

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING A MITIGATED NEGATIVE
DECLARATION AND THE MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE RESIDENTIAL
SUBDIVISION PROJECT LOCATED AT 1075 POMEROY
AVENUE, SANTA CLARA**

CEQ2017-01032 (Mitigated Negative Declaration)

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, 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 that could be avoided with the implementation of mitigation measures, resulting in a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

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, On September 27, 2017, the Planning Commission concluded a duly noticed public hearing to consider the Project, at the conclusion of which the Commission voted to recommend that the City Council adopt the MND and MMRP; and

WHEREAS, the City Council held a duly noticed public hearing on March 6, 2018 to consider the Project, MND, MMRP, 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. The City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. The City Council hereby finds that the MND has been completed in compliance with CEQA.
3. The City Council hereby finds, pursuant to California Code of Regulations, Title 14, Section 15074, that the Council has reviewed and considered the information and analysis contained in the MND before making its determination, that there is no substantial evidence that the Project will have a significant effect on the environment, and that the MND reflects the Council's independent judgment and analysis, and hereby adopts the MND.
4. The City Council hereby finds that the proposed mitigation measures described in the MND are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.
5. Pursuant to California Code of Regulations, Title 14, Section 15074(c), the City Council hereby designates the Director of Community Development as the Custodian of Records for the Project, and the Community Development Department at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based;
6. In order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the MMRP attached hereto as "MMRP" and incorporated herein by this reference. The Program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply

with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

7. 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 ____ DAY OF _____, 2018 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration (Previously Distributed)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans

I:\PLANNING\2016\Project Files Active\PLN2016-12235 1075 Pomeroy (Rezoning)_ PLN2016-12317 Tentative Parcel Map\CC\3.6.18\Attachments\3. CC Reso MND - 1075 Pomeroy Ave 11.21.17.doc