



## AGENDA REPORT

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**Date:** November 21, 2017

**To:** City Manager for Council Action

**From:** Director of Community Development

**Subject:** Public Hearing for the Project Located at 1075 Pomeroy Avenue: Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Approval of a Rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD), and Approval of a Tentative Parcel Map (CEQ2017-01032, PLN2016-12235, PLN2016-12317)

### EXECUTIVE SUMMARY

**Request:** The applicant is requesting a rezoning 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 town houses on a 12,400 square foot property at 1075 Pomeroy Avenue. The rezoning and map are necessary to allow requested deviations from the R3-18D development standards and in order to create four separate for-sale townhouse lots. Construction of four units would result in a density of 14.2 dwelling units per acre.

The proposal includes the demolition of the existing single-story house and construction of four new detached two-story residences with attached two-car garages. The project includes a shared on-site driveway, private yards, and two guest parking spaces.

The proposed Tentative Parcel Map application is referred directly to the City Council from the City's Subdivision Committee, and the Planning Commission does not make recommendation on said minor subdivisions. The applicant proposes recordation of Covenants, Conditions and Restrictions (CC&Rs) to govern ongoing activities within the project, any future changes to the project as well as the maintenance of the building, private infrastructure and landscaping associated with the development for the life of the project. A Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the proposed project.

**Planning Commission Recommendations:** The project was considered at a noticed public hearing by the Planning Commission on September 27, 2017. Ten members of the public and neighboring residents spoke in opposition of the project, expressing concern regarding the proposed Planned Development zoning designation, General Plan consistency, setbacks, enforceability of the CC&Rs, lack of parking, increased traffic, disturbance of the neighborhood, and design incompatibility with adjacent residences. The staff report and excerpt minutes from the Planning Commission meeting of September 27, 2017 are attached.

Following the public testimony, the Planning Commission focused discussions on the concerns raised by the members of the public and adopted resolutions recommending that the City Council adopt the MND and MMRP and approve the requested rezoning from R3-18D to PD, in conformance with the development plans and subject to the conditions of approval contained in the staff report. The Planning Commission recommended the following four additional conditions:

1. CC&Rs shall include fines for not using the garages as parking spaces for vehicles;
2. CC&Rs shall include fines for not keeping the garages free of clutter for two-parking spaces;
3. CC&Rs shall include an installation of a parking sign with time limitation for guest parking; and
4. CC&Rs shall include fines for over staying in the guest parking spaces.

The applicant agreed at the Planning Commission hearing to include these additional conditions of approval within the project. The additional conditions of approval above have been added as C21-C24 in the Conditions of Rezoning Approval attached to this report.

**General Plan Consistency:** The proposed project would be consistent with the General Plan Low Density Residential land use designation, which encourages a variety of housing types at a density range of 8 to 19 units per acre, in that it would allow the development of residential townhouses at a density of 14 units per acre. The project is also consistent with the General Plan goals and policies for General Land Use, Residential Land Use, and Transition in that the project conforms to the following General Plan policies:

The project is also consistent with the following policies of the General Plan:

*General Land Use and Residential Land Use Policies:*

- 5.3.1-P2: In that the applicant conducted public outreach through mailings and public meetings to involve neighboring property owners in the design of the project.
- 5.3.2-G2: In that the project proposes a different housing type that would add to the variety of housing type, sizes, location, and tenure to maintain in order to social and economic diversity in the City.
- 5.3.2-G4, 5.5.2-G3, and 5.5.2-P2: In that the project proposed an architectural design and building mass that is similar in scale and style with the condominium surrounding the project site.
- 5.3.2-P1: In that the proposed project contributes to addressing the housing need of the City and the greater region with the development of four single-family dwelling units.
- 5.3.2-P4: In that the each residence would have a private yard with front and rear porch.

*General Transition Policies:*

- 5.5.2-P1: In that the project proposed the front units to orientate towards Pomeroy Avenue by incorporating front entrances and porches to interface with Pomeroy Avenue.
- 5.5.2-P3: In that the project meets R3-18D rear and side yard setback requirements and proposes a landscape plan with plants and small trees along the side and rear property lines to provide a buffer between adjacent residential uses.
- 5.5.2-P13: In that the landscape plan incorporates the complete street style with separated sidewalk with the intent of creating a multimodal transit streetscape design for a safe and friendly pedestrian experience, which is the City's vision for future streetscape designs.

**CEQA:** A Mitigated Negative Declaration (MND) was prepared for the project by the environmental consultant firm Doug Herring & Associates, Inc., in accordance with the California Environmental Quality Act (CEQA). The report concluded that with mitigation measures incorporated into the project, no significant environmental impacts would result from the proposed project. The MND and Notice of Availability were circulated for a 20-day period from September 1, 2017 to September 21, 2017 in accordance with CEQA requirements. Copies of the MND are available in the Planning Division office at City hall and on the City's website, [www.santaclarca.gov/ceqa](http://www.santaclarca.gov/ceqa). The Community Development Department received four comment

letters pertaining to noise, architectural style, PD rezoning, and General Plan consistency. A response to comments is attached to this report.

