



# City of Santa Clara

The Center of What's Possible

AGENDA ITEM #: 8.B.  
**PLANNING COMMISSION**  
**STAFF REPORT**

**Meeting Date:** September 27, 2017

**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/Owner:** Daryoush Marhamat

**Subject:** Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and 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 and Mitigation Monitoring and Reporting Program

**Project Planner:** Steve Le, Assistant Planner I

## **EXECUTIVE SUMMARY:**

The proposed project is a development of four single-family dwellings, associated parking, landscaping, and site improvements. The proposal requires a rezone from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD) to allow the subdivision of the single parcel into four separate parcels for four single-family detached residences with a common driveway. The PD rezoning would also allow for flexible development standards such as a reduced front setback to provide alignment to adjoining residential buildings along Pomeroy Avenue. A Tentative Parcel Map to subdivide the lot will be reviewed by City Council. A Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the proposed project.

## **Project Data**

	Existing	Proposed
<b>General Plan Designation</b>	Low Density Residential	Same
<b>Zoning District</b>	Low-Density Multiple Dwelling (R3-18D)	Planned Development (PD)
<b>Land Use</b>	Single-Family Residence	Four Detached Single-Family Residences
<b>Lot Size</b>	12,400 sf	Same
<b>Building Square Footage (sf.)</b>	Approximately 2,123 sf (excludes garage)	Two Type A: 1,670 sf per dwelling (excludes garage) Two Type B: 1,783 sf per dwelling (excludes garage)
<b>Maximum Building Height</b>	Approximately 15 ft.	24 feet and 9 inches
<b>Parking</b>	Two-car garage	Four two-car garage and two uncovered guest parking spaces

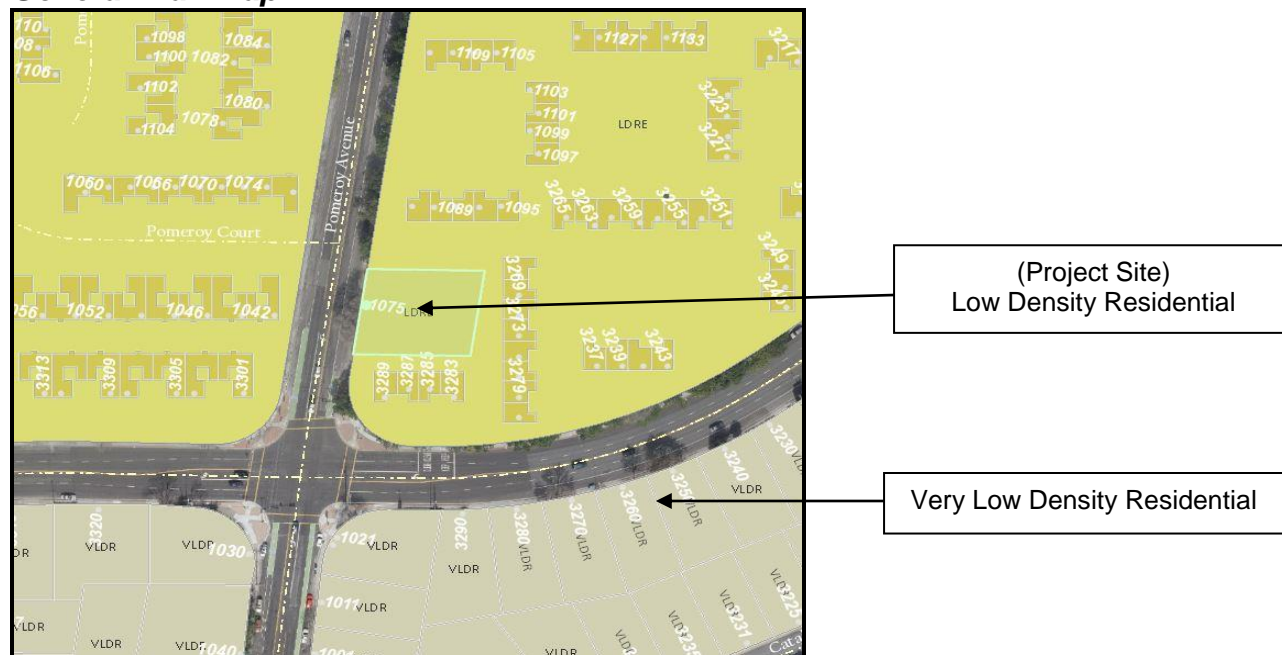
## **Site Location and Context**

### **Surrounding Land Uses:**

The project site is located in an area of multi-family residential complexes on all sides. The Pomeroy West abuts the project site to the east and Pomeroy Green is directly west of the project site across Pomeroy Avenue. The two residential communities were Eichler townhouse developments with attached two-story townhouse, a private yard, an attached carport, and surface parking. The subject property is a one-story

