



## Agenda Report

18-050

Agenda Date: 3/6/2018

### REPORT TO COUNCIL

#### SUBJECT

1075 Pomeroy Avenue Four Units Development Project

#### BACKGROUND

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 proposal was considered at a noticed public hearing by the City Council on November 21, 2017. Thirteen members of the public spoke in opposition to the project, expressing concerns regarding the proposed Planned Development, property management, parking, density, and historical/architectural compatibility with the adjacent Pomeroy Green and Pomeroy West residential complexes. A letter (Attachment 15) prepared by Mineweaser and Associates, was presented to Council requesting that the Council recognize the potential impact the project may have on the historical character of the adjacent Pomeroy Green and Pomeroy West townhouses. Following public testimony, the City Council concluded that four detached residential units was an appropriate use for the site and referred the project to the Historical and Landmarks Commission (HLC) for input on the project architecture.

The City's recently adopted Historic Preservation Ordinance establishes a procedure for review by the HLC for projects that are designated as historic or within proximity of a designated property. The Ordinance also establishes that in order for a property to be designated the property owner or their authorized representative must consent to the designation. The subject property does not meet the requirements for referral to the HLC and the referral was conducted in addition to the normal requirements for public hearing per Council direction and only in order to provide an opportunity for additional community input on the project design.

#### DISCUSSION

The project was considered by the HLC at a noticed public meeting on January 4, 2018. Seven neighbors spoke in opposition to the project, expressing concerns with potential impacts on the historical attributes of the surrounding properties, Pomeroy Green and Pomeroy West, including impacts related to architectural compatibility, shadows cast by the project, the lack of carports, loss of privacy from adjacent second story windows, and the lack of justification for rezoning to PD rather than a standard single-family zoning district. The staff report and excerpt minutes from the HLC meeting of January 4, 2018 are included in Attachment 11 and 12.

Following public testimony, the HLC discussed the concerns raised by members of the public and

recommended the following for Council consideration:

1. Consider the neighborhood properties (i.e. Pomeroy Green and Pomeroy West) as eligible for historical designation based on criteria in the California Register of Historical Resources and criteria A, B, and C of the City's recently adopted historic preservation ordinance.
2. Redesign the proposed project to increase setbacks and reduce shade impacts, lower roof slope, lower overall height, reduce use of stucco finish, replace horizontal siding, provide carports instead of garages, and synchronize window geometry.
3. Conduct a staff facilitated community meeting to review the design and find an agreeable solution.
4. Return to Historical and Landmarks Commission for review and recommendation.

In response to the comments from the HLC, the applicant has submitted updated architectural plans that include a minor alteration to reduce the maximum height from 24 feet and nine inches to 24 feet and one inch. The design concept and features remain the same as the November 21, 2017 proposal. The applicant's response letter to City Council and development plans are included in Attachment 17 and 18.

While the Pomeroy Green and Pomeroy West developments are not designated as historical resources, an analysis (Attachment 16) prepared by a cultural resource consultant (Bonnie Bamburg from Urban Programmers) concluded that the project design would be consistent with the Secretary of Interior's Standards (SIS) if Pomeroy Green and Pomeroy West properties were recognized as architecturally or historically significant.

The form and scale of the building would be a contemporary version of a mid-century modern architecture that would be compatible with the character of the surrounding area in that project is similar in scale and massing and does not utilize a contradictory architectural style. The project would provide a visually interesting streetscape and active eyes on the street with new homes orientating towards Pomeroy Avenue. 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 concerns relating to disturbance and maintenance. The applicant also agrees to include within the CC&Rs additional measures recommended from the Planning Commission meeting of September 27, 2017. The Planning Commission staff report and excerpt of meeting minutes are included in Attachment 9 and 10.

With the applicant's response to the HLC review and recommendations, they wish to proceed to Council for a zoning decision. Staff conducted a referral of the project to the HLC for input on the project design per the prior City Council direction. Because the recommendations made by the HLC exceed the scope of the Council direction as well as the procedural requirements established within the City's Zoning Ordinance, the project was scheduled for City Council consideration rather than an additional community meeting and HLC hearing per the recommendation of the HLC. As previously discussed with the City Council, the project conforms to the City's General Plan and other applicable policies and staff recommends that the City Council take action to approve the proposed project. Should the Council support the proposal, 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. Alternatively, the City Council could determine that additional review is necessary and direct staff to conduct additional community meetings and/or an HLC hearing.

### FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense for the processing of this application. Administrative staff time and cost associated with the additional HLC review is outside of the scope of the standard cost recovery fees and is borne by the general fund.

### ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project by the environmental consultant firm Douglas 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) <<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.

### PUBLIC CONTACT

On February 23, 2018, a notice of public hearing of this item was posted in three conspicuous places within 300 feet of the project site and mailed to property owners within 500 feet of the project site. On February 14, 2018, 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.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office beginning the Thursday evening before the Tuesday meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### ALTERNATIVES

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);
3. Approve a Tentative Parcel Map to subdivide the subject property to four parcels;
4. Conduct a community meeting and return to Historical and Landmarks Commission for review and recommendation prior to Council for action on zoning per the HLC recommendation; and/or
5. Conduct a community meeting and return to Historical and Landmarks Commission for design input following Council action on zoning.

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**RECOMMENDATION**

Adopt Resolution(s) to implement Alternatives #1, #2, and #3:

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

Prepared by: Steve Le, Assistant Planner

Reviewed by: Gloria Sciara, Development Review Officer

Reviewed by: Andrew Crabtree, Director of Community Development

Reviewed by: Brian Doyle, City Attorney

Reviewed by: Manuel Pineda, Assistant City Manager

Reviewed by: Walter C. Rossman, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

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. City Council Agenda Report of November 21, 2017 (without attachments)
9. Excerpt of Planning Commission meeting minutes of September 27, 2017
10. Planning Commission Staff Report of September 27, 2017 (without attachments)
11. Excerpt of Historical and Landmarks Commission meeting minutes of January 4, 2018
12. Historical and Landmarks Commission Staff Report of January 4, 2018
13. Response to Comments on MND
14. Public Comments
15. Letter of Justification
16. Letter from Urban Programmers
17. Applicant Letter to City Council
18. Development Plans (including Tentative Parcel Map)



CITY OF SANTA CLARA, CALIFORNIA

# **1075 Pomeroy Avenue Residential Subdivision**

MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)

SEPTEMBER 2017



# **1075 Pomeroy Avenue Residential Subdivision Project**

## **Mitigation Monitoring and Reporting Program (MMRP)**

### **1. Introduction**

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

A public agency must certify an EIR or adopt a Mitigated Negative Declaration when approving a discretionary project that could significantly affect the environment in an adverse manner. The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR or when adopting a Mitigated Negative Declaration. There is no statutory requirement for a lead agency to circulate a monitoring program for public review prior to adopting the program.

The monitoring program should specify the steps whereby implementation of project mitigation measures can be verified during project construction and operation. Typically, the monitoring program should, for each mitigation measure, identify the entity responsible for implementing the measure and an individual, qualified professional, or agency responsible for ensuring compliance. The monitoring program should also identify: the action or actions required to ensure compliance; when and how frequently monitoring should occur; a mechanism for reporting compliance or non-compliance; and an agency that receives and monitors the reports on compliance. AB 3180, as promulgated in Public Resources Code Section 21081.6, does not require a mitigation monitoring program to include measures imposed to mitigate the environmental effects of less-than-significant impacts.

AB 3180 does not provide State reimbursement for implementing the mitigation monitoring requirements because local agencies have the authority to levy fees sufficient to pay for such programs. Local agencies may recover the monitoring and reporting costs through charging a service fee pursuant to Government Code sections 65104 and 66000 *et seq.*

### **2. Monitoring Program**

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the significant and potentially significant impacts identified in the *1075 Pomeroy Avenue Residential Subdivision Project Initial Study & Mitigated Negative Declaration*. The monitoring program identifies each mitigation measure for a significant impact and specifies the means for verifying successful implementation. Failure to comply with all required mitigation measures will constitute a basis for withholding building permits or undertaking legal enforcement actions.

#### Project Approvals

Prior to each successive approval during development of the proposed project, the City of Santa Clara Planning Division shall confirm via the MMRP table (included in this document) proper implementation of all mitigation measures required to that point in time. If any mitigation measures have not been implemented as required, the permit or other approval shall be

withheld until successful implementation of the measure has been confirmed by the City. If noncompliance of required mitigation measures occurs following completion of construction and project occupancy, the failure shall be grounds for revocation of the occupancy permit(s) for the project, or other enforcement action by the City Attorney.

### MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the Mitigated Negative Declaration. More specifically, the table provides the following information for each mitigation measure:

- **Impact Summary**— a brief one-sentence summary statement of the impact being mitigated.
- **Mitigation Measure**— the verbatim text of the mitigation measure as adopted by the City. In some cases, the measure may differ slightly from the language presented in the Mitigated Negative Declaration circulated for public review.
- **Implementation Responsibility**— the entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility**— the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of City staff in all cases.
- **Timing/Frequency of Monitoring**— the phase of the project during which monitoring activities must occur and/or milestone(s) at which single-event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly.

### Reporting

Reporting shall be satisfied by a written notation in the space provided for each mitigation measure in the MMRP table, as noted above. The MMRP table shall be maintained on file at the offices of the Planning Division until, at a minimum, all mitigation measures have been successfully implemented and verified.

## Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing/ Frequency of Monitoring
<b>AIR QUALITY</b>			
<p><b>Impact:</b> Generation of airborne particulate matter during construction.</p> <p><b>Mitigation Measure AQ-1:</b> BAAQMD Required Dust Control Measures: The contractor shall reduce construction-related air pollutant emissions by implementing BAAQMD's basic fugitive dust control measures, including:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>	Project Sponsor and Construction Contractor	<p>Bay Area Air Quality Management District (BAAQMD),</p> <p>City of Santa Clara Planning and Inspection Department</p>	During all phases of construction

## Mitigation Monitoring and Reporting Program (MMRP)

BIOLOGICAL RESOURCES			
<p><b>Impact:</b> Potential adverse effects on nesting birds.</p> <p><b>Mitigation Measure BR-1:</b> If any site grading or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. The survey shall encompass both trees on the project site and trees on adjoining properties if the biologist determines that nesting birds in nearby trees could be adversely affected by project construction activities. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.</p>	Project Sponsor	<p>City of Santa Clara Planning and Inspection Department</p> <p>Independent Raptor Biologist</p>	During all phases of construction
CULTURAL RESOURCES			
<p><b>Impact:</b> Potential damage to significant archaeological or historical resources.</p> <p><b>Mitigation Measure CR-1:</b> In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning and Inspection shall be notified, and a qualified archeologist or paleontologist shall examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A professional-quality report of findings documenting any data recovery during monitoring shall be submitted to the Director of Planning and Inspection and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the <i>CEQA Guidelines</i> and Public Resources Code Section 21083.2.</p>	<p>Project Sponsor/ Project Construction Superintendent</p> <p>Archaeological Monitor (if applicable)</p>	<p>City of Santa Clara Planning and Inspection Department</p>	<p>Prior to issuance of Demolition Permit or Grading Permit</p> <p>During all phases of construction</p>
<p><b>Impact:</b> Potential damage to buried human remains of Native Americans.</p> <p><b>Mitigation Measure CR-2:</b> In the event that human remains are discovered during excavation and/or grading of the site, all activity</p>	<p>Project Sponsor/ Grading Contractor</p> <p>Archaeological Monitor</p>	<p>City of Santa Clara Planning and Inspection Department</p> <p>Archaeological Monitor</p>	During all phases of construction

## Mitigation Monitoring and Reporting Program (MMRP)

within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding the proper burial, which shall be implemented in accordance with Section 15064.5(e) of the <i>CEQA Guidelines</i> .	(if applicable)	(if applicable)	
<b>Impact:</b> Potential damage to paleontological resources. <b>Mitigation Measure CR-3:</b> If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).	Project Sponsor/ Grading Contractor  Archaeological Monitor (if applicable)	City of Santa Clara Planning and Inspection Department  Independent Professional Paleontologist (if applicable)	During all phases of construction
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<b>Impact:</b> Potential exposure of construction workers to pesticide residue in soils. <b>Mitigation Measure HM-1:</b> Prior to issuance of a grading permit, the project sponsor shall retain the services of a qualified environmental assessor to conduct a Phase I Environmental Site Assessment (ESA) in accordance with the procedures included in Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process published by the American Society for Testing and Materials (ASTM). If the Phase I ESA does not identify a need for subsurface testing of soils, no further mitigation would be required. If the Phase I ESA recommends subsurface testing of soils to further characterize the risk at the site, the project sponsor shall commission a qualified environmental assessor to perform a Phase II ESA, which will include conducting the subsurface testing in accordance with the recommendations presented in the Phase I ESA. The results of the Phase I ESA, and the Phase II ESA, if required, shall be presented in a professional report(s) to be submitted to the Santa Clara Planning Division.  If the Phase II ESA identifies soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to	Project Sponsor	City of Santa Clara Building Division	Prior to issuance of Grading Permit

## Mitigation Monitoring and Reporting Program (MMRP)

<p>issuance of a grading permit.</p> <p style="text-align: center;">OR</p> <p>In lieu of conducting the Phase I ESA, the project sponsor may elect to retain the services of a qualified environmental assessor to conduct a limited program of subsurface testing, collecting the minimum number of soil samples stipulated in the applicable ASTM standards and submitting the samples for analysis by a State-certified laboratory for pesticides, lead, and arsenic. If the results identify soil contamination in excess of applicable standards for residential properties, site remediation shall be performed in accordance with the limited Phase II ESA recommendations and satisfactory cleanup levels shall be achieved prior to commencement of any project construction activities. The Santa Clara Building Division shall confirm site cleanup prior to issuance of a grading permit.</p>			
<p><b>Impact:</b> Potential exposure of construction workers to hazardous asbestos-containing building materials.</p> <p><b>Mitigation Measure HM-2:</b> Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations. The Bay Area Air Quality Management District (BAAQMD) shall be notified ten days in advance of any required abatement work. To document compliance with the applicable regulations, the project sponsor shall provide the City of Santa Clara Building Inspection Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.</p>	Project Sponsor	City of Santa Clara Building Division	Prior to issuance of Demolition Permit
<p><b>Impact:</b> Potential exposure of construction workers to hazardous lead-based paint.</p> <p><b>Mitigation Measure HM-3:</b> Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Santa Clara Building Inspection Division prior to issuance of a demolition permit.</p>	Project Sponsor	City of Santa Clara Building Division	Prior to issuance of Demolition Permit

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, ADOPTING A MITIGATED NEGATIVE  
DECLARATION AND THE MITIGATION MONITORING AND  
REPORTING PROGRAM FOR THE RESIDENTIAL  
SUBDIVISION PROJECT LOCATED AT 1075 POMEROY  
AVENUE, SANTA CLARA**

CEQ2017-01032 (Mitigated Negative Declaration)

**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**, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment that could be avoided with the implementation of mitigation measures, resulting in a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

**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**, On September 27, 2017, the Planning Commission concluded a duly noticed public hearing to consider the Project, at the conclusion of which the Commission voted to recommend that the City Council adopt the MND and MMRP; 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. The City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. The City Council hereby finds that the MND has been completed in compliance with CEQA.
3. The City Council hereby finds, pursuant to California Code of Regulations, Title 14, Section 15074, that the Council has reviewed and considered the information and analysis contained in the MND before making its determination, that there is no substantial evidence that the Project will have a significant effect on the environment, and that the MND reflects the Council's independent judgment and analysis, and hereby adopts the MND.
4. The City Council hereby finds that the proposed mitigation measures described in the MND are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.
5. Pursuant to California Code of Regulations, Title 14, Section 15074(c), the City Council hereby designates the Director of Community Development as the Custodian of Records for the Project, and the Community Development Department at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based;
6. In order to comply with Public Resources Code Section 21081.6, the City Council hereby adopts the MMRP attached hereto as "MMRP" and incorporated herein by this reference. The Program is designed to ensure that, during project implementation, the City, affected landowners, their assigns and successors in interest and any other responsible parties comply

with the feasible mitigation measures identified. The MMRP identifies, for each mitigation measure, the party responsible for implementation.

