



## Agenda Report

24-139

Agenda Date: 3/6/2024

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

**PUBLIC HEARING:** Action on Significant Property Alteration Permit for a 556 Square Foot Addition to the Basement and a 590 Square Foot First Floor Addition to a Residence on the Historic Resource Inventory with a Mills Act Contract and a Minor Modification for the Construction of a New Nonconforming Garage at 324 Madison Street

#### **REPORT IN BRIEF**

**File No.:** PLN23-00452

**Project:** Significant Property Alteration Permit for an addition to a single-family residence and a Minor Modification for the construction of a new nonconforming detached garage.

**Applicant:** Robert Mayer

**Owner:** Tommy and Stephanie Tran

**General Plan:** Very Low Density Residential

**Zoning:** Single-Family (R1-6L)

**Site Area:** 8,950 square foot

**Existing Site Conditions:** The project site is built with a 1,393 square foot three-bedroom, one-bathroom one-story single-family residence.

#### **Surrounding Land Uses**

**North:** Single-family uses

**East:** Multi-family and single-family uses

**South:** Single-family and public uses

**West:** Single-family and public uses

**Issues:** Consistency with the City's General Plan and Zoning Ordinance

**Staff Recommendation:** Adopt a resolution approving the Significant Property Alteration Permit for a 1,146 square foot addition and a Minor Modification to construct a new nonconforming garage, subject to findings and conditions of approval.

#### **BACKGROUND**

On August 28, 2023, Robert Mayer, applicant, filed an application on behalf of the property owners, Tommy and Stephanie Tran, requesting a Significant Property Alteration Permit (File No. PLN23-00452) for a 556 square foot addition to the basement and a 590 square foot first floor addition to a single-family residence and a Variance for the construction of a new nonconforming detached garage. The subject property was added as a historic resource (a Mediterranean Revival residence constructed in 1936 or 1938) on the City's Historic Resource Inventory (HRI) and received a Mills Act Contract in 2022. The subject site is zoned Single-Family (R1-6L) and the General Plan land use designation is Very Low Density Residential.

### *Significant Properties Alteration Permit*

According to Santa Clara City Code (SCCC) 18.130.050, a Significant Properties Alteration (SPA) permit is required for alteration proposals to an HRI property. In accordance with SCCC 18.130.050.C2, the Historical and Landmarks Commission (HLC) reviews SPA permits proposed for major alterations and makes a recommendation to the Planning Commission, and the Planning Commission shall approve or deny the application.

On December 7, 2023, the HLC heard the proposed application for an SPA permit for a major alteration (Attachment 5 - HLC Staff Report) to add habitable square footage to the basement and first floor of the existing three-bedroom, one-bathroom main residence resulting in a four-bedroom, three-bathroom single-family residence.

### *Variance*

The applicant also applied for a Variance to demolish the existing detached garage for the construction a new detached two-car garage that would not conform to the height and square footage requirements in the Zoning Ordinance. The existing one-car garage was constructed after the main residence and is therefore not a contributing building to the historic residence. The new proposed garage is larger in size and includes a half bathroom. The City's prior Zoning Code limited detached accessory structures to a maximum size of 480 square feet and a maximum height of 12 feet. The applicant had initially requested a Variance to increase the allowable size of the accessory structure to 671 square feet and to increase the allowable building height to 17 feet. In the updated Zoning Ordinance that is currently in effect, residential accessory structures are limited to a maximum of 600 square feet in floor area and a maximum height of 16 feet per Chapter 18.32.030. Due to these increased allowable standards for accessory structures, the proposed garage can be reviewed as a Minor Modification instead of a Variance, as the requested dimensions are no greater than 25 percent of the required standards.

According to SCCC Chapter 18.124.040, the Director may refer any Minor Modification request to the Planning Commission for consideration and final decision. Because the Planning Commission was already considering the SPA Permit for the Project Site and the application was initially characterized as a Variance, the Director referred the Minor Modification to the Commission.

### *HLC Recommendations*

As the project was brought forth to the HLC prior to the effectiveness of the updated Zoning Ordinance and given that the SPA request is closely related to the previous Variance request, staff requested that the HLC also make a recommendation regarding the Variance to the Planning Commission.

The HLC recommended approval of both the Significant Property Alteration Permit and the Variance with comments to retain the existing chimney and to differentiate the stucco siding on the new addition (Attachment 6 - HLC Meeting Minutes). The applicant incorporated all these recommended changes, which is reflected in the Development Plans, included as Attachment 1.

## **DISCUSSION**

### *Project Overview*

The applicant proposes to add habitable square footage to the basement and first floor of the historic

main residence. The rear wall of the house is proposed to be removed as a part of the construction of the new addition. This portion of wall includes repetitive features and duplicate wall cladding and represents a proportionately small amount of loss. There are three windows that are proposed to be salvaged and reused in new locations within the project. The alterations and additions proposed will be compatible with the historic character of the main residence and differentiated through detailing, materials, and forms. The proposed roofing tiles will match and be continuous with the existing roofing tiles to create compatibility while still providing differentiation. The new addition will have compatible stucco cladding siding but will feature a differentiated texture from the existing walls.

