

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA APPROVING THE TENTATIVE SUBDIVISION
MAP FOR THE PROPERTY LOCATED AT 1530 – 1540
POMEROY AVENUE, SANTA CLARA, TO DIVIDE THE 0.48
ACRE PROJECT SITE INTO 8 TOWNHOME UNITS ON A
COMMON LOT.**

PLN2016-12053 (Rezone)
PLN2016-12068 (Subdivision Map)
CEQ2017-01036 (Mitigated Negative Declaration)

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

WHEREAS, on July 8, 2016, Omid Shakeri (“Applicant”) filed an application for the 0.48 acre site located at 1530 – 1540 Pomeroy Avenue currently occupied by two, one-story single-family homes (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Low Density Multiple Dwelling (R3-18D) and Agriculture (A) to Planned Development (PD) to allow a residential development consisting of 8 townhouse units (“Project”) as shown on the Development Plans, attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs. § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, pursuant to Section 17.05.300 of the Code of the City of Santa Clara (“SCCC”), a tentative subdivision map shall be required for all divisions of land into five or more parcels;

WHEREAS, consistent with the proposed uses under the development plan, the proposal includes the division of the site into 8 townhomes on a common lot, as shown on Exhibit “Tentative Map” and attached hereto and incorporated herein by this reference;

WHEREAS, on May 15, 2018, the Subdivision Committee determined that the application was complete and that the tentative map be reviewed by the Planning Commission and the City Council in conformance with Section 17.05.700 of the SCCC as a Tentative Subdivision Map along with the project;

WHEREAS, Section 17.05.300 (g) of the SCCC requires that the City Council review each complete Tentative Map application;

WHEREAS, notice of the public hearing on the Tentative Condominium Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on October 18, 2018;

WHEREAS, on October 31, 2018, the notice of public hearing for the November 13, 2018, City Council meeting for this item was posted in three conspicuous locations within 500 feet of the project site and was mailed to property owners within a 500 foot radius;

WHEREAS, before considering the Tentative Subdivision Map, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration ("MND") for the Project and Mitigation Monitoring and Reporting Program, and found that the mitigation measures identified and incorporated into the Project and this Tentative Map, mitigate or avoid the significant environmental effects; and,

WHEREAS, the City Council has reviewed the Tentative Subdivision Map and conducted a public hearing on November 13, 2018, at which time all interested persons were given an opportunity to provide testimony and the Commission considered the information presented in the Staff Report, and all verbal and written evidence.

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 Subdivision Map, attached hereto as Exhibit "Tentative Map".

3. Tentative Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the City Council finds and determines that:

A. The Tentative Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Tentative Subdivision Map is to allow the development of 8 townhouse units and encourage new development that meets the minimum intensities and densities specified in the land use classifications as defined in the General Plan. The project is consistent with General Plan policies in that the proposed 8 townhomes meets the density range allowed under the combined density of between 6 and 11 dwelling units for the project site.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the existing General Plan designation of the project site allows a combined density of up to 11 dwelling units with a minimum of 6 units required to redevelop the site and the proposed 8 townhomes are within the combined allowable residential density for the site and would represent the lower end of the density range allowed for the site while respecting the existing development patterns in the neighborhood. The Tentative Subdivision 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 high quality housing that is designed to retain the contextual consistency of the corridor.

D. This site is physically suitable for the proposed density of development in that the Project Site is located in an urbanized area and allows for redevelopment consistent with the height, uses and development that exist and planned in the surrounding area.

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 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 Subdivision 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, MND, MMRP and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Tentative Subdivision Map, substantially in the form on file as shown in the "Tentative Map" attached hereto, subject to conditions of approval attached as "Conditions of Tentative 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 13TH DAY OF NOVEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Tentative Map
2. Conditions of Tentative Map Approval
3. Mitigation Monitoring and Reporting Program