7. 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. Mitigated Negative Declaration (Previously Distributed)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans

I:\PLANNING\2016\Project Files Active\PLN2016-12235 1075 Pomeroy (Rezoning)\_ PLN2016-12317 Tentative Parcel Map\CC\3.6.18\Attachments\3. CC Reso MND - 1075 Pomeroy Ave 11.21.17.doc

**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 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 500 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 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 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.

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 DORIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Rezoning Approval
2. Development Plans

I:\PLANNING\2016\Project Files Active\PLN2016-12235 1075 Pomeroy (Rezone)\_ PLN2016-12317 Tentative Parcel Map\CC\3.6.18\Attachments\4.  
CC Reso Rezone - 1075 Pomeroy Ave 11.21.17.doc

**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

I:\PLANNING\2016\Project Files Active\PLN2016-12235 1075 Pomeroy (Rezone)\_ PLN2016-12317 Tentative Parcel Map\CC\3.6.18\Attachments\5. CC Reso Tentative Parcel Map - 1075 Pomeroy Ave 11.21.17.doc

## **CONDITIONS OF REZONING APPROVAL**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

### **COMMUNITY DEVELOPMENT**

- C1. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C2. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C3. Comply with all requirements of Building and associated codes (the CBC, CEC, CMC, CPC, California Green Building Code, the California Energy Code, etc.) current at the time of application for Building Permit, that includes grading and site utility permits.
- C4. It shall be the Developer's responsibility through his engineer to provide written certification that the drainage designs for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The Developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
- C5. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the Initial Study / Mitigated Negative Declaration, and shall be incorporated in the Conditions of Approval for this project.
- C6. Developer shall submit to the City Covenant, Conditions, and Restrictions (CC&Rs) or equivalent instrument assigning and governing perpetual maintenance of building,

- landscaping, and private on-site infrastructure in good condition for the life of the Project, prior to issuance of building permits. Said document shall be recorded along with the Title for each property with the Santa Clara County Recorder's Office.
- C7. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
  - C8. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
  - C9. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
  - C10. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
  - C11. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.
  - C12. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project.
  - C13. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.
  - C14. Site landscaping shall be maintained in good condition throughout the life of the Development and no trees shall be removed without City review and approval.

- C15. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box, a 1:1 with 36" box specimen trees reviewed, or equal alternative as approved by the Director of Community Development.
- C16. Site landscaping shall be maintained in good condition throughout the life of the Project and no trees shall be removed without City review and approval.
- C17. Construct eight-foot masonry wall along property lines abutting residential properties in accordance with Zoning Ordinance requirements or to the satisfaction of the Director of Community Development.
- C18. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C19. Minor changes to the project would be subject to Planning Division review and approval prior to issuance of building permits.
- C20. Construction activity not confined within a building shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and not permitted on Saturdays and Sundays for projects within 300 feet of a residential use. Construction activity confined within a building shall be limited to the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. Construction activity shall not be allowed on recognized State holidays, as noted in Section 9.10.230 of the SCCC, as amended.
- C21. The CC&Rs shall include fines for not using the garages as parking spaces for vehicles.
- C22. The CC&Rs shall include fines for not keeping the garages free of clutter for two-parking spaces.
- C23. The CC&Rs shall include an installation of a parking sign with time limitation for guest parking.
- C24. The CC&Rs shall include fines for over staying in the guest parking spaces.

### **ENGINEERING**

- E1. With the required Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated away to satisfy City's clearance between utilities in accordance with the City Design Criteria and the Boulevard Style street section mentioned in the meeting.
- E2. Sanitary sewer (SS) laterals shall be VCP or SDR-26 PVC (6" diameter minimum if serving 5 or more dwelling units, 4" diameter minimum if serving less than 5 dwelling units ) and have a minimum slope of 2%. The minimum cover for lateral from top of curb shall not be less than 4.5 feet.
- E3. Connection of the new Sanitary Sewer lateral to the existing Sanitary Sewer main shall be per City standard details SS-2 and SS-3 for laterals 6" or less. Standard Manhole is required for sizes larger than 6".
- E4. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.

- E5. Existing non-standard or non-ADA compliant frontage street improvements shall be replaced with current City standard ADA compliant frontage improvements.
- E6. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E7. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E8. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E9. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E10. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E11. File and record Subdivision Map to create parcels for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.
- E12. With the Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated to satisfy City's clearance between utilities and trees and between utilities in accordance with the City Design Criteria and the Boulevard Style street section.
- E13. Placement of proposed utilities shall meet the City's minimum clearance requirements between utilities to utilities and utilities to tree(s).
- E14. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E15. Dedicate required any on-site easements for any new public utility/facility/sidewalk, by means of subdivision map or approve instrument at time of development.
- E16. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E17. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E18. Provide minimum 5' wide sidewalk separated by a 4' wide planter strip along the property frontage on Pomeroy Avenue.
- E19. All proposed driveways shall be City standard ST-5 driveways. The minimum width of the driveway shall be 24'.

- E20. Show and comply City's driveway Triangle of Safety (sight distance) requirement at proposed driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety obstruction areas.

### **ELECTRICAL**

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL7. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0" from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical

- supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
  - EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
  - EL15. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
  - EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
  - EL17. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
  - EL18. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
  - EL19. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
  - EL20. All meter rooms are to have direct, outside access through only ONE door. Meters must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
  - EL21. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"), and cannot be supported on parking garage ceilings or placed on top of structures
  - EL22. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

## **WATER**

- W1. Prior to issuance of Building Permits, the applicant shall submit plans showing existing sanitary sewer laterals and a clean out at the property line for each sanitary sewer lateral. For pipe sizes 8-inch or greater, a sanitary sewer manhole is needed.



- W2. Prior to issuance of building permit, the applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the proposed or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W3. If bio-retention areas are proposed for this project, they shall not be located closer than 5-feet from any water service and no water facilities shall cross any bio-retention areas. All fire hydrants that are located within the frontage of the project site shall be relocated 2' behind the back of walk, in the landscape area, per Water and Sewer Utilities standard detail no. 18.
- W4. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and shrubbery) so that the Water Department can verify conflicts for proposed water service locations.
- W5. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. The applicant must properly abandon all existing services on the property that will not be used per Water & Sewer Utilities standards, and indicate existing main size, type, and service lateral tap.
- W6. If public water services are installed onsite, the applicant shall provide a dedicated water utility easement around the meters. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement.

### **POLICE**

- PD1. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
- PD2. Address numbers of the individual buildings shall be clearly visible from the street and shall be a minimum of six (6) inches in height and a color contrasting with the background material. Consider illuminated numbers during hours of darkness to aid in visibility. Individual apartment/separate resident numbers shall be a minimum of six (6) inches in height and a color contrasting to the background material, and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building addresses shall be clearly visible.
- PD3. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Hostile vegetation is encouraged along the fence and property lines and under vulnerable windows.
- PD4. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below:
- White light source
  - Pedestrian Scale
  - Full cut-off or shoebox design

- Unbreakable exterior
- Tamperproof Housings
- Wall mounted lights/10' high

These features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.

- PD5. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
- PD6. For each individual address (unit, suite, etc.), phone company records (specifically '911' patch) shall reflect the actual address the phone is located.

## **FIRE**

- F1. Prior to Building Permit Issuance, provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler systems designed in accordance with California Fire Code § B105.1(1).
- F2. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.

### **Hazardous Materials Closure, Site Mitigation, Demolition Application:**

- F3. Area is known for historical agricultural land use. Project shall have a site safety plan to address any potential exposures to legacy contaminants. A copy of this plan is to be submitted to Santa Clara Fire Department for review.

## **STREETS**

### **SOLID WASTE**

- ST1. Projects greater than 5,000sqft shall recycle at least 50% of construction and demolition waste. Applicant shall track and report on project recycling. This may be done through the City's online tracking tool at <http://santaclara.wastetracking.com>.

### **STORMWATER**

- ST2. Single-family homes and other small projects that create and/or replace 2,500 – 10,000 square feet of impervious area shall implement at least one of the following site design measures on site: a.) direction of roof runoff into cisterns or rain barrels, b.) direction of roof, sidewalk, walkway, patio, driveway, or parking lot runoff onto vegetated areas, or c.) construction of sidewalks, walkways, patios, bike lanes, driveways, and parking lots with permeable surfaces.
- Plans shall specify which measures are selected to satisfy this requirement and show the direction of flow from impervious surfaces to selected site design measures.
  - All selected measures shall meet the design criteria in C.3 Stormwater Handbook, Appendix K: Standard Specifications for Lot-Scale Measures for Small Projects. (Appendix K is attached for reference)

## **PARKS AND RECREATION**

- PR1. Quimby Act. This memo assumes the Project is a subdivision and the Quimby Act provisions will apply. This project will generate an estimated 9 new residents (2.24 persons/household x 4 units). Based on the Quimby standard of 3.0 acres/1000 residents, the amount of public parkland required for this Project to mitigate impact of the

new resident demand is 0.0269 acres. The equivalent fee due in lieu of parkland dedication is \$112,933.

- PR2. Fee Due In Lieu of Parkland Dedication. The City is open to accepting a fee in lieu of parkland dedication as this project contains 4 parcels. For subdivision of 50 parcels or fewer, the City may impose a fee only.
- PR3. Dwelling Unit Tax Calculation. According to City Code 3.15, a dwelling unit tax is also due based upon the number of units and additional bedrooms. The tax is due upon application and refundable if Project is not approved. The project mix includes: 4 - four bedroom units: [(\$15 x 4 bedrooms) + (\$5 x 12 additional bedrooms)] for a total DUT of \$120.
- PR4. Parks & Recreation Department Comments/Questions/Requirements. Initial calculations may change if the number of units and/or the number of bedrooms changes, if fees change prior to Project approval, if any areas do not conform to the Ordinance and City Code Chapter 17.35, and/or if City Council makes changes:
- Quimby Act provisions of 17.35:
    - Equivalent Fee Due In Lieu of Parkland Dedication: \$112,933.
  - Potential Credits: \$0
  - Dwelling Unit Tax Due: \$120.
- PR5. Summary of Total Fees Due. \$112,933 + \$120 = **\$113,053**

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## **CONDITIONS OF TENTATIVE PARCEL MAP APPROVAL**

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

### **GENERAL**

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

### **ATTORNEY'S OFFICE**

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

### **COMMUNITY DEVELOPMENT**

- C1. The project shall comply with the Conditions of Rezone and Architectural Review approvals (PLN2016-12235).

### **ENGINEERING**

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E5. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E6. After City Council approval of the Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees.

- E7. File and record Subdivision Map to create parcels for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.
- E8. With the Boulevard Style street section, required trees to be planted at the 4' wide planter strip will be conflict with the existing utilities. Any utilities that are in conflict (does not have the minimum clearance from proposed trees) shall be relocated to satisfy City's clearance between utilities and trees and between utilities in accordance with the City Design Criteria and the Boulevard Style street section.
- E9. Placement of proposed utilities shall meet the City's minimum clearance requirements between utilities to utilities and utilities to tree(s).
- E10. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E11. Dedicate required any on-site easements for any new public utility/facility/sidewalk, by means of subdivision map or approve instrument at time of development.
- E12. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E13. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E14. Provide minimum 5' wide sidewalk separated by a 4' wide planter strip along the property frontage on Pomeroy Avenue.
- E15. All proposed driveways shall be City standard ST-5 driveways. The minimum width of the driveway shall be 24'.
- E16. Show and comply City's driveway Triangle of Safety (sight distance) requirement at proposed driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety obstruction areas.

#### **WATER**

- W1. Prior to issuance of Building Permits, the applicant shall submit plans showing existing sanitary sewer laterals and a clean out at the property line for each sanitary sewer lateral. For pipe sizes 8-inch or greater, a sanitary sewer manhole is needed.
- W2. Prior to issuance of building permit, the applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the proposed or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W3. If bio-retention areas are proposed for this project, they shall not be located closer than 5' from any water service and no water facilities shall cross any bio-retention areas.
- W4. All fire hydrants that are located within the frontage of the project site shall be relocated 2' behind the back of walk, in the landscape area, per Water and Sewer Utilities standard detail no. 18.
- W5. The applicant shall submit composite utility plans showing all proposed and existing utilities (including electrical, gas, water, and sewer) and landscaping (trees and

shrubby) so that the Water Department can verify conflicts for proposed water service locations.

- W6. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. The applicant must properly abandon all existing services on the property that will not be used per Water & Sewer Utilities standards, and indicate existing main size, type, and service lateral tap.
- W7. If public water services are installed onsite, the applicant shall provide a dedicated water utility easement around the meters. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement.

## **FIRE**

- F1. Prior to Building Permit Issuance, provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler systems designed in accordance with California Fire Code § B105.1(1).
- F2. Prior to the Start of Construction Fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.

### **Hazardous Materials Closure, Site Mitigation, Demolition Application:**

- F3. Area is known for historical agricultural land use.
- F4. Project shall have a site safety plan to address any potential exposures to legacy contaminants.
- F5. A copy of this plan is to be submitted to Santa Clara Fire Department for review.