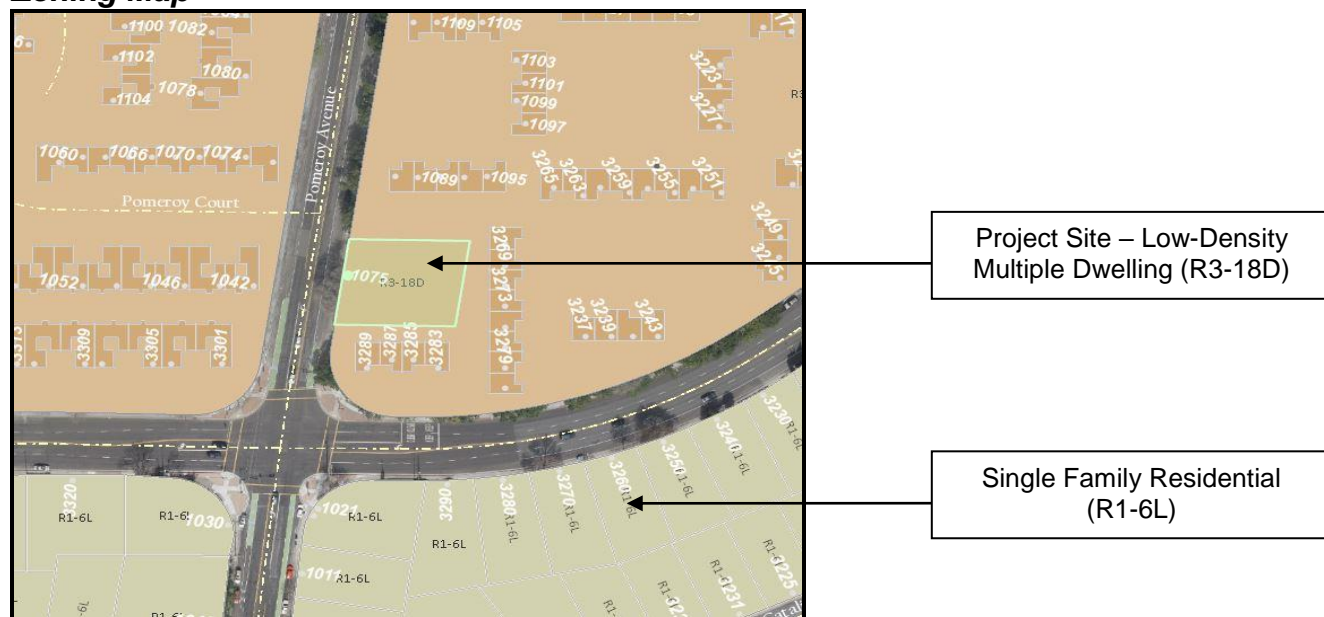
single-family residence with an attached two-car garage. The project site abuts a private park to the north, and private residences yards to the east and south.

### General Plan Map



The project site has a General Plan designation of Low Density Residential as do the neighboring properties immediately surrounding the site. The properties south of Benton Street are designated as Very Low Density Residential land use.

### Zoning Map



The project site and the surrounding properties are zoned Low-Density Multiple Dwelling (R3-18D). The properties to the south of Benton Street are zoned Single Family (R1-6L).

### **Background**

***Previous Permits:*** The single-story residence on the project site was built in 1958. The original owner of the property sold his land to the developer who eventually developed the Pomeroy West complex. The owner reserved the 12,400 square foot lot and house, leaving it as the only single-family dwelling surrounded by multi-family dwelling condominium buildings. The current owner, Daryoush Marhamat, proposed to redevelop the property in 2013 as a five detached single-family dwelling. The proposed project was denied by City Council on February of 2015. The basis for the denial was that the proposed project would be inconsistent with the surrounding residential neighborhood, finding that the proposed lot areas, lot widths, front and side yards would all be insufficient. The Planning Commission and Council further discussed a four unit option with the applicant to further comply with the R3-18D zoning district. The applicant formally submitted an application to the Planning Division on September 28, 2016 to redevelop the project as a four detached single-family dwelling lots.

### **Project Analysis**

***Project Description:*** The project proposes to demolish the existing single-family house and subdivide the 12,400 square foot lot into four lots with a shared driveway easement for the development of four detached two-story single-family dwellings with private yards, attached two-car garages, and two uncovered guest parking spaces. The four dwellings are comprised of two model types: Type A and Type B. Type A is a 1,670 square foot residence with four bedrooms, two and a half bathrooms, and a 430 square foot attached garage. Type B is a 1,783 square foot residence with four bedrooms, two and a half bathrooms, and a 455 square foot attached garage.

