

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE TENTATIVE PARCEL MAP TO
SUBDIVIDE THE 12,400 SQUARE FOOT PROJECT SITE INTO
FOUR PARCELS FOR THE PROPERTY LOCATED AT 1075
POMEROY AVENUE, SANTA CLARA**

PLN2016-12317 (Tentative Parcel Map)

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, 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, the MND identified potential significant impacts of Project development that with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (“MMRP”) will reduce potential mitigation measures to less than significant and will be incorporated into the Project;

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, on September 27, 2017, the Planning Commission held a duly noticed public hearing to consider the rezoning application, at the conclusion of which the Planning Commission voted to recommend that the City Council approve the rezoning;

WHEREAS, on February 14, 2018, the notice of public hearing for the March 6, 2018 City Council meeting for this item was published in the *Santa Clara Weekly*, a newspaper of general circulation in the City;

WHEREAS, on February 23, 2018, the notice of public hearing for the March 6, 2018, City Council meeting for this item was posted in three conspicuous locations within 300 feet of the project site and was mailed to property owners within a 500 foot radius; 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. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That this Resolution incorporates, and by this reference makes a part hereof, that certain Tentative Parcel Map, attached hereto as Exhibit "Tentative Parcel Map".
3. Tentative Parcel Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.400(f), the City Council hereby finds and determines that:

A. The Tentative Parcel Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Tentative Parcel Map would allow a residential subdivision of four detached single-family residences that closely implements the General Plan's vision for residential development.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Tentative Parcel Map would allow a residential development with a density of 14.2 dwelling unit per acre that is consistent with the General Plan density

range of 8 to 19 dwelling units per acre for the Low Density Residential Land Use designation. The Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development in that the project is designed to provide four residential units subdivision that is consistent with the on-going and proposed development along Pomeroy Avenue. Moreover, the project is designed to retain the contextual consistency of existing multi-family residences.

D. This site is physically suitable for the proposed density of development in that the Project Site allows a residential development with a density of 14.2 dwelling unit per acre that is consistent with the General Plan density range of 8 to 19 dwelling units per acre for the Low Density Residential Land Use designation.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by residential and commercial development and does not propose the use of hazardous chemicals or 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 is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the Mitigated Negative Declaration, that reduce impacts to wildlife habitat 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, the project is designed to avoid encroachments and conflicts with public easements in the site design.

H. The Tentative Parcel 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.

4. Based on the findings set forth in this Resolution and the evidence in the Staff Report, MND, MMRP and such other evidence as received at the public hearings on this matter, the City Council hereby approves the Tentative Parcel Map, substantially in the form on file as shown in the "Tentative Parcel Map" attached hereto, subject to conditions of approval attached as "Conditions of Tentative Parcel Map Approval" and hereby incorporated by this reference.

5. 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. Tentative Parcel Map
2. Conditions of Tentative Parcel Map Approval
3. Mitigation Monitoring and Reporting Program

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