1 **Name:**
Type: Public Hearing/General Business **Status:** Agenda Ready
File created: 1/13/2020 **In control:** Planning Commission
On agenda: 2/26/2020 **Final action:**
Title: Public Hearing: Action on a Variance to the lot coverage and covered parking requirements associated with an addition at 655 Jefferson Street

Sponsors:

Indexes:

Code sections:

Attachments: 1. Project Data Sheet, 2. Development Plans, 3. Letter of Justification, 4. Resolution Denying the Variance, 5. Historical and Landmark Staff Report of 1/2/2020, 6. Staff PowerPoint

Date	Ver.	Action By	Action	Result
2/26/2020	1	Planning Commission	Approved	Pass
2/26/2020	1	Planning Commission	Approved	Pass

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on a Variance to the lot coverage and covered parking requirements associated with an addition at 655 Jefferson Street

REPORT IN BRIEF

Applicant/Owner: Rob Mayer/ Wayne Machado & Susie Fernandez

General Plan: Very Low Density Residential

Zoning: Single Family Residential (R1-6L)

Site Area: 5,000 square feet

Existing Site Conditions: One-story family residence

Surrounding Land Uses

North, South and East: One- and two-story single-family houses

West: One- and two-story single-family houses across Jefferson Street

BACKGROUND

The existing single-story two-bedroom two-bathroom house was built on 1905 on a 5,000 square feet lot. The existing house is 1,414 square feet and was previously improved and now includes three-bedrooms and three-bathrooms with an attached 278 square feet one-car garage. The applicant is proposing to demolish the third bedroom and the third bathroom addition at the back of the house that has no record of the building permit. The applicant proposes to construct a new 694 square feet one-story addition to the back of the house to convert it into a four-bedroom four-bathroom house and retain the existing one-car garage, rather than add a second covered parking space as required under the Zoning Code.

The applicant requests approval of a Variance to the 40% lot coverage limit required in the R1-6L Single Family Zoning District and approval of a 43.2% lot coverage. The applicant also requests a Variance of the covered parking requirement of two vehicles in the R1-6L Single Family Zoning District in order to move forward with a proposed addition and retention of the existing one-car garage.

The project requires Planning Commission review and Architectural Committee review for the variance request. The project was referred to Historical and Landmark Commission (HLC) on January 2, 2020 as required under the Historic Preservation Ordinance (HPO) since the property is located adjacent to two Mills Act properties to the north and south of the project site (1490 Santa Clara Street and 653 Jefferson Street). The HLC reviewed the project for neighborhood compatibility and consistency with the City's Design Guidelines. HLC found that the proposed project would not adversely impact the integrity of the listed resources in the vicinity of the project site as required under the HPO and recommended approval to the Planning Commission.

DISCUSSION

The property was originally developed with a house and an attached one-car garage in 1905, predating the City's requirement for two covered parking spaces pursuant to Section 18.12.120(a) of the Santa Clara City Code (SCCC).

Consistency with General Plan:

The project site has a General Plan land use designation of Very Low Density Residential. This designation is intended for residential densities up to 10 units per acre and is typically represented in detached single-family neighborhoods. The application proposes 694 square feet addition to allow a four-bedroom four-bathroom residence with an existing attached one-car garage. Pursuant to the General Plan, an expansion to an existing house with one-car garage beyond three bedrooms or 500 square feet triggers the requirement for a covered two-car garage.

Zoning Conformance:

The proposal is subject to the parking requirements of the Zoning Code unless a variance is granted by the Planning Commission. Pursuant to Chapter 18.108 of the City's Zoning Ordinance, where practical difficulties, unnecessary hardships and effects inconsistent with the general purposes of the Zoning Code may result from the strict application of certain provisions, variances may be granted. Granting of a variance would require making the findings in SCCC Section 18.108.040, including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

The subject property is narrow, measuring 40 feet in width, where properties in R1-6L zoning district are required to be at least 60 feet in width. However, the property is located in a residential neighborhood originally constructed mostly with one-story homes on narrower lots with one-car garages. Therefore, there are no unusual conditions applying to the property. Allowing one covered parking would be an exception as compared to the other single family homes in the R1-6L zone, similarly situated in the neighborhood and in the City.

The addition would result in 43.2% lot coverage whereas 40% lot coverage is the maximum allowed. There are numerous properties with lot sizes of 5,000 square feet that also must limit building to 40%. A Variance is required in order to allow 43.2% lot coverage. The subject property's lot size is five thousand (5,000) square feet, where the minimum lot area for R1-6L zoning district is six

thousand (6,000) square feet. However, the property is located in a residential neighborhood with a mix of lot sizes including lots smaller than 6,000 square feet. Granting the variance for one lot amounts to a special privilege not enjoyed or available to similarly sized lots. Therefore, there are no unusual conditions applying to this property.

Conclusion:

The property is located in a residential neighborhood originally constructed with one-story homes on narrower lots with attached one-car garages. Therefore, the proposed project does not meet the purpose and intent of the Zoning Code in that there are no unusual conditions applying to the land or building that do not apply generally in the same district. Therefore, staff does not support the Variance request.

ENVIRONMENTAL REVIEW

If the Planning Commission denies the variance, the proposed addition would not be subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270, which states that CEQA does not apply to projects that a public agency rejects or disapproves.

If the Planning Commission were to approve the variance, the proposed addition would be exempt from the CEQA environmental review requirements per CEQA Guidelines Section 15301(e)(1), Class 1 "Existing Facilities," as the activity consists of the minor alteration of existing public or private structures, consisting of an addition that will not result in an increase of more than 50% of the floor area of the existing structure or 2500 square feet.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense, typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

The notice of public meeting for this item was posted at three locations within 300 feet of the project site and was mailed to property owners within 300 feet of the project site. No public comments have been received at the time of preparation of this report.

ALTERNATIVES

1. Deny the Variance to allow an addition, with a 43.2% lot coverage and a one car covered parking space.
2. Approve the Variance to allow 694 square feet rear addition, resulting is a 4-bedroom 4-bathroom residence with an existing one-car garage and 43.2% lot coverage where 40% lot coverage is the maximum allowed and two-car covered parking is required.

RECOMMENDATION

Alternative 1: Adopt a resolution denying the Variance to allow an addition, with a 43.2% lot coverage and a one car covered parking space.

Prepared by: Elaheh Kerachian, Associate Planner
Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Project Data Sheet
2. Development Plans
3. Letter of Justification
4. Resolution Denying the Variance
5. Historical and Landmark Commission Staff Report of 1/2/2020