Below is a summary Table of the project proposal for each lot:

<i>Lot Number</i>	<i>Lot Size (sq.ft.)</i>	<i>Residence (sq.ft.)</i>	<i>Garage (sq.ft.)</i>	<i>Gross Floor Area (sq.ft.)</i>	<i>Bedrooms / Bathrooms</i>
1 – Type A	3,262	1,670	430	2,100	4 / 2.5
2 – Type B	2,930	1,783	455	2,238	4 / 2.5
3 – Type B	2,930	1,783	455	2,100	4 / 2.5
4 – Type A	3,262	1,670	430	2,238	4 / 2.5

Recordation of Covenants, Conditions and Restrictions (CC&Rs) for the rules and restrictions as well as the maintenance of the building, private infrastructure and landscaping associated with the development for the life of the project shall be required as a project condition of approval.

***Architecture:*** The proposed structure is a two-story detached residence with a height varying from 21 feet to 24 feet and 9 inches. The new residences are contemporary style design similar to the form of the surrounding buildings, utilizing flat and shed roofs, covered porches, rectangular windows and customary two-car garages. The garage has a sliding door that leads to the attached covered patio. Each unit is designed to have a private landscaped rear yard space. The building materials include stucco and hardy-plank siding, standing seam metal roof, and wood-trimmed windows. Should the project receive approval by City Council, the Architectural Review Committee will consider the final design approval.

***Circulation and Parking:*** The project is designed to allow site access from northbound and southbound of Pomeroy Avenue via a shared driveway that runs from Pomeroy to the center of all four units. The driveway leads directly to the inward-facing garage entrances and two other uncovered guest parking spaces to the

north and south of the driveway. Pursuant to Santa Clara City Code (SCCC) Section 18.54.060(b)(5), the parking provision of two covered parking spaces per dwelling unit is consistent with the on-site requirement for R3-18D. Also proposed are two uncovered off-street guest parking spaces on site, where a minimum of one visitor space is required, since the City's Zoning Ordinance for planned development projects requires a minimum of ten percent of the required parking spaces to be provided and designated for visitors (Santa Clara City Code ("SCCC") Section 18.54.080(a)(2)). Each garage will be pre-wired to accommodate an electrical vehicle charger.

**Landscaping:** The project proposes a landscape plan that includes the removal of two ash trees that were identified by Richard Smith, a certified arborist with Bay Area Tree Specialist, as showing signs of decay and diseased. The proposal includes the replanting of two 36 inch sized boxes on the proposed four foot park strip. The replacement is consistent with the minimum replacement ratio of 2:1 at 24-inch box or 1:1 at a 36-inch box. In addition to the proposed planting, the landscape plan includes a variation of small trees and plants along the interior property boundary. The project also proposes a complete street landscape with a four foot park strip at the back of the curb, followed by five wide sidewalks and additional front yard landscaping.

**Shade and Shadow Effects:** Community members have expressed concern for shading casting across property line and specifically onto the adjacent open space to the north of the project site. The applicant prepared shadow renderings for morning (9:00 A.M.) and afternoon (3:00 P.M.) during four months of year. Maximum shading would occur in the fall and winter months. Results of the shade and shadow renderings show that the project would primarily shade half of the adjacent open space to the north around 3:00 P.M. in the fall and winter months. During the spring and summer, the project would shade less than a quarter of the adjacent open space. Morning shadows throughout the years show minimal to no impact to the adjacent open space. The adjacent residential building to the south received morning shadow during the late fall and early winter months. In summary, shadows from the project site would slightly extend beyond the boundaries of the project site to the north and south throughout the year.

**Stormwater (C3) Requirements:** The project is not a regulated project subject to C.3 Stormwater requirements because the project does not create or replace 10,000 square feet or more of impervious area.

***Environmental Determination:***

A Mitigated Negative Declaration (MND) was prepared for the project by the environmental consultant firm Douglas Herring & Associates, in accordance with the California Environmental Quality Act (CEQA). 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. 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.

The MND examined environmental impacts associated with project development and identified potential air quality, biological resource, cultural resources, geology and soils, hazardous materials, and noise impacts that, with incorporation of mitigation measures into the project, would reduce all potential impacts to less than significant. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the MND and would be implemented through project conditions of approval and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project.

**General Plan and Zoning Conformance:** The project is consistent with the General Plan designation of Low Density Residential, which encourages a variety of housing types at a density range of 8 to 19 units per acre. The proposed project falls in the middle of the density range at 14 units per acre. 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 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.

