

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A VESTING TENTATIVE SUBDIVISION MAP (PLN21-15320) AT 1530 and 1540 POMEROY AVENUE, SANTA CLARA

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

WHEREAS, on November 15, 2021, Ridgecrest Group Inc. (“Applicant”) on behalf of Masud Maesumi and Valm Pascual (“Property Owners”) filed an application (PLN21-15320) to subdivide two existing parcels with a total lot area of 0.48 acres, located at 1530 and 1540 Pomeroy Avenue (“Project Site”) into condominium lots in accordance with the development plan (PLN2019-13924) approved for the Project Site;

WHEREAS, on August 18, 2021, the Architectural Review (PLN2019-13924) to construct six townhomes and two single-family homes utilizing Assembly Bill (AB) 3194 (2019) was approved at the Development Review Hearing (DRH);

WHEREAS, the application is for a Vesting Tentative Subdivision Map (PLN21-15320) to subdivide the two residential parcels into eight condominium lots and a common parcel to serve the development;

WHEREAS, the proposed subdivision is consistent with the approved site plan and improvements on the Project Site for the development of 8 residential units in six townhomes and two single-family homes arrangement with surface parking, landscaped open space areas, and associated utilities as entitled on August 18, 2021;

WHEREAS, pursuant to Section 17.05.210 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, on January 11, 2022, the Subdivision Clearance Committee determined that the application was complete and that the proposed Vesting Tentative Subdivision Map should proceed to the Planning Commission in conformance with Section 17.05.300 of the SCCC;

WHEREAS, SCCC Section 17.05.300(g) requires that the Planning Commission make recommendations of denial, approval, or conditional approval to the City Council on the Tentative Subdivision Map;

WHEREAS, the proposal is to create eight condominium lots for eight residential units and one common lot to serve the development (“Project”) as shown on the proposed Vesting Tentative Subdivision Map, attached hereto and incorporated herein by this reference;

WHEREAS, a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program were prepared in accordance with the California Environmental Quality Act and adopted at the Development Review Hearing on August 18, 2021, for the Project;

WHEREAS, the proposed Vesting Tentative Subdivision Map is consistent with the previously approved Project and would not result in a new impact on the environment or significantly increase the severity of any previously identified impact;

WHEREAS, on February 24, 2022, notices of the public hearing on the Vesting Tentative Subdivision Map were posted within 300 feet of the Project Site and mailed to all property owners within 500 feet of the property, according to the most recent Assessor’s roll;

WHEREAS, a notice of the public hearing was published in *The Weekly*, a newspaper of general circulation, on February 23, 2022, for a meeting to be conducted on March 9, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 9, 2022, 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Vesting Tentative Subdivision Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.300(h), the Planning Commission finds and determines that:

A. The Vesting Tentative Subdivision Map is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan in that the Vesting Tentative Subdivision Map subdivides the existing 0.48 acre Project Site into eight condominium lots and one common lot to effectuate the previously approved residential development of six townhome units and two single-family homes, on-site resident and visitor parking, and common landscaped areas with shared maintenance of the building and public and private site improvements compatible with neighboring low intensity residential development and the commercial uses to the north of the project site, subject to conditions set forth in the Conditions of Vesting Tentative Subdivision Map Approval, attached hereto and incorporated by this reference.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Subdivision Map facilitates development of a diversified housing stock and construction of ownership housing opportunities for the community; and furthermore complies with General Plan Land Use and Transitional Goals and Policies of the General Plan in that it transforms the underutilized properties from a vacant, low-intensity commercial use to a medium density residential development that would transition in scale and intensity of use with existing and planned land uses; and is in proximity to transit with multi-modal connections to local and regional transit service to support transit ridership and reduce vehicle miles traveled.

C. The site is physically suitable for the proposed type of development, in that the Project provides a transition between low intensity residential development and the existing commercial uses along the El Camino Real.

D. The site is physically suitable for the proposed density of development, in that the Project Site is in an urbanized area and is served by existing utilities and infrastructure.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems, in that the proposed residential subdivision will implement Covenants Conditions and Restrictions for operation and maintenance of the building and site improvements and does not propose the use of hazardous 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 Site is located in an urbanized setting, is a developed site, and the proposed subdivision includes mitigation measures, as identified in the MND and MMRP, that reduces impacts to biological resources 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 it is designed to avoid encroachment 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.

3. 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 before the Planning Commission, the Planning Commission hereby recommends approval of the Vesting Tentative Subdivision Map to the City Council, substantially in the form on file as shown on the attached Vesting Tentative Subdivision Map and Conditions of Vesting Tentative Subdivision Map Approval, hereby incorporated by this reference.

3. 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9TH DAY OF MARCH 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Vesting Tentative Subdivision Map
2. Conditions of Vesting Tentative Subdivision Map Approval