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## 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)*

**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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# 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

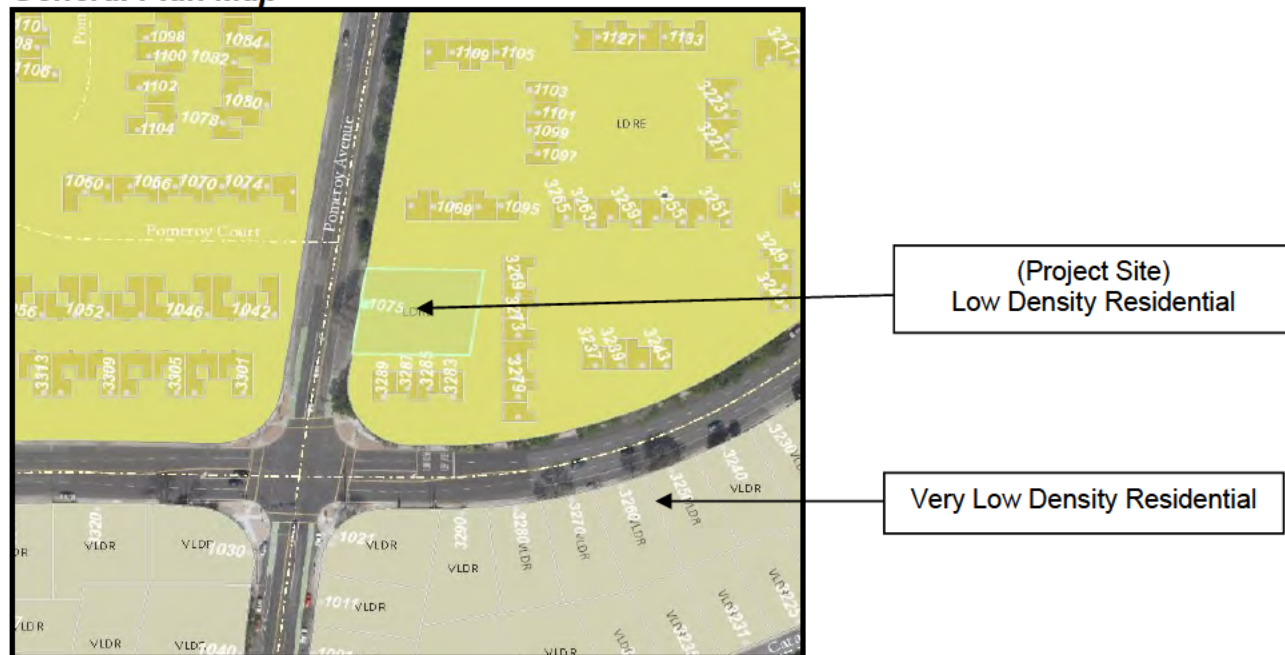
### **Site Location and Context**

#### **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

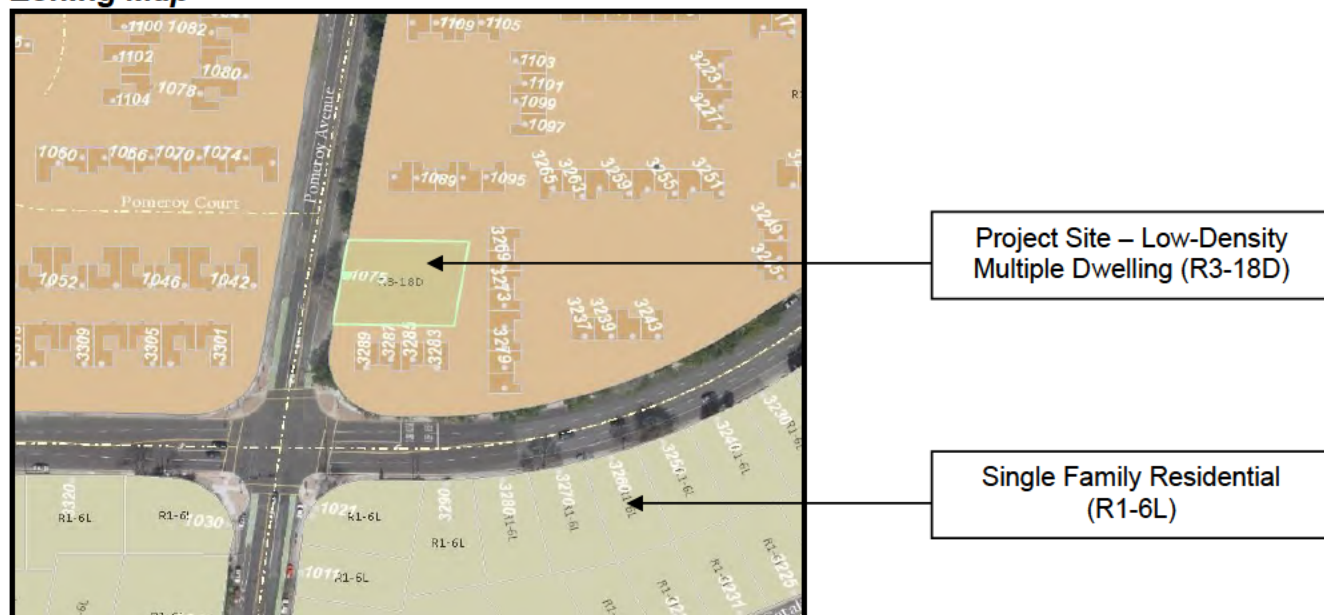
single-family residence with an attached two-car garage. The project site abuts a private park to the north, and private residences yards to the east and south.

### 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*

**Excerpt Historical and Landmarks Commission  
Meeting Minutes of January 4, 2018**

<b>8.A. File No.(s):</b>	<b>PLN2016-12235, PLN2016-12317, and CEQ2017-01032</b>
<b>Location:</b>	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).
<b>Applicant / Owner:</b>	Daryoush Marhamat
<b>Request:</b>	<b>Referral from City Council on the Design Review</b> of four two-story single-family detached residences; other associated Planning Applications include Rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD), and Tentative Parcel Map.
<b>CEQA Determination:</b>	Mitigated Negative Declaration
<b>Project Planner:</b>	Steve Le, Assistant Planner
<b>Staff Recommendation:</b>	<b>Approve</b> , subject to conditions

**Notice:** The notice of public meeting for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet.

**Discussion:** Mr. Le provided an overview of the project to the Commission. The applicants' representative, Leonard Pacheco and Daryoush Marhamat were present for the discussion and gave a brief presentation. The Commission reviewed supplemental documents submitted by members of the public and the applicant. Seven neighbors spoke in opposition of the project, expressing concerns on the historical attributes of the surrounding properties, potential impacts to the Pomeroy Green and Pomeroy West, architectural compatibility, sun and shade impact, lack of carports, privacy impacts from second story windows, and rezoning to PD. Ken Kratz prepared and presented alternatives design for the project site.

Chair Johns clarified the review of this project is to provide design compatibility recommendations to the City Council. The Commission deliberated on the architectural significance of the mid-century modern style, with discussion on design recommendations, including replacing stucco and horizontal sidings to a more subdued material or appearance similar to Pomeroy Green, increasing setbacks and reducing the overall height of the northern buildings to reduce shading onto the neighborhood park to the north of the project site, considering a lower roof pitch to reduce the overall height, redesigning window geometry and framing treatment, and considering carports instead of garages. The Commission also discussed on bringing the project back before City Council consideration of the final design. Staff clarified that the Commission's recommendations would go back to City Council for consideration with the project.

**Motion/Action:** Motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to recommend that City Council considers the neighborhood properties i.e. Pomeroy

Green and Pomeroy West would be potentially eligible for historical designation based on criteria identified in under the California code and the City of Santa Clara adopted ordinance for criteria A, B, and C which is the person, architecture, and event (7-0-0-0).

Motion was made by Commissioner Cherukuru, seconded by Commissioner Standifer that the proposed project currently has some design features that would be considered incompatible to the potentially historic neighborhood and recommend a redesign to reconsider setbacks as respect to shade impact, roof slope, overall height, stucco, horizontal siding, carports instead of garages and window geometry (7-0-0-0).

Motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to recommend that staff facilitate a community meeting to vest the design and find an agreeable solution (7-0-0-0).

Motion was made by Chair Johns, seconded by Commissioner Biagini to recommend that the revised project return to Historical and Landmarks Commission for review and recommendation (5-1-1-0, Johns abstained, Cherukuru opposed).



**Meeting Date:** January 4, 2017

**File:** PLN2016-12235, PLN2016-12317, and CEQ2017-01032

**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

**Request:** **Referral from City Council on the Design Review** of four two-story single-family detached residences; other associated Planning Applications include Rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD), and Tentative Parcel Map.

**CEQA Determination:** Mitigated Negative Declaration

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

**Recommendation:** **Review and comment**

### **PROJECT DESCRIPTION**

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 proposal was considered at a noticed public hearing by the City Council on November 21, 2017. Thirteen members of the public spoke in opposition of the project, expressing concerns regarding the proposed Planned Development, property management, parking, density, and historical/architectural compatibility with the adjacent Pomeroy Green and Pomeroy West residential complex. A letter (attached) prepared by Mineweaser and Associates was presented to Council to recognize the potential historical impact the project may have on Pomeroy Green and Pomeroy West. Following the public testimony, the City Council referred the project to the Historical and Landmarks Commission for a design review on the architectural compatibility of the project.

### **ANALYSIS**

Pomeroy Green and Pomeroy West were built in the 1963 and 1965 by Joe Eichler, a developer known for developing distinctive subdivisions of Mid-Century modern style tract homes. The two properties are not listed as architecturally or historically significant properties in the City's 2010-2035 General Plan. To be considered a significant property, the property owner(s) is required to submit an application to the Planning Division and provide a historical survey of the properties. For this reason, Pomeroy Green and Pomeroy West are only considered as potentially significant.

#### *Design:*

The applicant intends to build contemporary houses that meet the City's Single-Family and Duplex Design Guidelines. The four proposed single-family homes are two-story detached residences with a height varying from 21 feet to 24 feet and nine 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. The building materials include stucco and hardy-plank siding, standing seam metal roof, and wood-trimmed windows. Each unit is designed to have a private landscaped rear yard space. Currently there are two second-story egress windows facing the properties to the south which can be perceived as privacy concern. Existing landscape to the south and additional landscaping proposed will include trees along the perimeter of the project to provide privacy screening. Overall, staff finds that the project is consistent with City's Design Guidelines in massing, architectural style, and landscaping. Privacy is maintained by landscaping along with side and rear yard setbacks. The second floor plan can also be modified to avoid aligning second story windows directly with windows on neighboring properties.

#### *Historical:*

Should the Pomeroy Green and Pomeroy West properties become recognized as architecturally or historically significant properties, the project as proposed would be consistent with the Secretary of the Interior's Standards for Rehabilitation guideline for new construction in historical area. Standard 9 of the guideline encourage new construction to be differentiated from the historical resource, but also maintain compatible massing, size, scale and architectural features. The proposed project is similar in massing and size as it proposes a two-story height and has a low roof profile. The project is within the middle range of the density (8-19 du/acre) allowed for the subject site. The substantial features that are different from the adjacent complexes include the enclosed garage, building material, and window type. The *Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings* suggest new constructions that meet the Standards can be of any architectural style that is traditional, contemporary or simplified version of the historical building. However, new constructions that are either identical to the historic building or in extreme contrast to it are not compatible. As a contemporary style of a mid-century modern style with two-story height and low profile roof, the proposed project is consistent with the Secretary of the Interior's Standards in that it is compatible in massing, size, and scale with the adjacent Eichler development.

#### **ENVIRONMENTAL DETERMINATION**

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 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).

#### **PUBLIC NOTICES AND COMMENTS**

An on-site notification sign was posted at the subject site. The notice of public meeting for this item was posted at three locations within 300 feet of the project site and was mailed to property owners within 300 feet of the project site. No public comments have been received at the time of preparation of this report.

#### **STAFF FINDINGS AND RECOMMENDATIONS**

Staff recommends that the Historical and Landmarks Commission finds the project is consistent with the City's Single Family and Duplex Design Guidelines and the Secretary of the Interior's Standards. Design recommendations from the Historical and Landmarks Commission would be forwarded to the City council for consideration.

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

- 1) *Letter from Mineweaser and Associates*
- 2) *Development Plans*

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CITY OF SANTA CLARA, CALIFORNIA

# **1075 Pomeroy Avenue Residential Subdivision**

RESPONSES TO COMMENTS  
ON THE  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

SEPTEMBER 2017





# **1075 Pomeroy Avenue Residential Subdivision Project**

## **Initial Study/Mitigated Negative Declaration**

### **Responses to Comments**

On August 31, 2017, as Lead Agency, the City of Santa Clara published the *1075 Pomeroy Avenue Residential Subdivision Project Initial Study/Mitigated Negative Declaration* and distributed the document for public review and comment. Prepared in compliance with the California Environmental Quality Act (CEQA), the Initial Study/Mitigated Negative Declaration (IS/MND) documents the environmental review conducted for a proposal to subdivide a 12,383-square-foot property located at 1075 Pomeroy Avenue in the City of Santa Clara into four lots and develop each lot with a two-story single-family home. The property is currently occupied by a single-story single-family home, paved driveway, and landscaping that would be demolished as part of the proposed project. The project would require rezoning of the merged properties to a Planned Development (PD) district.

The Notice of Availability distributed by the City initiated a 20-day public review period that ended on Thursday, September 21, 2017. During the public review period the City received four comment letters via email; no comment letters were received from public agencies.

Although CEQA does not require a lead agency to prepare written responses to comments on an IS/MND during the public review period, the City of Santa Clara has taken the extra step of preparing written responses to the comments received to further inform the public regarding the environmental review process for the proposed project, as well as to assist the City's decision-makers in their consideration of the comments. As stipulated in Section 15074(b) of the *CEQA Guidelines*, the decision-making body of the lead agency must consider all comments received during the public review period prior to approving or disapproving a project.

Each of the comment letters submitted is presented in this document, with brackets separating the letters into individual comments. The City's responses to the comments follow each letter, and are keyed to the numbered comments.

**From:** Lara Ruffolo [REDACTED]  
**Subject:** RE: 1075 Pomeroy Avenue Residential Subdivision Project  
**Date:** September 5, 2017 at 1:27 PM  
**To:** Steve Le SLe@SantaClaraCA.gov

---

LR

Dear Mr. Le,

I oppose the Rezoning of 1075 Pomeroy from RD-18D to Planned Development.

The City should stand by its existing plan for redevelopment, in which 1075 is not slated for any redesignation or redevelopment at all. This pocket-handkerchief of land is surrounded by 17 families of homeowners on 3 sides, all of whom purchased their townhouses adjacent to it with the understanding that the City of Santa Clara had designated the entire block RD-18D. To change this zoning to permit the new owner of this property to stuff another house onto the land is to fly in the face of pre-existing owners and taxpayers. Perhaps it would make the City liable to some legal challenge, as well as permitting construction of homes that will unnecessarily impinge the privacy and peace of adjoining homeowners.

During previous meetings between these owners and a member of the City Planning Division, owners were assured that the City will grant a rezone only if the developer proposes to provide some public good, such as a bike lane or park. Mr. Maharmat's proposal does nothing to benefit residents of Santa Clara. Indeed, it will detract from our quality of life by adding many cars to fight over our limited street parking.

As I have pointed out in previous letters to the Planning Commission and City Council, four-bedroom houses will soon need parking for four cars. Mr. Maharmat's design only accommodates ten of the predictable sixteen needed parking spaces off-street, so we will eventually have six more drivers vying for the limited parking on Pomeroy Avenue.

