



Agenda Report

25-937

Agenda Date: 10/8/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Vesting Tentative Map (PLN24-00044) for a Common Interest Development for the Proposed Development of Six Single-Family Housing Units to Accompany Architectural Review Application (PLN24-00034), Subject to Streamlining Under SB 330 (2019), Located at 4503 Cheeney Street.

File No.: PLN24-00044

Location: 4503 Cheeney Street, a 18,651 square-foot lot located on the east side of Cheeney Street, on the corner of Cheeney Street and Third Street; APN: 104-09-034;

General Plan: Low Density Residential (8-19 DU/AC)

Zoned: Low Density Residential (R2)

Applicant: Jeff Aguilar

Owner: Jeff Aguilar

Request: **Vesting Tentative Map** for a Common Interest Development for the Proposed Development of Six Single Family Housing Units

Surrounding Land Uses:

North: R2 - Low Density Residential

South: Planned Development - Low Density Residential

East: Planned Development - Low Density Residential

West: Planned Development - Low Density Residential

Issues: Consistency with the City's General Plan, City's Subdivision ordinance and conformance with the Subdivision Map Act.

Staff Recommendation: The Planning Commission recommend that the City Council determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects); and adopt a resolution recommending that the Council approve the Vesting Tentative Subdivision Map for the property located at 4503 Cheeney Street, subject to findings and conditions of approval.

BACKGROUND

On September 13, 2023, Jeff Aguilar, on behalf of Valley Oak Partners (applicant) submitted a Preliminary Application under SB 330 (2019). On January 17, 2024, the applicant submitted a formal proposal for the subject property. The formal application request, consistent with the preliminary application, included the demolition of an existing single-family residence, the construction of six two-story single-family residences, and a vesting tentative subdivision map to create a common interest development of six condominium lots and a common access easement. The proposed project was split into two separate applications: (File No. PLN24-00034) for the Architectural Review Permit for the development of the parcel; and (File No. PLN24-00044) for the Vesting Tentative Subdivision Map. File No. PLN24-00034 was deemed complete by the Project Clearance Committee (PCC) on September 24, 2024, and File No. PLN24-00044 was deemed complete by the Subdivision Committee on August 26, 2025.

The Architectural Review Permit for the development portion of the application, File No. PLN24-00034, went to the Development Review Hearing (DRH) on December 11, 2024. There were no public comments regarding

the application at the meeting, and the application was approved subject to findings and conditions of approval. The DRH staff report is available as Attachment 4.

For File No. PLN24-00034, the Planning Commission's review and recommendation to the City Council is required under Code Section 17.05.300 - Tentative Maps. Tentative Maps are ultimately approved by the City Council.

Subdivision

Subdivision Map applications are reviewed for consistency with the City's General Plan, Zoning Code (Title 18), Subdivision Code (Chapter 17.05), and conformance with the Subdivision Map Act. Under the Subdivision Map Act (California Government Code § 66474(a)), a developer has the right to indicate that a map application will be proceeding as a "vesting" map, which gives the developer a right, upon map approval, to develop in substantial compliance with the ordinances, policies, and standards in effect on the date in which the developer's application is deemed complete.

In accordance with Chapter 17.05 of the City Code, the project requires a tentative subdivision map because there are five or more lots proposed. The application includes a one lot subdivision for six condominium lots and one access easement. The proposed Vesting Tentative Map was reviewed by the City's Subdivision Committee and deemed complete and cleared on August 26, 2025. Staff confirmed that the proposed subdivision will not result in any inconsistencies with the General Plan and zoning designations for the property, Building Code, or other applicable requirements.

The findings required for approval of the proposed Vesting Tentative Map include the following:

- **General Plan Consistency:** The subdivision would be consistent with the General Plan land use designation of Low Density Residential. The subdivision would create additional residential development in proximity to jobs, incrementally advancing the City's goals to produce new housing; would provide a deed-restricted affordable housing unit, which forwards Residential Land Use Goal 5.3.2-G3 to disperse affordable housing units across the City; and is compatible in both character and size with neighboring low intensity residential development (Policy 5.3.1-P29).
- **Site Suitability:** Much of the surrounding area includes similar style residences-common interest developments with multiple residences in a singular lot. See Attachment 1 for a vicinity map.
- **Zoning Code Compatibility:** The Project also meets most of the development standards of the Zoning Code, although the inclusion of the affordable unit allowed the applicant to use the State density bonus law to seek waivers from selected standards. After working with the City to reduce the extent of the waivers, the applicant and the City agreed to three waivers for: front yard setbacks, rear yard setbacks, and building coverage. The applicant also used a state entitled concession for the corner side yard fence height to maintain a six-foot height within a required setback where only a three-foot fence would be permitted. The project, after utilizing the waivers and concession under the State Density Bonus Law, meets the applicable provisions of the City's Zoning Code.
- **No Adverse Effects:** The design of the subdivision and type of improvements will not cause substantial environmental damage, as the project is a small-scale residential development that will comply with current Building Code requirements, including applicable provisions of the City's Reach Code. The project would not result in adverse health effects as it will be subject to Covenants, Conditions and Restrictions for operation and maintenance of the buildings and site improvements and does not propose the use of hazardous materials.
- **Conflicts With Easements:** As designed, the project would not conflict with any recorded public

easements for access through or use of the proposed subdivision.

- **Natural/Passive Heating and Cooling:** The project will adhere to CALGreen energy efficiency measures to conserve energy through building design and site planning.

Approval of the requested Vesting Tentative Subdivision Map will facilitate the development of a project consistent with the City's Zoning Code and General Plan, thereby establishing of a new, residential development in proximity to jobs, and incrementally advancing the City's goals to produce new housing. Conditions of Approval have been prepared and are provided as Attachment 3.

Architectural Review

Throughout the process, the applicant has revised their submission several times and worked with the Planning Division to get to a design plan that the Planning Division supports. Full review of the architecture took place at a regularly scheduled Development Review Hearing on December 11, 2024 (Staff report contained in Attachment 4). The approved Architectural Review development plans are provided in Attachment 5.

Senate Bill (SB) 330 Review

The project is subject to streamlining under SB 330, which was passed in 2019 to accelerate housing production in urban areas. The law limits the number of public hearings a City can conduct for a project to five, if the project complies with the applicable General Plan and zoning standards in effect at the time of application. The project has gone through one public hearing, the Development Review Hearing, on December 11, 2024, and any subsequent hearings will be counted towards the five hearings allowed. Community meetings and other applicant led meetings do not count towards the five hearings allowed. Consistent with SB 330, the project shall be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted (September 13, 2023).

Summary

The project would be compatible with adjacent land uses, the project is consistent with the General Plan and is consistent with the zoning designation. Findings can be made to support the approval of the vesting tentative subdivision map.

CONDITIONS OF APPROVAL

Conditions of approval are proposed for the project and are contained in Attachment 3.

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects), in that the proposed project meets the following conditions:

- (a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

COORDINATION

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

PUBLIC CONTACT**Community Meeting**

Consistent with the City's adopted Public Outreach Policy for Planning applications, a hybrid public outreach meeting was conducted by the Property Owner/Applicant on November 11, 2024, to engage the neighborhood community in the planning process. Notices of the meetings were mailed by the Property Owner/Applicant to properties within 500 feet of the project site boundaries and posted on the City's website. This meeting provided the community an opportunity to review and comment on the proposal and because of the community input,

eight members of the public were in attendance. The overall comment from the public was a concern regarding on-street parking. The project currently meets all off-street parking requirements.

Hearing Noticing

Public contact was made by posting the Development Review Hearing 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. 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>> or at the public information desk at any City of Santa Clara public library.

A public hearing notice was mailed to property owners within a 500-foot radius of the project site on September 25, 2025.

RECOMMENDATION

1. **Recommend** that the City Council determine the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32 - In-Fill Development Projects); and
2. **Adopt** a Resolution recommending the City Council approve the Vesting Tentative Map (PLN24-00044) for a common interest development for the proposed development of six single family housing units located at 4503 Cheeney Street to accompany the Architectural Review application (PLN 24-00034), subject to findings and conditions of approval

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Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Sheldon S. Ah Sing, Development Review Officer, Community Development Department

ATTACHMENTS

1. Vicinity Map
2. Resolution to Recommend Approval
3. Conditions of Approval
4. DRH Staff Report, 12/11/24
5. Approved Architectural Review Plans
6. Vesting Tentative Map