



Agenda Report

20-930

Agenda Date: 11/10/2020

REPORT TO COUNCIL

SUBJECT

Public Hearing: Action on the Termination of a Covenant Agreement for the Properties Located at 1560 and 1582 Jackson Street that Restrict Development

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

The proposal is a request filed by Alan Tsai (Property Owner of 1560 Jackson Street) with consent of Mai-Li Chen (Property Owner of 1582 Jackson Street) to terminate a Covenant Agreement between the City and the property owners prohibiting the intensification of use on the two single family residential properties. The Covenant Agreement stems from Condition of Variance (V.1090 and V.1091) approvals in 1978 to allow reductions in lot size, lot width and side yard setbacks for a lot split by the prior property owners. The request follows action by the Planning Commission on May 27, 2020 amending the Variances to delete the requirement for a Covenant Agreement as a condition of approval. Council action is required to terminate the Covenant Agreement.

The Planning Commission staff report of May 27, 2020, and associated materials, is provided as Attachment 1 for review.

DISCUSSION

Terminating the Covenant Agreement prohibiting the intensification of the residential use on the subject properties would be necessary to allow the property owners the ability to construct additions to the homes or accessory dwelling units (ADUs) on the subject properties consistent with the property rights afforded to single-family residential zoned property owners throughout the City.

Since 1978 housing development has evolved in response to various factors including the increasing job growth and demand for housing experienced within Santa Clara and the surrounding region. Provisions in State law support the creation of new and affordable housing and encourage the construction of ADUs on single-family residential lots to provide additional housing opportunities to increase and diversify a jurisdictions housing stock.

The property owner of 1560 Jackson Street seeks to intensify development on the property with construction of a 698 square foot detached ADU to the rear of the 789 square foot existing single-family residence. Terminating the Covenant Agreement would allow the property owner of 1582 Jackson Street the opportunity to also expand the existing single-family residence and/or construct an ADU subject to the current zoning code regulations.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Quality Act (CEQA) pursuant to CEQA Guidelines 15378(a) as it has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable change in the environment. Any subsequent proposal to build an ADU on the subject properties would be categorically exempt from CEQA review under Class 3(a) (New Construction or Conversion of Small Structures), which exempts the construction of ADUs in a residential zone.

FISCAL IMPACT

There is no fiscal 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 was coordinated with the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

ALTERNATIVES

1. Authorize the City Manager to terminate the Covenant Agreement for the Properties located at 1560 and 1582 Jackson Street.
2. Affirm enforcement of the Covenant Agreement limiting the development to existing conditions for the Properties located at 1560 and 1582 Jackson Street.

RECOMMENDATION

Alternative1: Authorize the City Manager to terminate the Covenant Agreement for the Properties located at 1560 and 1582 Jackson Street.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Planning Commission Staff Report of May 27, 2020