Just how this justifies adoption of a Mitigated Negative Declaration I can't tell from the plans we have seen. Mr. Maharmat's new design, while an improvement on previous versions such as his five-house plan of two years ago, still jams too many homes onto land that is not zoned to allow them.

The zoning should not be changed just to help one landowner make more money. This landowner, by the way, is not a resident of Santa Clara and has no history with the city that I can trace. His purchase of 1075 Pomeroy was an exercise in speculation, pure and simple, and he's trying to maximize his profit without regard to existing neighbors. Once he builds and sells, he'll be a gone goose.

Why should our City be so eager to accommodate Mr. Maharmat's desire to overbuild on this little parcel of land? He may have purchased it with the understanding that our City development plans are so much meaningless mulch, and that he should be allowed to erect more homes than Low-Density Multiple Dwelling status allows, but that is not the City's problem, nor ours. Let him abide by Santa Clara's original plans for this neighborhood and build accordingly. He can put up four townhouses or an apartment building, as long as they don't impinge on the privacy, light, air, and peace of existing neighbors - if they are in accordance with our current zoning they won't.

Thanks for your attention.

## LETTER A

Commenter: Lara Ruffolo  
Email dated September 5, 2017

- A-1 This comment will be considered by decision-makers prior to deciding whether or not to approve the proposed project. The commenter's opposition to the project is noted. However, the comment does not pertain to the adequacy of the IS/MND, and no further response is necessary.
- A-2 The point regarding an assurance that the City would grant a rezone only if the applicant provided a public benefit does not pertain to the adequacy of the IS/MND, and no response is necessary.

With respect to the impact the project's parking demand would have on street parking, there is no evidence to suggest the project would have a significant impact on street parking. Owners of modest-sized single-family homes do not typically own four vehicles, as asserted in the comment. Each home would be provided with a two-car garage, and two guest parking spaces would be provided on site, in excess of the parking required by the Zoning Ordinance. While it is possible that the combined parking demand generated by residents and visitors could at times exceed the supply of on-site parking and require drivers to find street parking, such demand from four homes that provide more than the required on-site parking would not be continuous or excessive. While the City's decision-makers will consider this comment, CEQA does not consider increased parking demand to be a significant environmental effect.

- A-3 This comment takes exception to the proposed density of the project, and asserts that the project should not be allowed to erect more homes than the Low-Density Multiple Dwelling (R3-18D) zoning district allows, nor should the requested zoning change should be approved, with an associated increase in development density on the site. However, Section 18.16.020 of the Santa Clara Zoning Ordinance allows up to 18 dwelling units per acre in the R3-18D district. With a site area of 12,383 square feet, five homes would be allowed on the site under the existing zoning. In addition, Section 18.16.120 of the Zoning Ordinance establishes a minimum lot area of 2,500 square feet per dwelling unit on lots of 10,000 to 22,000 square feet. The proposed project would substantially exceed this requirement, providing an average of 3,095 square feet per dwelling unit. Thus, the project's density is lower than that allowed by the existing zoning.

**From:** Prasad Kommoju [REDACTED]  
**Subject:** Re: 1075 Pomeroy proposed development  
**Date:** September 18, 2017 at 7:17 PM

PK

**To:** Steve Le SLe@SantaClaraCA.gov

**Cc:** Steve Austin [REDACTED] Dave Fatland [REDACTED] Sunny Chow [REDACTED]  
Michael Alonso [REDACTED] Ianca Pradenas [REDACTED] Peggy Parkin [REDACTED]  
, Pam Wymar [REDACTED] Prasad Kommoju [REDACTED] Lara Ruffolo [REDACTED]  
Diane Harris [REDACTED] Diane O'Hearn [REDACTED] Heather Taylor [REDACTED]  
[REDACTED] Shaliniv Venkatesh [REDACTED] everly Shenfield [REDACTED] Cindy Alderson  
[REDACTED] Ken Kratz [REDACTED]

Mr. Steve Le

,  
Assistant Planner  
Community Development Department

City of Santa Clara

1500 Warburton Avenue

Santa Clara, Ca. 95050

I am Prasad Kommoju, resident of [REDACTED] Santa Clara, CA 95051, which is adjacent to the property at 1075 Pomeroy Ave, Santa Clara, CA.

I am concerned about the decision to change the zoning of the property in question from R3-18D to Planned Development (PD), when it is surrounded by adjacent and across the street properties in R3-18D zoning.

All of the problems we are petitioning about, raising concerns about and spending so much time and energy seem to appear to have been take no notice by the City. The main reason for all of our problems is rooted in the rezoning of 1075 Pomeroy Ave and thus allowing the property to be developed and used in ways that would not be possible without rezoning.

This being the case, the Mitigated Negative Declaration is not applicable regardless of what it claims and not relevant until the City offers a solid and logically defensible reason for allowing the conversion from R3-18D to Planned Development (PD).

I would like to have an explanation which satisfies all of the residents' surrounding the property in question or the City drop the proposal to rezone.


Best Regards,  
Prasad Kommoju  
[REDACTED]

## **LETTER B**

Commenter: Prasad Kommoju  
Email dated September 18, 2017

- B-1 The comment asserts that the proposed rezoning of the property would allow the property to be developed and used in ways that would not be possible without the rezoning. However, as discussed in Response to Comment A-3, up to five single-family homes could be developed on the site under the existing R3-18D zoning. As discussed in the IS/MND, the proposed Planned Development (PD) zoning would allow for minor deviations from the standard development regulations, but it would not allow a use or density that are not already permitted under the existing R3-18D zoning. Please see Response to Comment A-3 for additional information pertinent to this response.

September 20, 2017



Mr. Steve Le  
Assistant Planner  
Community Development Department  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, Ca. 95050

Re: proposed development, 1075 Pomeroy Avenue

Dear Mr. Le:

Please deny the developer's request to change the zoning from R3-18D to Planned Development (PD) for the above referenced project. I have reviewed the updated project plans, the City's zoning ordinances, and the Mitigated Negative Declaration for the proposed project and this project does not meet the minimum requirements to be compatible with the surrounding community, particularly for the surrounding multi-unit housing complexes, Pomeroy Green, a 78 unit complex zoned R3-18D, and Pomeroy West, a 138 unit complex also zoned R3-18D.

The proposed project should be compatible with the surrounding neighborhood, preserve privacy and quiet environment, observe all the current zoning regulations for the property, and be aesthetically sympathetic with the surrounding development. Instead the developer is proposing to provide single-family detached housing, with all the freedoms residents of that type of housing expect, in a multi-unit housing neighborhood, with its many restrictions on personal activities. The proposed development does not in keeping with the existing character and environment found in the neighborhood nor does it provide the attributes found in single-family home neighborhoods found throughout the City.

The City's zoning ordinances that would protect the surrounding neighborhood have been largely ignored and the Mitigated Negative Declaration prepared for this project is so flawed in many of its assessments of the environmental impacts, (namely noise, aesthetics, and land use and planning) that I request you reject the Mitigated Negative Declaration.

It would be nice to have thirty days to review this MND. My neighbors and I noticed a discrepancy in the MND notice that was sent to the neighborhood residents; the notice mentions a thirty (30) day public review period in the "Comments" section and a twenty (20) day public review period in the first sentence of the notice.

I also request you have the developer's architect correct his plans and then allow the public and I more time to review the corrected plans. There are some significant labeling errors on the plans; I discovered in the labeling of the elevation drawings. The "Proposed Type A & A1 West Elevation" drawing, detail # 3, on page A1B, is actually a west elevation of proposed type "B" and "B1".

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proposed development, 1075 Pomeroy Avenue  
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Also, the “Proposed Type A & A1 East Elevation” drawing, detail 4 on drawing A1B, is actually the east elevation of the proposed type “B” and “B1”.

I have the following comments, concerns and objections regarding that proposed project that support my request to deny the developer's request:

I. Mitigated Negative Declaration (MND): Again, the MND is so flawed in its assessment as to the impacts on the environment that I request that you reject the Mitigated Negative Declaration. The MND is flawed in the following areas:

A. Noise: (MND item XII., page 65)

I disagree with the MND finding that noise will not be a problem. I think noise from the development will intrude on the quiet environment of Pomeroy Green.

The MND mentions there will only be a little automobile noise from the proposed development by the coming and going of residents in their motor vehicles. What the authors of the MND report failed to notice is that the project includes four two-car garages, located along the sides of the 1075 property, that will have large sliding-glass doors on the back side of the garages.

Those garages will face the Pomeroy Green backyards and large windows of Pomeroy Green dwelling units (9 units), particularly those in Pomeroy Green building “Q” (4 units) to the south of the development and Pomeroy Green building “F” (5 units) and the Pomeroy Green park to the north of the 1075 property (see Pomeroy Green site plan, attached). The project also includes two (2) additional parking spaces, also on the sides of the property (one on the north and one on the south), that will only exasperate the noise problem. Some noise will intrude upon building “O” to the east as well.

There is the real possibility of noise, such as automobile noise, automotive repair noise, woodworking noise, metalworking noise, power tool noise, and other noise from crafts and do-it-yourself projects coming from those garages and entering the backyards and dwelling units of Pomeroy Green, especially when the sliding-glass doors at the back of the garages are open during good weather. That type of noise will impact the quiet atmosphere in the Pomeroy Green backyards, units and park that surround the 1075 Pomeroy property, particularly Pomeroy Green buildings “Q” and “F” (see attached Pomeroy Green site plan).

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It is important to note that Pomeroy Green dwelling units, for the most part, are not air-conditioned but rather rely on natural ventilation for cooling. Air-conditioning units installed outside are uncommon in the complex and are only installed after approval from the Board of Directors. Windows are often left open day and night to promote natural air circulation.

There is no way to effectively protect the interiors of Pomeroy Green dwelling units from noise; therefore, the proposed project should be sensitive to this fact and eliminate the garages or take other mitigating measures to eliminate the transmission of noise from the garages.

City Staff and the developer have mentioned that the CC&Rs for the proposed project may prohibit those garage activities; however, since this provision was not addressed by the MND and City Planning Department staff tell me that the public is not invited to review CC&Rs, I have grave concerns that the noisy activities will occur. While CC&Rs are important and may contribute to assuaging my fears somewhat, I would prefer to rely on physical improvements or removal of the garages entirely in order to secure the quiet environment of the neighborhood.

The quiet environment in Pomeroy Green (and Pomeroy West for that matter) is assured through several design features and policies. The fact that the carports in those complexes, with one or two exceptions, do not have a direct connection with the backyards; the carports are located at the front of the buildings. So carport noise from Pomeroy Green not only does not enter the backyards, but also noise from those carports is prevented from entering the yard of the 1075 Pomeroy property.

Pomeroy Green further insures the quiet atmosphere of its complex through policies such as not allowing extensive car repair in the complex. Minor repair is allowed and the vehicle must be in operable condition at the end of the day and tools must be removed. Pomeroy Green also prohibits the use of power tools.

It would be hard to imagine that the CC&Rs for the proposed development will be as restrictive as Pomeroy Green. I expect that residents of the proposed development will use their garages in any fashion they please and will open the sliding-glass doors on the backside of the garages allowing noise into the Pomeroy Green complex.

Also, carports are not conducive to extensive car repair, wood working, metal shop working, power tool use and other noise generating activities whereas garages are conducive. The open nature of carports especially inhibits the use of that space for noise generating activities—the noise would deleteriously affect peace and quiet of the dwelling units nearby. There is no way to contain the noise.

The open nature of the carports and the lack of ample storage space makes the noise generating activities mentioned above difficult since it would be troublesome to secure the equipment from theft. In other words, theft of tools and other equipment would be a problem. The addition of storage containers or fixed tables in the carports, installed in order to reduce the theft problem, would create an eyesore. These are not issues with garages.



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In a typical single-family detached home located in a tract, the garage faces the street and may include a man-door usually located on the side of the garage or occasionally on the backside. In those situations, the noise goes towards the street for the most part in the case of an open garage door or, in the case of a man-door, towards the garage on the adjacent property.

It is important to note that in typical tracts, the garages on adjacent properties are next to each other (i.e., grouped in pairs as you look around the neighborhood. Therefore, the noise from the garage, either from the front of the garage or through the man-door on the side of the garage, has a greater path to travel to get to the rest of the home.

Also of note, those tract homes enjoy a minimum of a 20' rear setback so they have a 40' minimum separation between the homes (see zoning ordinance "R1-6L— Single Family") and usually much more along with the layout of the garages just mentioned. The separation proposed by the new development is 35' (20' Pomeroy Green setback plus the 15' setback proposed for the 1075 garages). This proposed setback is too little especially considering the large openings in the rear of the proposed garages.

For comparison, if Pomeroy Green distances are used as a guide, the minimum distance from vehicles located in carports to front yards is about thirty-two feet (32'), the minimum distance from vehicles located in the carports to the units' wall is about forty feet (40') and the minimum distance from a backyard to a vehicle in a carport is about forty-five feet (45'). See attached Pomeroy Green site plan.

Also of note is the fact that noise generated within the proposed development could be an issue for the new residents of the proposed development. There is only a twenty foot (20') to twenty-six and two inch (26'-2") wide motor court between the proposed homes so that noise generated in the proposed garages may enter the interiors of those homes that are opposite those garages. In a normal tract of single-family detached homes, the garages are set back twenty feet (20') from the city street right-of-way line and the city right-of-way is at least sixty feet (60') wide; therefore, the tract homes enjoy one hundred feet (100') separation.

I'm not against these noise generating activities in general; the problem is that these activities are likely in the type of housing being proposed for this development and those activities do not fit in with current environment of the neighborhood where those noise generating activities have been precluded primarily through the design of the existing complexes as described above. In other words, the proposed project belongs in a single family tract neighborhood or perhaps on the edge of that type of neighborhood and not located in the middle of multi-unit housing neighborhood that precludes those activities.

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B. Land Use and Planning: (MND page 61, item X, b, “*Conflict with any applicable land use plan ...*”)

The MND fails to recognize that the proposed development does not meet the intent of the current zoning, R3-18D: to encourage multi-unit housing. That zoning regulation, section 18.16.010, “Intent” states:

“This zone is designed to encourage *lot assembly* to provide quality *multi-unit housing* at a low to moderate density. (italics mine)

The MND erroneously states on second paragraph on page 61 “General Plan Consistency” that :

“The Low Density Residential land use category (R3-18D) is *intended* for single-family dwelling units, townhomes, row houses, and combinations of these residential development types, which may include detached or attached dwelling units.” (italics mine)

The developer's proposal includes only single-family detached homes (not multi-unit housing) on an existing lot that he proposes to subdivide into four smaller lots (not combining with other, existing, adjacent lots) and, therefore, the developer clearly violates the intention of the the current zoning for the lot, R3-18D.

The MND goes on to say in that second paragraph on page 61, “General Plan Consistency”, that:

“The proposed four single-family homes are thus consistent in type and density with the development allowed in the Low Density Residential land use designation.”