**Community Outreach:** Two community meetings were hosted by the applicant at the Central Park Library on February 8, 2017 and July 27, 2017. At the meetings, community members expressed concerns relating to the compatibility of the architecture for the proposed project and the existing townhomes, the merit of the Planned Development zoning change, property management of four separate ownerships, proposed building heights, amount of open space, potential casting of shadow by the project onto an adjacent open space to the north, the sufficiency of the proposed 15 feet front yard setback, and the amount of parking to be provided for the proposed residences. After the meeting, the applicant revised the plans to lower the overall height to 24 feet and eight inches, to add an open landscape area to be consistent with the zoning district standard 40 percent open space requirement, to remove two ash trees, and to provide a detached sidewalk and park strip. The applicant also provided additional information to help explain the project including a comparison of the project to R3-18D development standards, shadow renderings, and clarification of the distance separating project elements from the adjacent neighbors. The table below tabulates the changes made since the formal application submittal.

	Initial Proposal	Revised Proposal
<b>Open Space</b>	39.2%	40.11%
<b>Maximum Building Height</b>	21 feet to 26 feet	21 feet to 24 feet and 9 inches
<b>Front Yard Setback</b>	15 feet - 18.8 feet	Same
<b>Rear Yard Setback</b>	15 feet – 18.8 feet	Same
<b>Side Yard Setback</b>	7.5 feet -10 feet	8 feet – 10 feet
<b>Streetscape</b>	Attached sidewalk without street trees	Detached sidewalk with four foot park strip and five foot sidewalks with two new street trees.

On November 9, 2017, a notice of public hearing of this item was posted in at least three conspicuous places within 300 feet of the project site and mailed to property owners within 500 feet of the project site. On November 8, 2017, the notice of public hearing was published in the *Santa Clara Weekly*. The full administrative record is available for review during normal business hours in the Planning Division office at City Hall.

## ADVANTAGES AND DISADVANTAGES OF ISSUE

Approval of the project would provide an opportunity to develop four townhouse/ownership residential units in proximity to other multi-family residential areas, consistent with the City's long-term development goals and policies for residential uses. The form and scale of the building would be compatible to the character of the surrounding area, and provide a visually interesting streetscape for Pomeroy Avenue. The design is respectful of the residential uses adjacent to the project site with a design that orients the massing toward the center of the project site and steps down the building height towards the side property lines to reduce shadow casting on adjacent properties to the north and south. The project is consistent with the General Plan's goal for Residential land use in that the project increases the housing stock while providing adequate open space and on-site parking.

In response to the community feedback, the applicant revised the project to address the overall scale, open space, and four dwellings to meet the Zoning and General Plan Policies. The

applicant proposes to establish CC&R rules and regulations to govern operations and maintenance of each property and the common area within the project. The CC&Rs could address some of the concerns relating to disturbance and maintenance.

### **ECONOMIC/FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense. The project would be required to contribute approximately \$113,053 in park fees.

### **RECOMMENDATION**

That the Council adopt resolutions to take the following actions for the project located at 1075 Pomeroy Avenue (CEQ2017-01032, PLN2016-12235, PLN2016-12317), subject to conditions:

- 1) Adopt the Mitigated Negative Declaration and Adopt the Mitigation Monitoring and Reporting Program for the 1075 Pomeroy Avenue Residential Subdivision Project;
- 2) Approve the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD); and
- 3) Approving a Tentative Parcel Map to subdivide the subject property to four parcels.

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Andrew Crabtree  
Director of Community Development

APPROVED:

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Deanna J. Santana  
City Manager

#### *Documents Related to this Report:*

- 1) *Mitigated Negative Declaration (previously distributed and available at <http://www.santaclaraca.gov/ceqa>)*
- 2) *Mitigation Monitoring and Reporting Program*
- 3) *Resolution Adopting the MND and MMRP*
- 4) *Resolution Approving the Rezoning from R3-18D to PD*
- 5) *Resolution Approving the Tentative Parcel Map*
- 6) *Conditions of Rezoning Approval*
- 7) *Conditions of Tentative Parcel Map Approval*
- 8) *Excerpt of Planning Commission meeting minutes of September 27, 2017*
- 9) *Planning Commission Staff Report of September 27, 2017 (without attachments)*
- 10) *Public Comments up to September 27, 2017*
- 11) *Public Comments After September 27, 2017*
- 12) *Response to Comments on MND*
- 13) *Letter of Justification*
- 14) *Development Plans (including Tentative Parcel Map)*