

**Excerpt Planning Commission  
Meeting Minutes of September 27, 2017**

- B.** File: PLN2016-12235 (Rezone), PLN2016-12317 (Tentative Parcel Map), and CEQ2017-01032 (CEQA)  
Location: 1075 Pomeroy Avenue, a 12,400 square foot project site located east side of Pomeroy Avenue, approximately 135 feet north of Benton Street, APN: 290-69-079; project site is zoned Low-Density Multiple Dwelling (R3-18D).  
Applicant: Daryoush Marhamat  
Owner: Same as applicant  
Subject: Adoption of a Mitigated Negative Declaration; Approval of a Rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD) for the development of four detached two-story residences with attached garages and site improvements.  
CEQA Determination: Mitigated Negative Declaration  
Project Planner: Steve Le, Assistant Planner I  
Staff Recommendation: Recommend City Council approval, subject to conditions  
Items for Council Action: MND and MMRP; Rezoning

Notice: Notice for this item was posted within 500 feet of the property.

Discussion: Project Planner Steve Le gave a brief presentation of the project.

Staff clarified that the parking requirements for a Single-Family (R1-6L) residence is two covered parking spaces and for Planned Development (PD) there is an additional guest parking requirement, which is ten-percent of the required spaces. Mr. Le clarified that there will be separate owners for each unit and that a Tentative Parcel Map (TPM) for a subdivision of the property will be heard by Council. Additionally, staff explained that a TPM is required to subdivide the property allowing "for sale" instead of rental of the units and the PD zoning prohibits commercial operation but some home occupations are allowed. Staff clarified that this or other surrounding properties are not designated as historic.

Leonard Pacheco, a representative of the applicant, gave a presentation highlighting some of the benefits of the project. Mr. Pacheco stated that without rezoning this property, the units could be approved for rental and that "for sale" are more beneficial to the community. Mr. Pacheco mentioned that outreach meetings were conducted and that concerns from neighbors, such as shadow impacts were addressed. In regards to other concerns, he mentioned that this property is not deemed historic, that each lot would have a 2-car garage plus additional parking in the driveway, that the project will contribute to needed housing the city, and will bring financial benefits to the school district and park fees.

Commissioner O'Halloran expressed concern about the lack of parking in the neighborhood. Mr. Leonard stated that with the two additional guest parking spaces, the project fulfills the parking requirements and the semi-circular driveway can be eliminated if needed. He also mentioned that the CC&Rs will prevent parking violations. Staff confirmed that the CC&Rs will be reviewed by the City Attorney and that they can include restrictions for parking and fees for violations. The applicant agreed to work with the neighbors and include them in the drafting of the CC&Rs.

The Public Hearing was opened.

Ten members of the public and neighboring residents spoke in opposition of the project, including Prasad Kommoju, Peggy Parkins, Ken Kratz, Roy Shenfield, Candace Connell, Shalini

Venkatesh, Nicholas Rossi, Heidi Yanani, Ms. Son, and Bev Shenfield. Concerns from the residents included rezoning and GP designation, setbacks, enforceability of the CC&Rs, lack of parking, increased traffic, disturbance of the neighborhood, and project incompatibility with adjacent residences.

During a rebuttal, Mr. Leonard stated that concessions were made after meeting with the neighbors, zoning is consistent with the General Plan, the project is compatible with the neighborhood, replacements of landscaping are beyond what is required, and the project meet parking requirements of two spaces per unit plus additional guest parking.

The Public Hearing was closed.

Commissioners expressed overall support of the project stating that concerns about privacy, shadows, and parking have been addressed/ mitigated or can be addressed during Architectural Review. There was also support for the benefit of having “for sale” homes instead of rental, which will add to the needed housing in the city. Concerns about the enforcement of the CC&Rs and the shared two guest parking spaces were mentioned. The applicant agreed to work with the neighbors to establish a Homeowner’s Association to help with the enforcement of the CC&Rs, which will include violation fees. The applicant also agreed to add signage for the guest parking spaces to ensure that they are only used by guests at all times.

**Motion/Action:** The Commission motioned to adopt a Resolution recommending that Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 1075 Pomeroy Avenue Residential Subdivision Project, unanimously (6-0-0-0).

**Motion/Action:** The Commission motioned to adopt a Resolution recommending that Council approve the Rezone from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD) to allow the development of four detached two-story residences with attached garages and site improvements, unanimously (5-1-0-0, O’Halloran dissenting), with the following recommendations:

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

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