What the MND fails to point out is that, for a project this size (12,400 sq. ft.) the current zoning regulation, R3-18 D, states in section 18.16.020, “Intent”, that:

“It is not intended that lots less that twenty-two thousand (22,000) square feet in size provide housing at the maximum density of the zone.”

Therefore the MND statement is overreaching in respect to the intent of the current zoning ordinance for that property.

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The MND fails due to its assessment that the proposed project is consistent with the General Plan in regard to compatibility and sensitivity to nearby existing development; the MND mentions on page 61 that:

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.1 P29** Encourage design of new development to be *compatible with, and sensitive to*, nearby existing and planned development, consistent with other applicable General Plan policies.” (italics mine)

The MND authors fail to notice that the proposed project is not compatible with nor sensitive to the existing development in the neighborhood. The project creates many noise and privacy issues not found in the surrounding multi-unit housing complexes. The buildings in the housing complexes of the surrounding developments feature solid (no windows) in their end walls and, with 90 degree building orientation of adjacent buildings, no building looks directly into another building at close range (see Pomeroy Green site plan). The face to face distances in those surrounding complexes are quite generous and greater than the distances proposed between the buildings of the proposed development. That little separation between buildings is uncharacteristic with the rest of the neighborhood.

Additionally, the aesthetics of the new development only provide a “Modern” look that only mimics the features of the Eichler mid-century modern design of the buildings in the surrounding housing complexes. Those Eichler mid-century modern features are recognizable not only in the surrounding complexes but also in other Eichler mid-century modern developments throughout the south San Francisco Bay Area. Those features have been well documented in guidelines adopted by the nearby cities of Sunnyvale and Cupertino.

The MND fails due to its assessment that the proposed project is consistent with the General Plan in regard to the appropriateness of higher density residential development at this 1075 Pomeroy property; the MND mentions on page 61 that:

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.2 P2** Encourage higher density residential development in *transit and mixed use areas* and in other locations throughout the City where appropriate (italics mine)

What the MND fails to point out is that the 1075 Pomeroy property is not in a transit nor mixed use area. The closest public transit is located a half a mile (1/2 mile) away at El Camino Real (to the north)

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and Kiely Boulevard (to the east) where VTA public transit buses operate. There is no mixed use in the neighborhood either. Therefore, the proposed development should not be allowed to build at higher densities than the current zoning allows nor beyond the intent of that current zoning ordinance (i.e., the proposed development on that 1075 site may need to be designed at lower densities than allowed by the current zoning [see paragraph on project size above]).

The MND on page 62 states:

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.2 P11** Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the *scale, mass and setbacks* of existing or planned adjacent development.” (italics mine)

I disagree with that assessment in the MND. The proposed development does not maintain the existing character and integrity of the established neighborhood in regard to scale, mass and setbacks:

- The proposed development is out of scale with the surrounding neighborhood because it is too tall; the roof on the proposed development is about 25' (24' -8" high on the revised drawings; the MND states the building heights are over 25' ) and the surrounding Pomeroy Green and Pomeroy West buildings are 20' to 21' high.
- The proposed development, is not in keeping with the mass of the surrounding Pomeroy Green and Pomeroy West buildings because the proposal is taller and narrower that emphasizes its verticality as opposed to the horizontal masses of the Pomeroy Green and Pomeroy West Buildings.
- The front setback of the proposed development is 5' closer to the city street (15' setback) than the surrounding buildings of the Pomeroy Green housing complex (about 20' setback per the requirements of the zoning for Pomeroy Green, R3-18D).
- The MND mentions the proposed development does not meet the minimum open landscape requirement (minimum 40% open landscape space) though the project plans indicate the developer meets the minimum (40.11%). There must be a discrepancy between the method used to calculate the open landscape area.
- The MND mentions that some of the other criteria used to determine the character of the proposed development, the current zoning, R3-18D, are not being met: building lot coverage, rear setback and building height. The revised plans do indicate that it meets these criteria (building lot coverage 33.8% [35% maximum allowed], 15' rear setback [15' allowed], 24'-9 1/2" [25' maximum allowed]). The MND must have used the older plans.

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I disagree that the proposed R3-18 D development regulations are the most applicable to the project as mentioned in the second paragraph on page 63 of the MND, that states:

“In the case of the proposed project, *the development regulations promulgated in City Code Chapter 18.16 (Low-Density Multiple-Dwelling Districts) are the most applicable to the project.*” (italics mine)

The proposed development consists of single-family detached homes and therefore, the single family detached zoning regulations with their greater side setbacks (20') would be more applicable.

I disagree with the MND assessment that the deviations from the current zoning (R3-18D) are minor (page 63, “Zoning Ordinance”). Those deviations, if corrected to conform with the current zoning, R3-18D, particularly the front setback, would significantly alter the design of the project. If the required twenty foot (20') front setback was provided, the building footprints would have to be substantially reduced in size.

Increasing the front setback along with a reduction in the height of the building, from 25' down to 22' to 23' for instance, would reduce the mass of the proposed buildings and would be more in character with the existing Pomeroy Green and Pomeroy West building complexes that surround the 1075 Pomeroy property.

I agree that, as the MND mentions on page 62, the PD zoning, if granted, would allow the project to deviate from the standard development regulations. This action would be unfortunate. Those standard regulations, the current R3-18D regulations, help protect the characteristics of the existing neighborhood. The existing neighborhood that surrounds the 1075 Pomeroy property conform to the R3-18D zoning; the proposed development should too.

I disagree that the proposed project meets the criteria for Planned Development. Because the proposed development is not compatible with the existing community for all the reasons I mentioned earlier, the intention of Planned Development, the overarching requirement of Planned Development, is not being met. The City of Santa Clara's zoning ordinance, Chapter 18.54, “Regulations for PD—Planned Development and Combined zoning Districts”, Section 18.54.010, “Intent” states:

This district is *intended* to accommodate development that is *compatible* with the existing community...” (italics mine)

Again, the project is not compatible with the existing community that surrounds the project site.

Based on my discussion above, the MND fails to interpret the City's zoning ordinances (R3-18D, Planned Development, and single-family detached home zoning ordinances) correctly, therefore I

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disagree with the MND findings. Based on my review of the zoning ordinances, the proposed project does conflict with applicable land use policy and regulations for the City that has jurisdiction over the project for the purpose of avoiding or mitigating an environmental effect.

C. Aesthetics: (MND, page 21, item I., c, “Substantially degrade the existing visual character or quality of the site and its surroundings.”)

I disagree with the MND authors that the proposed project would have a less-than significant impact on the visual quality of the site. I disagree with the findings of the MND that the proposed development is consistent with and compatible with the other two-story residential development surrounding the site. The development would constitute a substantial degradation in the visual character of the surroundings.

The MND fails to take into account the views of the project from the Pomeroy Green park on the north side of the 1075 Pomeroy property. This is one of our most used recreation areas in the complex. The proposed building is unattractive from that viewpoint (and all viewpoints for that matter) since it is not in sympathy with the Eichler mid-century modern design of the Pomeroy Green complex.

The MND mentions that the garage doors of the proposed development will only be slightly visible, indicating to me that the authors of the MND consider the view of the doors somewhat to be an eyesore and maybe out of place in the neighborhood. The complexes in the neighborhood, Pomeroy West and Pomeroy Green, both have carports that face the street that are a highly visible solution to the motor vehicle storage problem and lets not forget that almost all the single family home tracts in the City have garages that face the street.

The MND authors' value judgments in regard to the visibility of the garage doors unfortunately undermines other solutions to storing motor vehicles that in fact will eliminate some environmental issues, such as keeping garage activity noises and automotive noise away from the backyards of the surrounding properties, particularly since the garages in the proposed development feature sliding glass doors at the back of the garage that faces the surrounding development.

I think the buildings in the proposed development are contemporary in design but find they are inconsistently treated on the various elevations and none of the features are related in any way to the surrounding Eichler mid-century modern design. The front of the proposed buildings receive all the features and the back and sides little to none—the sides and back are bland.

The contemporary design is not in keeping with the surrounding development. The surrounding development is not contemporary, rather it is a period piece of Eichler mid-century modern design that is over fifty years old and has its own very specific aesthetic standards. Those standards can be found in the Eichler Design Guidelines adopted by the nearby cities of Sunnyvale and Cupertino.

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The architectural details that the MND cites (architectural details such as chimneys, stone veneer, and contrasting walls of stucco and horizontal stained wood siding) are not sympathetic to the architectural details of the surrounding development (concrete masonry units, stucco panels rather than walls, vertically grooved plywood siding to name just a few of the architectural details that make those Eichler mid-century modern developments, Pomeroy Green and Pomeroy West , distinctive.

The MND mentions the City's Architectural Committee will ensure the project conforms to Santa Clara's adopted Community Design Guidelines. What the MND fails to report is that some of the provisions in those guidelines, if applied, would substantially alter the proposed development.

Some of those provisions are:

- 1) "Second story window and balcony locations should be sensitive to nearby residences and private yards." (page 2-B) The privacy of the surrounding development's backyards (Pomeroy green building "Q"), to the south of the 1075 property, and the Pomeroy Green park, to the north of the 1075 property, will be compromised.
- 2) "Architecture style should be suitable for the immediate neighborhood." (page 3-B) The immediate neighborhood is composed of two architecturally significant complexes, Pomeroy Green and Pomeroy West, that are designed in the Eichler mid-century modern style. That style is distinctive for its horizontal massing, large floor to ceiling glass windows and sliding glass doors positioned at regular intervals across the facade of the buildings, large roof overhangs, visible structure (posts and beam construction and projecting elements), vertical grooved plywood siding, panel construction, tongue and groove roofing, and windowless end walls of buildings to provide acoustic and visual privacy between adjacent buildings that are oriented 90 degree to one another are just a few of the significant design features that are totally different from the buildings of the proposed development. If the massing (currently vertical orientation), windows (currently windows on all sides of the buildings located in irregular patterns), the roofing slope and materials used in its construction (currently steep slope and asphalt shingles), the type of windows (casement) of various sizes, and structure (currently hidden in the typical wood frame construction) to name just a few items, were in keeping with the surrounding Pomeroy Green and Pomeroy West development, particularly the orientation of the windowless end-walled buildings oriented 90 degrees to each other, the proposed development would be substantially altered to the point that the drawings would have to be redrafted and resubmitted to the Planning Department for review and the planning Commission for approval.
- 3) "Building height and bulk should be appropriate relative to nearby properties." (page 4-B and page 13) The proposed development is too tall and therefore out of scale (4' feet taller than the surrounding Pomeroy Green development (due to the sloped roof that provides the 12' high ceiling on the second floor of the proposed buildings). The proposed building's mass is

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vertically oriented and emphasized by vertical windows that span between two stories in the front of the building while the nearby properties, Pomeroy Green and Pomeroy West, have buildings that emphasize horizontal massing that is relived by the vertical panel construction, vertical grooved plywood siding, and the floor to ceiling glass windows and sliding-glass doors.

The higher roof of the proposed development will block the cooling breezes (wind impacts) from the north during the summertime from entering the Pomeroy Green building "Q" (it is next to impossible and would be unsightly to install central air conditioning in the Pomeroy Green buildings due to the building's lack of an attic and the flat roofs where the units would be easily seen). Inclusion of any of these architectural elements common in the surrounding development in the proposed design would alter the design to the point that the drawings would have to be redrafted and resubmitted to the Planning Department for review and the Planning Commission for approval.

The MND and the City fails to consider quality of the surrounding properties in that the surrounding properties contain the historic and architecturally significant housing complexes, Pomeroy Green on the north, south and east sides of the 1075 property and Pomeroy West, across the street from and to the west of the 1075 Pomeroy property. That City recognition would require further scrutiny by the City, the neighborhood residents, and the public of the proposed development for the 1075 property in order to determine if it is compatible with those surrounding properties.

The City of Sunnyvale has adopted standards for development that occurs near Eichler neighborhoods (see attached standard). The City of Santa Clara should adopt similar standards in order to assist in the review of the proposed development for the 1075 Pomeroy property.

**According to the City of Santa Clara Historic Preservation and Resource Inventory, section 8.9 of the City's General Plan, the City has the jurisdiction to nominate properties to be listed on the inventory if those properties meet certain criteria. Those criteria are:**

\* Must be a qualified historic resource: Any building, site, or property in the City that is 50 years old or older and meets certain criteria of architectural, cultural, historical, geographical or archaeological significance is potentially eligible.

*Pomeroy Green was completed in 1963 and is over 50 years old and meets the criteria for architectural and historical significance.*

\* To be historically or culturally significant, a property must meet at least one of the following criterion (six criterion mentioned):



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The site, building or property has character, interest, integrity and reflects the heritage and cultural development of the city, region, state, or nation.

*Pomeroy Green has character, interest and integrity that reflects the heritage and the cultural development of the region.*

*Pomeroy Green is a rare example of mid-century modern architecture in the City of Santa Clara and the residents of those complexes have, for the most part, maintained the integrity of that architectural design for over fifty years.*

*The layout of the buildings, in a cluster fashion with common open space that connect the residents of the community, makes this housing complex interesting. The landscaping with the abundant mature trees in the common open spaces of the complex as well as along the public streets are exceptional in our City and reflects our city's on-going environmental concerns.*

*Pomeroy Green is of such great interest that it has become a tourist destination. A group of architects from a Scandinavian country recently toured our buildings and grounds.*

The property is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

*Pomeroy Green is associated with the famous and nationally recognized S.F. Bay Area housing developer, Joe Eichler. He contributed significantly to the political, social and cultural life of the community. In the book Design for Living, Eichler Homes, (1995) by Jerry Ditto and Lanning Stern, it mentions that Eichler Homes was the first large tract builder (in the United States[context of paragraph]), to sell houses to African-Americans. (page 97)*

A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.

*Pomeroy Green is an early example of new development patterns in local area history. Pomeroy Green and Pomeroy West are early examples of cluster housing in the State. An article about Pomeroy Green was featured in a national publication of the period, Look magazine; the article was entitled "Solution for Suburbia"*

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*Pomeroy Green was also featured in a book, Cluster Development, 1964, by renowned urbanist and journalist William Wyte.*

*Pomeroy Green has been featured in the California Modern magazine, a quarterly publication distributed in regional additions to mid-century modern households throughout California.*

*Pomeroy Green is also mentioned in the definitive architectural guide for northern California, The Guide to Architecture in San Francisco and Northern California, 1985, revised edition, page 185-186, by David Gebhard, Roger Montgomery, Robert Winter, John Woodbridge, and Sally Woodbridge along with Eric Sanweiss. In the entry about the two complexes the authors state:*

*“These two tracts were among the pioneering townhouse developments that triggered the wave of planned unit, high density, attached housing that had by the 1970s all but captured the mass home housing market in California. Starting in the 1950s, architects advocated such solutions in place of the sprawl of single family detached housing. These twin projects, thanks to the enlightened sponsorship of Joe Eichler, helped make the architects' dreams prevail.”*

\* To be architecturally significant, a property must meet at least one of the following criterion:

The property characterizes an architectural style associated with a particular era and/or ethnic group.

