

RESOLUTION NO. 18-8554

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE TENTATIVE PARCEL MAP TO
SUBDIVIDE THE 12,400 SQUARE FOOT PROJECT SITE INTO
FOUR PARCELS FOR THE PROPERTY LOCATED AT 1075
POMEROY AVENUE, SANTA CLARA**

PLN2016-12317 (Tentative Parcel Map)

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

WHEREAS, on September 28, 2016, Daryoush Marhamat ("Applicant") filed an application to allow the development on the property located at 1075 Pomeroy Avenue ("Project Site");

WHEREAS, the applicant requests a rezoning of the 12,400 square foot property from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD) and a Tentative Parcel Map to subdivide the property into four parcels to allow the development of four two-story single-family detached residences ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 20-day public review period from September 1, 2017 to September 21, 2017;

WHEREAS, the MND identified potential significant impacts of Project development that with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP") will reduce potential mitigation measures to less than significant and will be incorporated into the Project;

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City's Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, on September 27, 2017, the Planning Commission held a duly noticed public hearing to consider the rezoning application, at the conclusion of which the Planning Commission voted to recommend that the City Council approve the rezoning;

WHEREAS, on June 13, 2018, the notice of public hearing for the June 26, 2018 City Council meeting for this item was published in the *Santa Clara Weekly*, a newspaper of general circulation in the City;

WHEREAS, on June 15, 2018, the notice of public hearing for the June 26, 2018, City Council 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 a 500 foot radius; and

WHEREAS, the City Council held a duly noticed public hearing on June 26, 2018 to consider the Project and all pertinent information in the record during which the City Council invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That this Resolution incorporates, and by this reference makes a part hereof, that certain Tentative Parcel Map, attached hereto as Exhibit "Tentative Parcel Map".
3. Tentative Parcel Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.400(f), the City Council hereby finds and determines that:

A. The Tentative Parcel Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Tentative Parcel Map would allow a residential subdivision of four detached single-family residences that closely implements the General Plan's vision for residential development.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Tentative Parcel Map would allow a residential development with a density of 14.2 dwelling unit per acre that is consistent with the General Plan density

range of 8 to 19 dwelling units per acre for the Low Density Residential Land Use designation. The Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development in that the project is designed to provide four residential units subdivision that is consistent with the on-going and proposed development along Pomeroy Avenue. Moreover, the project is designed to retain the contextual consistency of existing multi-family residences.

D. This site is physically suitable for the proposed density of development in that the Project Site allows a residential development with a density of 14.2 dwelling unit per acre that is consistent with the General Plan density range of 8 to 19 dwelling units per acre for the Low Density Residential Land Use designation.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by residential and commercial development and does not propose the use of hazardous chemicals or materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the project is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the Mitigated Negative Declaration, that reduce impacts to wildlife habitat to less-than-significant levels.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that, the project is designed to avoid encroachments and conflicts with public easements in the site design.

H. The Tentative Parcel Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would allow flexibility in the development standards to maximize the benefits of green building standards for site and building design.

4. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter, the City Council hereby approves the Tentative Parcel Map, substantially in the form on file as shown in the "Tentative Parcel Map" attached hereto, subject to conditions of approval attached as "Conditions of Tentative Parcel Map Approval" and hereby incorporated by this reference.

5. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF JUNE, 2018 BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, O'Neill, and Watanabe Mayor Gillmor
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NOES:	COUNCILORS:	Mahan
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ABSENT:	COUNCILORS:	None
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ABSTAINED:	COUNCILORS:	None
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ATTEST:

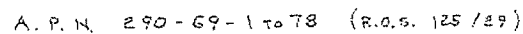

JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Tentative Parcel Map
2. Conditions of Tentative Parcel Map Approval



(E) MATRICES



PALO ALTO 24838 GLENVIEW CIRCLE WAY SAN JOSE (650) 327-3800 MOUNTAIN VIEW, CA 94043 (408) 294-4000 (GEO: 825-915)		
DRAWING NO.	FOR: MARIAMAT	DRAWING NO.
SCALE: 1"=10'	1075 FORMERLY AVE, SANTA CLAY	13-132
DATE: 09-2-01		

5 (ENC 1 of 1)

CONDITIONS OF TENTATIVE PARCEL MAP APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. The project shall comply with the Conditions of Rezone and Architectural Review approvals (PLN2016-12235).

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E5. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E6. After City Council approval of the Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.

- E7. File and record Subdivision Map to create parcels for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.
- E8. With the Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated to satisfy City's clearance between utilities and trees and between utilities in accordance with the City Design Criteria and the Boulevard Style street section.
- E9. Placement of proposed utilities shall meet the City's minimum clearance requirements between utilities to utilities and utilities to tree(s).
- E10. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E11. Dedicate required any on-site easements for any new public utility/facility/sidewalk, by means of subdivision map or approve instrument at time of development.
- E12. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E13. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E14. Provide minimum 5' wide sidewalk separated by a 4' wide planter strip along the property frontage on Pomeroy Avenue.
- E15. All proposed driveways shall be City standard ST-5 driveways. The minimum width of the driveway shall be 24'.
- E16. Show and comply City's driveway Triangle of Safety (sight distance) requirement at proposed driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety obstruction areas.

WATER

- W1. Prior to issuance of Building Permits, the applicant shall submit plans showing existing sanitary sewer laterals and a clean out at the property line for each sanitary sewer lateral. For pipe sizes 8-inch or greater, a sanitary sewer manhole is needed.
- W2. Prior to issuance of building permit, the applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the proposed or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W3. If bio-retention areas are proposed for this project, they shall not be located closer than 5' from any water service and no water facilities shall cross any bio-retention areas.
- W4. All fire hydrants that are located within the frontage of the project site shall be relocated 2' behind the back of walk, in the landscape area, per Water and Sewer Utilities standard detail no. 18.
- W5. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and

- shrubby) so that the Water Department can verify conflicts for proposed water service locations.
- W6. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. The applicant must properly abandon all existing services on the property that will not be used per Water & Sewer Utilities standards, and indicate existing main size, type, and service lateral tap.
- W7. If public water services are installed onsite, the applicant shall provide a dedicated water utility easement around the meters. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement.

FIRE

- F1. Prior to Building Permit Issuance, provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler systems designed in accordance with California Fire Code § B105.1(1).
- F2. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.

Hazardous Materials Closure, Site Mitigation, Demolition Application:

- F3. Area is known for historical agricultural land use.
- F4. Project shall have a site safety plan to address any potential exposures to legacy contaminants.
- F5. A copy of this plan is to be submitted to Santa Clara Fire Department for review.

I:\PLANNING\2016\Project Files Active\PLN2016-12235 1075 Pomeroy (Rezone)_ PLN2016-12317 Tentative Parcel Map\CC\5.15.18\Attachments\4. CC COA Tentative Parcel Map - 1075 Pomeroy Ave 5.15.18.doc