The R3-18D zoning district requires new lots to be a minimum of 8,500 square feet and 70 feet wide. In addition to these standards, lot coverage may not exceed 35 percent of the lot area and setbacks are subject to 20-foot front yards, 10-foot side yards, and 15-foot rear yards. The project proposes 4,973 square foot of open space, which meets the 40 percent open landscape requirement. The proposed project meets the 10-foot side yard setbacks and 15-foot rear yard setback, but short of the 20-foot front yard setback by five feet. The front property line is a diagonal line that runs at angle parallel to Pomeroy Avenue. The parallelogram shape lot and the intent to align the front residences with the adjacent townhouse buildings to the north and south, limits the proposed front residences to the reduced front setback of 15 feet at north end to 18 feet at the south. The Tentative Parcel Map to subdivide one lot into four single-family lots would require the four single family lots to individually comply with the development standards of R3-18D or R1-6L, Single Family Zoning District. The proposed project intends to develop within the standards under R3-18D for compatibility with the surrounding neighborhoods, but as proposed, the project would fail to comply with the development standards under either zoning districts. Thus, the project proposes a zone change to PD, which relaxes the requirements otherwise prescribed for R3-18D and provides an opportunity to build to the proposed density supported by the General Plan and R3-18D Zoning District.

The PD zoning district is intended to accommodate development that is compatible with the community, utilizing creative planning and design concepts. The proposal conforms to the PD zoning district in that the project provides a high-quality product, designed to the desired density range outlined in the General Plan and visually complements the surrounding neighborhood with four new dwellings designed in a similar contemporary form. The project also takes careful consideration to the surrounding townhouse buildings in

that it provides similarly-scaled buildings, and provides rear and left side yard setbacks designed to the existing R3-18D regulations in order to maintain a compatible distance from nearby buildings.

### **Public Contact**

#### ***Public Outreach Meetings:***

Two community meetings were hosted by the applicant for the current proposal of four detached single-family dwellings. The first outreach meeting was hosted on February 8, 2017 at the Santa Clara Central Library. This was the first opportunity for the public to review the proposal. At the meeting, the community expressed concerns relating to zoning compliance, the merits of the PD rezone, the height exceeding the maximum allowed, not meeting the minimum open space requirement, shadow casting onto adjacent open space to the north, 15 feet front yard setback, and insufficient parking for the proposed residences. After the meeting, the applicant revised the plans to lower the overall height to 24 feet and eight inches, added open landscape area to meet the minimum 40 percent open space, added distance away from adjacent neighbors, and added a new landscape plan to include the removal of the two ash trees and the separated sidewalk design. The applicant hosted a second outreach meeting on July 27, 2017 at the Santa Clara Central Library. At the meeting, the community expressed concerns related to the consistency with R3-18D, the PD rezone, shadow casting onto open space, and potential noise from the garage's design and uses. After the meeting, the applicant included the R3-18D development standards for comparison with the proposal, included the shadow renderings, and added dimension to reference the distance between the adjacent residential.

In response to noise concerns, the Santa Clara City Code Section 9.10 regulates maximum noise and vibrations levels in the City from fixed noise sources. The intent of the code is to prohibit any unnecessary, excessive, unreasonably loud, and annoying noise or vibration in the community. Non-fixed noise such as loud music or mechanical equipment must be address on a case by case with law enforcement. With that, the CC&R can also help in restricting the certain uses that may produce disturbance noise.

***Public Notices and Comments:*** A notice of public hearing of this item was posted in at least six conspicuous places within 500 feet of the project site and mailed to property owners within 500 feet of the project site. A notice was published in the *Santa Clara Weekly* on September 13, 2017. The Planning Division received comments from the neighbor relating to similar concerns mentioned in the section above. Comments received prior to September 22, 2017 are attached to this staff report for review and comments received after this date will be made available for the Commission at the hearing.

### **ADVANTAGES AND DISADVANTAGES OF ISSUE:**

Approval of the project would provide an opportunity to locate four quality 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 high quality design and building architecture of the project will enhance 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 adjacent side property lines to reduce shadow casting on adjacent properties to the north and south. The project increases the City's 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 reduce the proposed units down to four dwellings to meet the Zoning and General Plan Policies. The applicant proposes a CC&Rs to establish the rules and regulations for operations and maintenance of each property and the common area. The CC&R will assure that the proposed project will continue the peaceful quality of life for the future residents and current neighbors.

**RECOMMENDATION:**

That the Planning Commission adopt Resolutions recommending that the City Council:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 1075 Pomeroy Avenue Residential Subdivision Project; and
2. 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.

*Documents Related to this Report:*

- 1) *Mitigated Negative Declaration (previously distributed)*
- 2) *Mitigation Monitoring and Reporting Program*
- 3) *Resolution Recommending Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program*
- 4) *Resolution Recommending Council Approval of the Rezoning*
- 5) *Conditions of Approval*
- 6) *Response to Comments on Mitigated Negative Declaration*
- 7) *Public Comments and Responses*
- 8) *Shadow Renderings*
- 9) *Tentative Parcel Map*
- 10) *Development Plans*