

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, REZONING FROM LOW-DENSITY MULTIPLE  
DWELLING (R3-18D) TO PLANNED DEVELOPMENT (PD) TO  
ALLOW A RESIDENTIAL SUBDIVISION PROJECT FOR THE  
PROPERTY LOCATED AT 1075 POMEROY AVENUE, SANTA  
CLARA**

PLN2016-12235 (Rezone)

**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 May 4, 2018, the notice of public hearing for the May 15, 2018, City Council meeting for this item was posted at least 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 May 15, 2018 to consider the Project 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 the City Council hereby rezones the Project Site 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, as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Approval, incorporated by this reference.

3. Pursuant to SCCC Code Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow residential development and creation of housing opportunities with a subdivision of four parcels that would be consistent with the density range allowed in the 2010-2035 General Plan. The Planned Development (PD) zoning would allow a residential subdivision of four detached single-family residences that closely implements the General Plan's vision for residential development.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and

beneficial development of such area in that the proposal redevelops an underutilized property and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern and aesthetically pleasing residential subdivision development with on-site parking, site improvements, landscaping, and streetscape enhancements.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change provides residential development contemplated by the General Plan that is designed to activate the streetscape, is pedestrian-oriented, and provides high quality homeownership opportunities to the City's housing stock.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to construct a high quality residential subdivision project that is compatible with the existing residential neighborhood. The proposed project modifies zoning development standards for setbacks to maximize the efficient use of the Project Site.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, MND and MMRP, the City Council rezones the Project Site as set forth herein.

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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: \_\_\_\_\_  
JENNIFER YAMAGUMA  
ACTING CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Rezoning Approval
2. Development Plans

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