*Again, as mentioned in the historical criteria above, Pomeroy Green's buildings are rare examples of mid-century modern architecture in the City of Santa Clara.*

The property is identified with a particular architect, master builder or craftsman.

*Pomeroy Green was designed by Claude Oakland, the famous S.F. bay-area modernist architect.*

The property is architecturally unique or innovative.

*Pomeroy Green is both architecturally unique and innovative. The dwelling units are architecturally unique because they feature an indoor-outdoor/private yard relationship due to the large expanses of glass and sliding-glass doors that connect the two areas visually and physically.*

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*Pomeroy Green's multi-unit buildings are architecturally innovative because the end walls on the buildings are windowless and provide privacy for adjacent buildings that are oriented to look onto those walls and the landscaped common open spaces between the buildings rather than look into dwelling units.*

The property has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.

*Pomeroy Green has a strong and unique relationship to Pomeroy West located across the street. Pomeroy West is over fifty years old and is also potentially eligible for preservation because of its architectural significance. Pomeroy West was developed by the same developer and designed by the same architect in the same architectural style as Pomeroy Green. Pomeroy West includes additional architectural features such as dwelling units that feature an atrium.*

The property has a visual symbolic meaning or appeal for the community.

*Many residents of the City in addition to the residents of Pomeroy Green enjoy the flowering trees that are planted in front of our units. These trees provide the passerby a dramatic color display.*

A building's unique or uncommon building materials, or its historically early or innovative method of construction or assembly.

*Most of the bearing walls run normal to the walls with windows and are made of reinforced concrete masonry units that support the roof. This structural system allows the window walls to be free of loading (non-bearing); that in turn allows the extensive use of floor to ceiling glass windows and sliding-glass doors.*

A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

*The interiors of Pomeroy Green dwelling units feature a functionally superior open-plan on the first floor. The open nature of the interior (few interior walls) allows for improved natural ventilation. Supplemental mechanical air-conditioning units are not in wide use at Pomeroy Green.*

*Pomeroy Green features carports (one-car carport per dwelling unit) integrated with the dwelling unit. This architectural feature provides many benefits: it allows for improved day-lighting of the auto storage area and the entry door area as well as providing rain cover for those activities.*

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*The flat-roof carports also make the buildings look less massive and more human in scale compared to buildings that feature garages.*

*Pomeroy Green features radiant floor heating throughout the dwelling unit.*

*The dwelling units feature the expansive use of glass to connect the outdoors visually with the indoors. This provides visual interest for occupants in addition to providing more natural daylight inside the unit.*

*Pomeroy Green features skylights. This feature further increase the natural daylight in the units.*

*Functionally, Pomeroy Green features four bedrooms and 2-1/2 baths in a space of only about 1,400 sq. ft. It also includes a washer dryer area on the second floor, near the four bedrooms, that simplifies the laundry work.*

Using the City of Sunnyvale's "Eichler Design Guidelines" (two pages from the guide are attached) as a checklist to determine if the proposed development is compatible with the existing Eichler Style complexes in the neighborhood, Pomeroy Green and Pomeroy West, the proposed development should have more elements in common with those surrounding complexes. The guidelines stated purpose is to preserve the unique characteristics of Eichler homes and their neighborhoods. Those unique characteristics included in the Eichler Design Guidelines are:

Incorporate a Modernist Style sympathetic to the forms and style of the Eichler homes nearby. (paragraph 3.7.1, page 21)

Use simple floor plans with rectangular shapes similar to Eichler homes.

*Proposal mostly OK..*

Provide front facade offsets and/or insets similar to typical Eichler floor plans.

*Proposal does not have any offsets or insets on the front facade; the proposal provides a porch which is not sympathetic to the Eichler design. The porches are setback from the second floor so that a soffit is created on the side of the buildings. Therefore, the proposal is not sympathetic to the Eichler style of the surrounding Pomeroy Green and Pomeroy West complexes.*



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Provide a strong horizontal emphasis to the home design.

*The proposal has a strong vertical emphasis particularly the use of stone veneer that goes partially up the front wall and a narrow window in the staircase that extends from near the top of the first floor to the top of the second floor. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

Use flat or low pitched roofs with wide overhangs. Steeper pitches may be allowed in neighborhoods with Eichler homes which utilized steeper pitched roofs.

*The shed roof further emphasizes the vertically of the design of the proposal and is out of place in the neighborhood; in other words, the shed roofs of the proposal is not sympathetic to the flat roofed Pomeroy Glen and Pomeroy West complexes.*

Use post and beam construction methods.

*The proposal uses bearing wall construction unlike the post and beam construction of the Pomeroy Glen and Pomeroy West complexes. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

Use building volumes that are compatible with the surrounding Eichler neighborhood.  
(paragraph 3.7.2, page 22)

If a two-story house is proposed:

- Limit floor-to-floor heights to a maximum of 10 feet..

*The proposal has 12' high ceilings on the second floor; this is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes that feature 9' floor to floor heights. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

- Provide large second floor roof overhangs of at least 3 feet.

*The proposal includes overhangs only 1' long; this is not sympathetic to the 3' overhangs at the rear of the buildings of the surrounding Pomeroy Glen and Pomeroy West complexes.*



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- Hide some detail elements at the second floor line to relate to the one story height of nearby Eichler homes. Some techniques include:

- a. Deeply recessed garage doors.

*The proposal does not recess the garage doors. Pomeroy Green and Pomeroy West have projecting and, at the same time, recessed carports. Pomeroy West has some single story homes.*

- b. One-story elements forward of two-story walls.

*The proposal does include a steeply pitched roofed porch on the first floor of the front facade; though, because of the slope of that roof, this is not sympathetic to the Eichler style of the surrounding Pomeroy Green and Pomeroy West complexes. Pomeroy Green and Pomeroy West have projecting carports.*

- c. Horizontal projecting bands.

*The proposal has no projecting bands in the Eichler style nor does Pomeroy Green and Pomeroy West.*

- d. Trellis elements.

*The proposal has no trellis elements nor does Pomeroy Green and Pomeroy West.*

Use crisp exterior wall materials organized into wall and window panels similar to the Eichler modernist design spirit. (paragraph 3.7.3, page 22)

- Vertical or horizontal grooved siding.

*The proposal is not sympathetic because it includes some 1" X 4" horizontal wood siding. Pomeroy Green and Pomeroy West have vertical grooved siding.*





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- Stucco panels.

*The proposal has stucco walls but the large amount is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes. Those complexes use stucco panels to visually connect the first and second story windows at the rear of the buildings creating a panel effect.*

- Brick or concrete block.

*The proposal does not include any of these materials. Pomeroy Green and West have concrete block walls.*

- Smooth stone veneer.

*The proposal includes irregular shaped stone veneer and is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes. Pomeroy Green and Pomeroy West do not have stone veneer.*

- Shingles.

*The proposal does not use shingle as a siding material nor does Pomeroy Green and Pomeroy West..*

Design with window shapes and types that are compatible with the Eichler Style.  
(paragraph 3.7.4, page 22)

Use fixed, sliding or casements windows.

*Somewhat sympathetic to the Eichler style; the design includes some casement windows and some fixed window panes but also includes some awning windows. Some fixed pane windows are in combination with the awning or casement windows; is somewhat sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

*Pomeroy Green and Pomeroy West complexes include floor-to-ceiling fixed pane windows in combination with floor-to-ceiling sliding-glass doors as well as floor-to-ceiling double hung windows combined with a fixed pane window. Those windows are in regular/repeated combinations on the front and rear sides of the buildings.*

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*Pomeroy Green and Pomeroy West have windowless walls on the ends of the buildings. The proposal has a mixture of different size windows with various sill heights and operation (casement, awning, double hung) on all sides of its buildings; the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

Use windows with small jamb, head and sill profiles.

*Profiles of the proposal not determinable from drawings.*

Avoid bay windows - especially on the primary facades that face the street.

*The proposal does not include any bay windows.*

Avoid arched and oddly-shaped window forms that are not commonly seen on original Eichler homes.

*The proposal does not include these forms but it appears it does include muntins (a strip of wood or metal separating and holding panes of glass in a window, also called glazing bars.). The muntins in the windows of the proposal are not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

## II. Other problems:

I request that the Planning Commissioners review the problems with the proposed development that I described above in the Mitigated Negative Declaration section of this letter (i.e., noise, land use planning, and aesthetics) as well as review the additional problems I describe below.

The proposed division of the 1075 Pomeroy property into four (4) lots that are individually owned is unlike and incompatible with the common ownership model of the complexes surrounding the 1075 property, Pomeroy Green and Pomeroy West, and, therefore, may cause the following problems:

1. Increase in noise from landscaping and building maintenance.

Since each owner will be responsible for their own landscaping and building maintenance on their own property in the proposed development. The surrounding neighborhood may

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experience four different days of noisy maintenance activities and most likely some of that work will be conducted on the weekends when there is time to do the work by the owners. Currently, Pomeroy Green maintenance work, landscaping and building, is conducted during working hours during the normal work week.

2. Increase in neighborhood involvement with the City and those future property owners in the proposed development as those property owners request changes to the property into the foreseeable future.

Since each owner will be allowed to make modifications to their individual properties on that 1075 Pomeroy site (e.g., garage conversions, additions, additional parking areas for recreational vehicles and other motor vehicles at the front of the site, etc.) on parking on with public review, the neighborhood residents will have to vigilant to protect their interests into the foreseeable future. This may become a nuisance for the new residents as well as the existing neighborhood. The public review, the application process and City staff's time to review and process those requests will certainly increases the burden of government.

Contrast that foreseeable future with the neighborhood's past; Pomeroy Green and Pomeroy West, with their common ownership model, remain mostly unchanged since their original development over fifty years ago. The neighborhood is predictable and stable; they have made few changes to their complexes that required extensive City and public review. It seems unreasonable to subject the neighborhood to the individual ownership model with these problems.

3. Lost opportunity to increase affordable housing stock in the neighborhood.

The single-family homes on their individual lots proposed by the developer will certainly be more expensive to own than the other options in the neighborhood such as the the multi-unit housing that is Pomeroy Green (cooperative) and Pomeroy West (condominium) not to mention the other cooperative, Twin Pines, and the other apartments that are on Pomeroy Avenue.

There are plenty of single-family housing options in the neighborhood already, we do not need more of them.

4. The CC&Rs for the new development may be minimal and may be ignored by those residents.

The single-family homes on their individual lots proposed by the developer will most likely lend itself to limited CC&Rs that have few policies restricting the activities of the residents.

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That may reduce the quality of the environment for existing residents in the surrounding multi-unit housing (e.g., noise coming from the garages, landscape and building maintenance noise, pet noise). Those activities are more tolerated in a neighborhood that has the same type of ownership pattern (single-family home tracts) where single-family detached home owners expect to be allowed to engage in those activities. The complexes are just too close in proximity and too different in their respective policies and expectation for them to be successful; they certainly don't complement each other.

The CC&Rs may be ignored by those new residents in the proposed development. The CC&Rs may be unenforceable by the other members of that new community because of the individual nature of ownership; those other members probably will have to take the offender to court. This differs sharply from the legal powers of cooperatives, like Pomeroy Green; when their members violate policies, the cooperative can fine the offender or require the offender to leave the complex.

Residents of Pomeroy Green will most likely have to tolerate activities occurring in the proposed development, due to the lack of strict CC&Rs or due to the lack of enforcement, that are prohibited in Pomeroy Green. Again, the complexes are just too close in proximity and will be too different in their respective policies and expectations for them to be successful; they certainly don't complement each other. I predict there will be conflicts that may be unsolvable between the residents of the proposed development and the residents surrounding Pomeroy Green due to some of the concerns I mentioned above.

5. Loss of privacy due to the windows of new development, particularly those on the second floor, facing existing dwelling units to the south of the project site (Pomeroy Green building "Q") as well as overlooking the backyards in the building "Q".

6. According to the MND, the rear and side yards would be finished with bark mulch, leaving landscaping up to the individual future home owners. Because the 1075 Pomeroy property will be subdivided into four lots and those yards on those lots, which represent most of the landscaping on that 1075 property, will be maintained by each owner separately and the level of maintenance may be variable, of various levels of upkeep, and may be subjecting the residents of the surrounding properties (Pomeroy Green and Pomeroy West) to additional noise from maintenance operations being conducted on four rather than the one owner/landscape company. In other words, the landscaping on those four 1075 Pomeroy lots may become run down and/or maintenance will be conducted separately on four different days creating a constant buzz of landscape maintenance activity.

As you can see, I have described many problems this proposed development will create for Pomeroy Green and the surrounding neighborhood. Please deny the developer's request to change the zoning from R3-18D (multi-unit housing zoning) to Planned Development (PD) for the 1075 Pomeroy Avenue

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property. I would like to see a new design that is compatible with the existing community that surrounds the proposed development, has the correct front setback, addresses noise and privacy issues and whose architectural aesthetic is sympathetic to the surrounding Eichler mid-century modern designed complexes, Pomeroy green and Pomeroy West.

Thank you for taking the time to review and consider my requests.

Sincerely,

Ken Kratz  
resident, Pomeroy Green Cooperative  
Pomeroy Green building "Q"

attachments:

Pomeroy Green site plan  
City of Sunnyvale "Eichler Design Guidelines" (two pages)

## LETTER C

Commenter: Ken Kratz  
Letter dated September 20, 2017

- C-1 The comment asserts that the proposed project is not in keeping with the existing character in the surrounding neighborhood, but does not provide any evidence in support of this assertion. The IS/MND presents evidence that the project *is* consistent with the neighborhood. For example, as noted on page 22, in comparison with the existing development on the project site, the proposed project would be more similar in height, massing, and density to the existing development bordering the site on all four sides. The proposed project is an attractive design that would not radically alter the visual character of the site or cause a substantial degradation in the visual character of the site and surroundings. The proposed development would be consistent with the density allowed under the existing zoning, as discussed in more detail in Response to Comment A-3, and the increase in development density would render the project more consistent, not less, with the existing surrounding development.

The comment also asserts that the project does not provide the attributes found in single-family residential neighborhoods elsewhere in the City, but does not specify what these missing attributes are, so no substantive response is feasible. However, as a general response, as discussed in Section X of the IS/MND, the project would be consistent with the use and density allowed under both the existing and proposed zoning.