Also proposed is the removal of the existing garage, which was constructed after the main residence. The project proposes to construct a new detached two-car garage that exceeds the maximum square footage and height allowed per the Zoning Ordinance for accessory structures. The applicant provided a Letter of Justification, included as Attachment 2.

#### *Consistency with the General Plan*

The General Plan designation for the project site is Very Low Density Residential. This classification is intended for residential densities of up to ten units per gross acre. Development is typically single family in scale and character, with a prevailing building type of single family detached dwelling units. Development in this classification maintains a feeling of suburban living with setbacks between structures, parking, large landscaped yards and tree lined streets. The proposed project would expand the existing historic single-family residence and is consistent with the following General Plan Policy:

5.3.1 P4 Encourage new development that meets the minimum intensities and densities specified in the land use classifications or as defined through applicable Focus Area, Neighborhood Compatibility or Historic Preservation policies of the General Plan.

The proposal is consistent with this policy in that the project is proposing to add square footage to the first floor and basement of the historic main residence while preserving and maintaining the history integrity of the structure.

#### *Zoning Conformance*

The zoning designation for the project site is Single-Family (R1-6L). This district is intended to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable single-family residential environment. The proposed project does not comply with SCCC Section 18.32.030, which limits accessory structures to 600square feet in area and a maximum height of 16 feet. The proposed two-car garage exceeds these maximums.

Pursuant to SCCC Section 18.124.010, Variances and Minor Modifications are only approved when, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives the owner of the property privileges enjoyed by other property located nearby and in an identical zone. Specific findings are required and associated conditions are applied that would work together to guarantee that the Variance or Minor Modification shall not constitute an approval of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

For proposed alterations or variations that do not exceed applicable development standards by more

than 25%, a Minor Modification of height, area, and yard regulations may be permitted after first making the findings specified in Section 18.124.050.D (Findings and Decision), below:

- 1) The site characteristics and/or existing improvements make strict adherence to the Zoning Code requirements impractical or infeasible;
- 2) Granting the Minor Modification will result in development compatible and consistent with the adjoining properties and the immediate neighborhood;
- 3) Granting the Minor Modification will be in conformance with the intent and purposes of the zone for the property; and
- 4) There are no significant adverse impacts from the proposed Minor Modification or any adverse impacts have been mitigated.

The property at 324 Madison Street has a narrower lot width of 50-feet where the Code requires 60-feet which is typical for lots in the Old Quad. The proposed garage would exceed the allowable maximum floor area by 12% and the maximum height by 6.25%. Given that the 8,950 square foot lot is larger than the Code required minimum of 6,000 square feet for properties zoned R1-6L, there is adequate space on the parcel to accommodate the increase in floor area and height. Given that the applicable development standards are only slightly exceeded, the garage would not have a significant impact on, and would be compatible with, the immediate neighborhood.

#### Conclusion:

Consistent with the HLC recommendations, staff finds that the proposed additions and modifications to the main house adhere to the Secretary of the Interior's Standards for Rehabilitation in that the exterior alterations will not destroy historic materials, features, and spatial relationships that characterize the property. The proposed scope and Secretary of the Interior's Standards review indicate that the proposed alterations would be compatible with the historic materials, features, size, scale, proportion, and massing to the protect the integrity of the property and its environment.

Given that the Zoning Code is updated and modified aspects of the residential accessory structure development standards, staff recommends approval of the Minor Modification given that the requested size and height increases are less than a 25 percent deviation from the required development standards..

#### **ENVIRONMENTAL REVIEW**

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e)(2) (Class 1 -- Existing Facilities), in that the project is a small addition to the existing single-family residence, the project is in an area where all public services and facilities are available, and the project area is not environmentally sensitive. In addition, the renovations to the historic structure are exempt pursuant to CEQA Guidelines Section 15331 (Class 31 - Historical Resource Restoration / Rehabilitation), in that the HLC determined that the work being performed would be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

#### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

#### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

**PUBLIC CONTACT**

On February 22, 2024, a notice of public hearing on this item was mailed to property owners within 300 feet of the project site. At the time of this staff report, Planning staff has not received public comments in support or opposition to the proposed project.

**RECOMMENDATION**

1. Determine that the project is categorically exempt from formal environmental review under Class 1 (Section 15301, Existing Facilities) and Class 31 (Section 15331, Historical Resource Restoration/Rehabilitation) of the CEQA Guidelines ; and
2. Adopt a Resolution to approve a Significant Property Alteration Permit for major alterations to the main historic resource and a Minor Modification for the new nonconforming garage, subject to findings and conditions of approval.

Prepared by: Tiffany Vien, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

**ATTACHMENTS**

1. Development Plans
2. Letter of Justification
3. Resolution to Approve the Significant Property Alteration Permit and the Minor Modification
4. Conditions of Approval
5. HLC Staff Report
6. HLC Minutes