- C-2 The comment asserts that the Zoning Ordinance has been ignored and the analysis of noise, aesthetics, and land use/planning impacts presented in the IS/MND is flawed, but provides no evidence in support of the assertion and does not specify any particular flaws. The project's consistency with the Zoning Ordinance is discussed in detail on pages 62-63 of the IS/MND. It is the City's position that the analysis of the project's potential noise, aesthetics, and land use/planning impacts have been adequately assessed and disclosed in the IS/MND.
- C-3 The commenter takes exception with the 20-day public review period. However, as established in Section 15073(a) of the *CEQA Guidelines*, a lead agency is required to provide a public review period for a proposed mitigated negative declaration of not less than 20 days. In the case of the proposed project, the City actually provided 22 days for public review.
- C-4 The commenter is referencing titles and numbers that do not correspond to the elevation figures (Figures 6 through 9) presented in the IS/MND, and the labels on the figures appear to be correct. However, in the event that one of the elevations is designated "west" when it should be designated "east," this would be a minor clerical error and would not materially affect the analysis of environmental effects presented in the IS/MND.
- C-5 Section 18.16.130 of the Santa Clara Zoning Ordinance requires each dwelling unit in the R3-18D district to provide a garage or a carport. By providing enclosed garages instead of carports, the project would minimize the noise effects the commenter expresses concern about. Garages are an accepted, and often mandated, component of single-

family residential development throughout the State and the rest of the country. Under general usage typical to most homeowners, the owner will start the car and exit the garage and property for the intended trip, and will reverse the process upon returning home. The amount of noise generated by this activity is negligible and lasts for just a few moments. Even with the sliding glass doors, which residents can be presumed to keep closed and locked most of the time for security reasons (just as people don't leave their front doors open), the offsite transmission of noise from the ingress and egress of resident vehicles would be negligible and would have no potential to exceed the City's noise standards or result in a substantial permanent increase in ambient noise levels in the project vicinity existing without the project, which are the applicable thresholds of significance under CEQA.

Although noise from autos parking or departing private residential garages would be negligible and is a non-issue under CEQA, a few other points on this subject are worth mentioning:

- The garage door openings would be oriented internally to the project site. Thus, noise emanating from open garage doors would be effectively blocked by the two-story buildings.
- The sliding glass doors would be double-paned and would effectively block auto noise generated by vehicle start-up from propagating any distance from the garage façade.
- A solid wood 6-foot-tall privacy fence would extend along the rear of the units, providing an additional noise barrier.
- Any landscaping provided in the rear yards by residents would provide additional sound absorption.

The commenter also expresses concern about noise from do-it-yourself projects conducted in the garages, including noise from auto repair, woodworking, metalworking, and use of power tools. Though this is by no means a ubiquitous component of residential life, some residents may on occasion engage in these activities in their garages. One of the aspects of urban living is that residents are at times exposed to annoying activities by their neighbors, whether it's having a loud party, a backyard barbeque, revving a motorcycle engine, an argument between residents, a barking dog, a radio played too loud . . . the list goes on. Solutions typically include forbearance of a temporary annoyance, discussion with the offending neighbor in a case of repeated or extended offense, turning up one's own radio . . . again, the list goes on, but generally only includes legislated remedies in extreme cases. The speculative possibility that a homeowner may infrequently and temporarily generate noise within their garage for a personal project does not rise to the level of a significant effect on the environment that is the purview of CEQA.

- C-6 As explained in Response to Comment C-5, above, the project would not have a significant noise impact, and there is therefore no nexus under CEQA to impose CC&Rs on the proposed project related to activities the property owners may engage in the privacy of their enclosed garages. The City may decide to impose activity restrictions as a condition of project approval, but this is not required under CEQA, based on the noise analysis presented in the IS/MND.

The comment also discusses at some length the noisy nature of carports. As noted above, the project would provide enclosed garages, not carports.



- C-7 As noted in Response to Comment C-5, the garage doors would face internally to the project site, and would be surrounded by the two-story buildings, which would substantially block noise generated by vehicles entering and exiting the garages. See Response to Comment C-5 for additional discussion. The comment goes on to discuss setbacks in “typical tracts,” but the salient issue is whether the proposed project would result in a significant noise impact under the provisions of CEQA. The analysis summarized in the IS/MND demonstrates that it would not.
- C-8 The comment misinterprets the meaning of Zoning Ordinance Section 18.16.020 (the intent of the R3-18D district is set forth in Section 18.16.020, not Section 18.16.010) in asserting that the district is only intended for multi-unit housing. This is clarified and reinforced by Section 18.16.030, which lists “Permitted uses.” The first item listed in Section 18.16.030 is “single-family dwellings.” Thus, the Zoning Ordinance explicitly makes clear that the proposed use is a principal permitted use in the R3-18D district. The assertion that the applicant’s proposal “clearly violates the intention of the current zoning for the lot” is patently false.
- C-9 The points asserted in this comment were previously addressed in Response to Comments A-3 (density) and C-8 (type of use).
- C-10 The issue of compatibility with surrounding land use is addressed in Response to Comment C-1. The issue of noise is addressed in Response to Comments C-5, C-6, and C-7. The comment pertaining to the architectural style is not under the purview of CEQA. Whether or not it precisely mirrors other architecture in the neighborhood, the project would not have a significant adverse aesthetic impact, as documented in Section I of the IS/MND. Regarding General Plan consistency, the project would provide higher density residential development within a mixed-use area, as described on pages 14 through 17 of the IS/MND. Even if an argument could be made that the project does not further General Plan Policy 5.3.2-P2, the project clearly does not conflict with this policy.
- C-11 The project’s consistency with the surrounding neighborhood is addressed in Response to Comment C-1. As discussed in Section X(b) of the IS/MND, the project would have minor deviations from setback requirements, but these deviations would not constitute a significant deviation from the applicable development regulations or cause a significant environmental impact.

Regarding the landscaping requirement, based on plans reviewed during preparation of the IS/MND, the project was providing 39.22 percent of the site as landscaping, as noted on page 63. Although this is a very minor deviation from the required landscaping that would be addressed under the requested PD zoning, subsequent revisions in the plans increased the landscaping allotment such that the project now conforms with the 40-percent requirement. As noted in the comment, the project is now in closer conformance with other applicable development regulations as well. The project is also now under the maximum allowed building height, though an exceedance of the height limit was identified in the planning analysis presented in the IS/MND. These minor design revisions, which bring the project into closer compliance with the R3-18D development regulations, do not invalidate the analysis of potential environmental impacts summarized in the IS/MND.

- C-12 The zoning regulations for the R3-18D zoning district are appropriate because this is the zoning currently assigned to the project site and the surrounding property on all four

sides, and because the proposed project is consistent in land use and density with the R3-18D district.

- C-13 The front setback ranges from 15 feet to 18-½ feet, which would reduce the massing of the building as viewed from the street frontage. As noted in Response to Comment C-11, the project's height has been reduced and it is now 4 inches under the 25-foot height limit. The proposed two-story buildings would be very comparable in height to surrounding buildings, and would be much smaller in massing. The comments are noted and will be considered by decision-makers prior to deciding whether or not to approve the proposed project. However, these comments do not pertain to the adequacy of the IS/MND, and no further response is necessary.
- C-14 As stated in Response to Comment C-11, the project plans have been revised to bring the project into even closer conformance with the development regulations. There is no evidence that the project would detract from the character of the existing neighborhood. It will be up to the City's decision-makers whether to approve the requested PD zoning, which would establish the specific development regulations for the project. Regarding the general assertion that the project conflicts with applicable land use policy and regulations, please refer to all of the previous responses to this comment letter.
- C-15 The analysis presented on pages 21-23 of the IS/MND makes a strong case that the project would not substantially degrade the existing visual character of the site and surroundings, and the comment provides no evidence to the contrary. Details on architectural design will be considered by the City's Architectural Committee, but are not within the purview of CEQA.
- C-16 The issues of height and massing have been addressed repeatedly in the preceding responses. Regarding the architectural details, see Response to Comment C-15.
- C-17 The comment implies that the Pomeroy Green development could be added to the City of Santa Clara Historic Preservation and Resource Inventory, and cites considerable detail in support of this assertion. However, no evidence is presented to indicate that the existing building on the project site is historically significant. As concluded in Section III of the IS/MND, with incorporation of Mitigation Measures CR-1 and CR-2, the project would have a less-than-significant impact on historic resources. Also see Response to Comment C-15.
- C-18 These issues of noise and neighborhood compatibility have been addressed in the preceding responses to this comment letter.
- C-19 These issues of noise and neighborhood compatibility have been addressed in the preceding responses to this comment letter. The issues raised in the comment do not pertain to the adequacy of the IS/MND, and no further response is necessary. As previously noted, the City's decision-makers will consider these comments prior to making a decision on whether or not to approve the proposed project.
- C-20 These issues of noise, zoning consistency, architectural design, and neighborhood compatibility have been addressed in the preceding responses to this comment letter. The City's decision-makers will consider these comments prior to making a decision on whether or not to approve the proposed project.

**From:** Nicholas H Rossi [REDACTED]  
**Subject:** 1075 Pomeroy Ave., Santa Clara, CA 95051, proposed development there  
**Date:** September 20, 2017 at 6:55 PM  
**To:** Steve Le SLe@SantaClaraCA.gov

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NR

Steve Le, Assistant City Planner for the City of Santa Clara

Dear Mr. Le,

I don't like the Mitigated Negative Declaration concerning this proposed development because of:

1. Noise;
2. Architectural aesthetics. The proposed development is not compatible with the surrounding houses in the neighborhood. It is surrounded on all sides by Eichler homes, and it's just not compatible with them. You can see that if you look at a photo of the place from the air.

There will be more noise because the proposed development has garages, which allows tools, which can make a lot of noise, in contrast with the Eichler homes which have carports.

I am opposed to the proposed development as it's presently being put forth.

The proposed development requires a change in zoning. The owner of the proposed development has given no reason why the zoning laws that govern all the surrounding houses have to be changed for his development. I see no reason why any proposed development there shouldn't have to conform to the same zoning laws as the rest of the homes do. I live within 500 feet of the proposed development.

Nicholas H. Rossi  
[REDACTED]  
[REDACTED]  
[REDACTED]

## LETTER D


Commenter: Nicholas H. Rossi  
Email dated September 20, 2017

- D-1 Regarding noise concerns, please see Response to Comment C-5. Regarding architecture and aesthetics, please see Responses to Comments C-1, C-10, C-11, and C-13 through C-15.
- D-2 The commenter's opposition to the project is noted and will be considered by the City's decision-makers these comments prior to making a decision on whether or not to approve the proposed project. Regarding zoning compatibility, please see Responses to Comments A-3, C-8, and C-11 through C-14.

**From:** [Ken Kratz](#)  
**To:** [Planning](#)  
**Cc:** [Steve Le](#)  
**Subject:** 1075 Pomeroy Avenue--proposed rezoning and development, letter for City Council packet  
**Date:** Wednesday, February 28, 2018 12:00:46 PM  
**Attachments:** [alt. 4P.pdf](#)  
[alt. 4.pdf](#)  
[alt. 4A.pdf](#)  
[alt. 4B.pdf](#)  
[4E2.pdf](#)  
[4E1.pdf](#)

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February 28, 2018

  
Santa Clara, Ca. 95051

Mayor Lisa Gillmor and Members of Santa Clara City Council  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, Ca. 95050

Re: 1075 Pomeroy Avenue, proposed development

Dear Mayor Lisa Gillmor and Members of Santa Clara City Council:

I have the following comments and requests regarding the proposed rezoning and development for the 1075 Pomeroy Avenue Property:

1. Please deny the rezoning request and proposed development at this time. One hundred and seventy-eight (178) of my neighbors and I signed a petition saying the proposal is not compatible. Please see the attached photo, labeled "site photo", of a model I constructed to scale of the developer's proposal and notice the lack of appropriate setbacks along the sides of the property in relation to the surrounding Pomeroy Green buildings..
2. Please grant the Historical and Landmarks Commission's recommendations.
3. Please allow time for the neighborhood complexes to file a historical application. Our neighborhood found out recently that we can file an application for the Nation Register at no cost and that we can complete the application ourselves. The City's website and correspondence with City planning Staff has led us to believe that qualified consultants must be used to file and application and that there is a fee for filing the application.
4. Please consider my design number #4 as an alternative to the proposed development (attached).
5. If you decide to grant the developer's request and approve forwarding the project to the City Architectural Review Committee, please remove those City Planning Commissioner's who also sit on the Architectural Review Committee who, in their rationale for approving the project, declared that home-ownership opportunities are needed (in the City). I contacted the City's Planning Department and there are no City Planning Ordinances, City General Plan objectives, nor any other City Planning policies that mention that the City has as a goal to

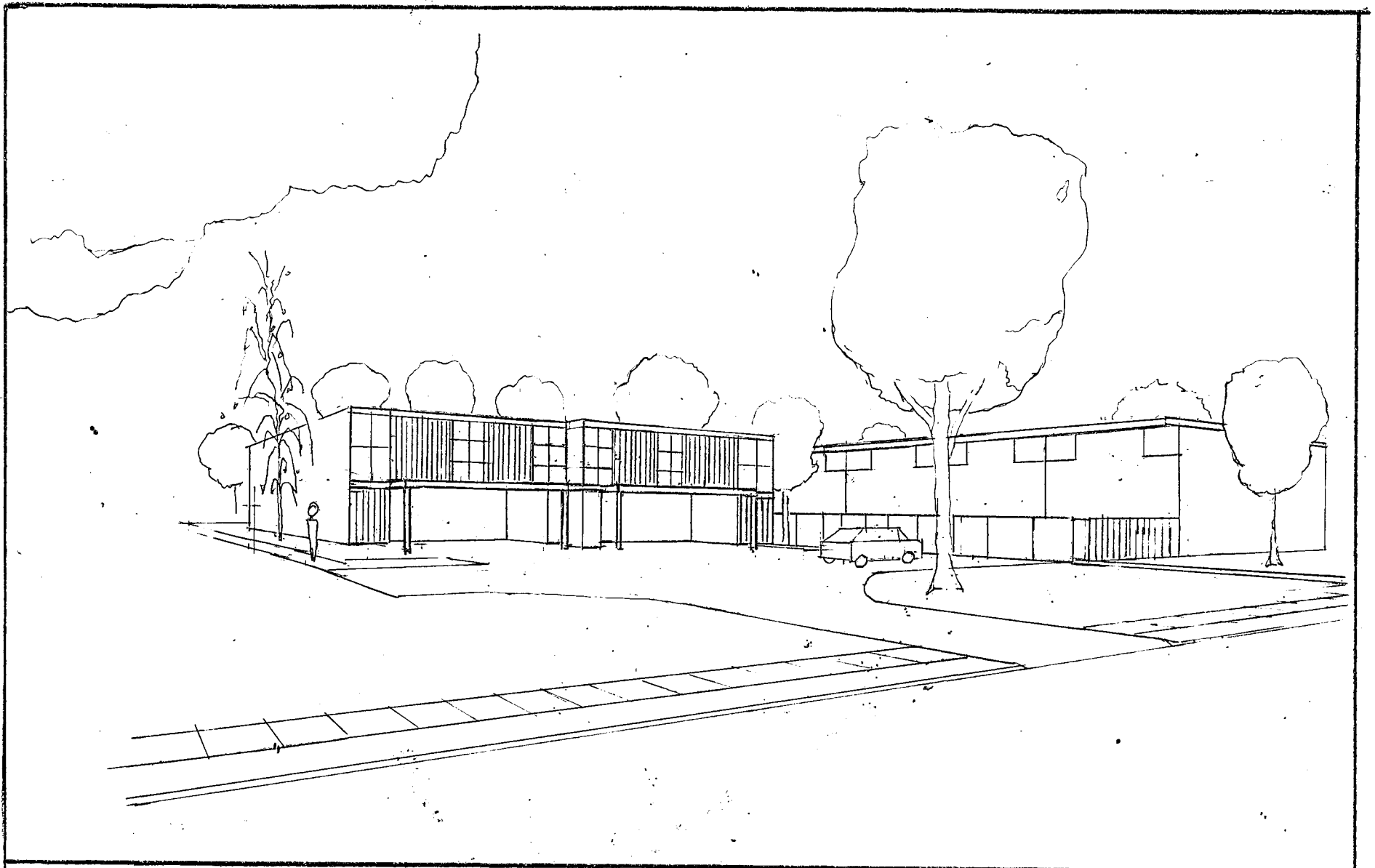
provide home-ownership opportunities. Those Planning Commissioner's acted outside their purview. Our neighborhood will not get a fair hearing at the Architectural Review Committee otherwise.

Thank you for reviewing my comments and requests.

Sincerely,

Ken Kratz  
Pomeroy Green resident  


cc: Steve Le, CSC City Planner

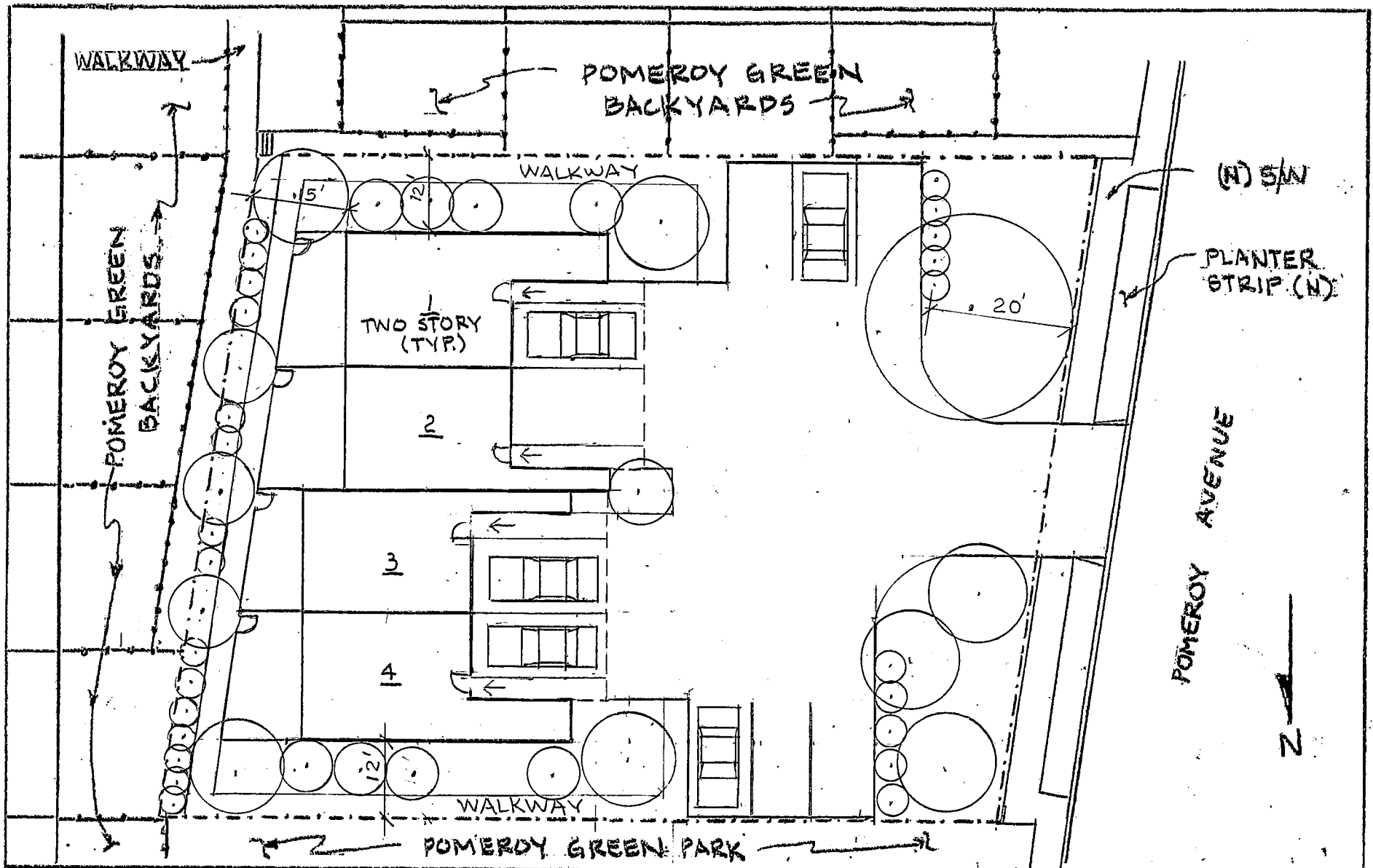


1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
PERSPECTIVE

SCALE:

DATE: 12-30-17  
DWG: KRAT2

DWG.# 4-P



1075 POMEROY AVENUE.  
 ALTERNATIVES TO PROPOSED DEVELOPMENT  
 SITE PLAN

SCALE:

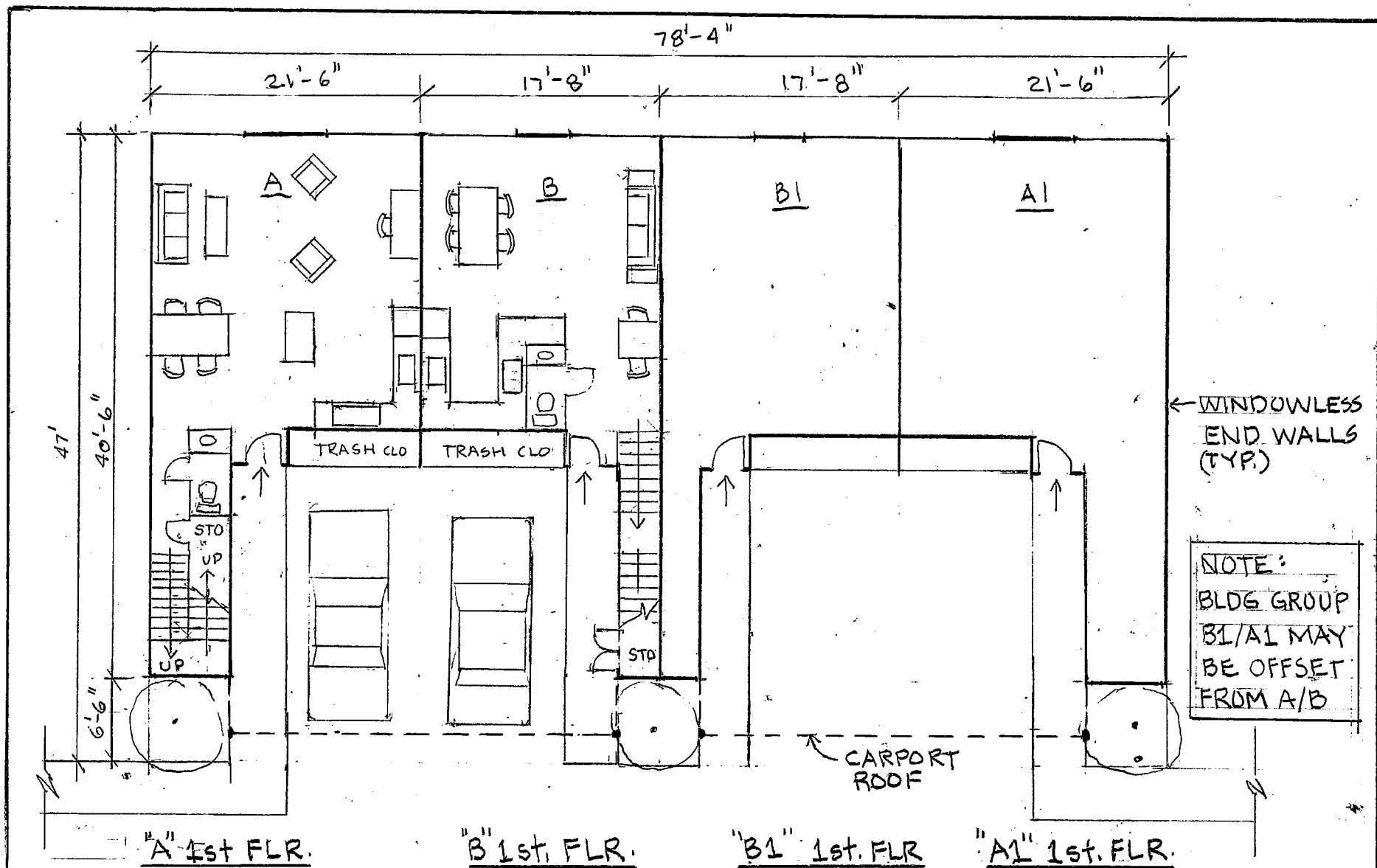
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DATE: 12-18-17

DWG: KRATZ

DWG. # 4



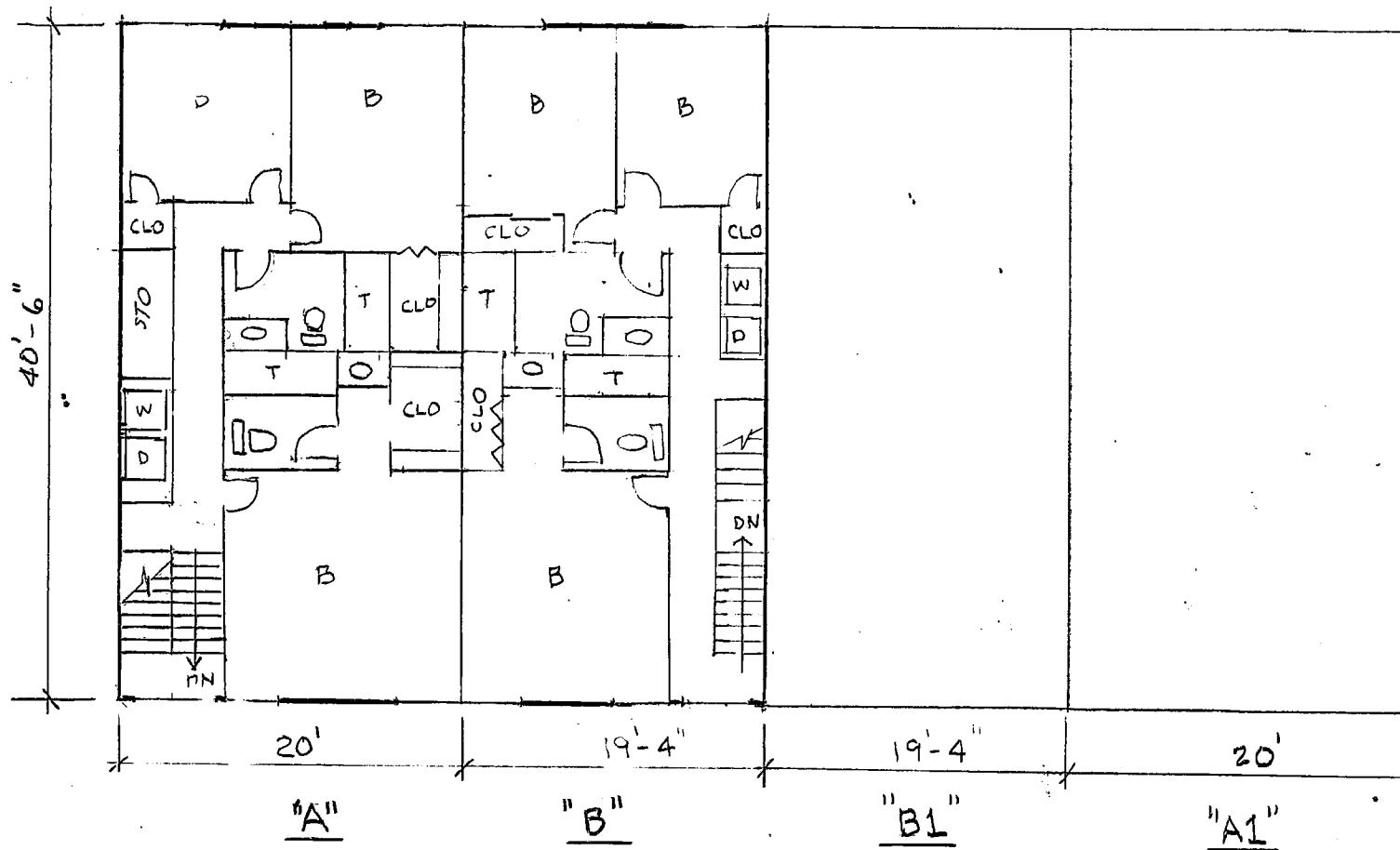


1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
1ST FLOOR PLAN

SCALE: 3/32" = 1'-0"

DATE: 12-27-17  
DWG: KRATZ

DWG.# 4A



← WINDOWLESS  
END WALLS  
(TYP.)

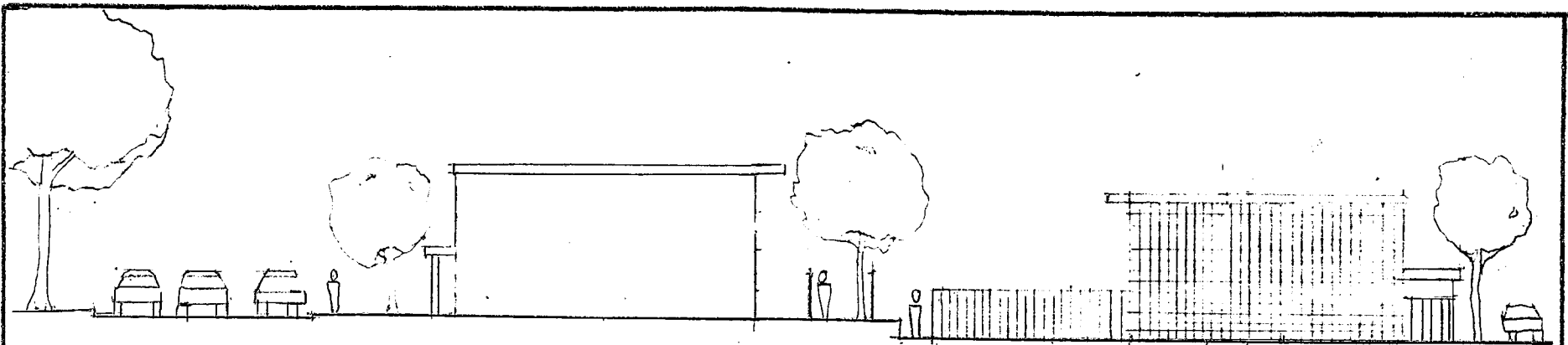
NOTE:  
BLDG. GROUP  
B1/A1 MAY  
BE OFFSET  
FROM A/B

2nd. FLR. PLANS

1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
2nd FLOOR PLAN

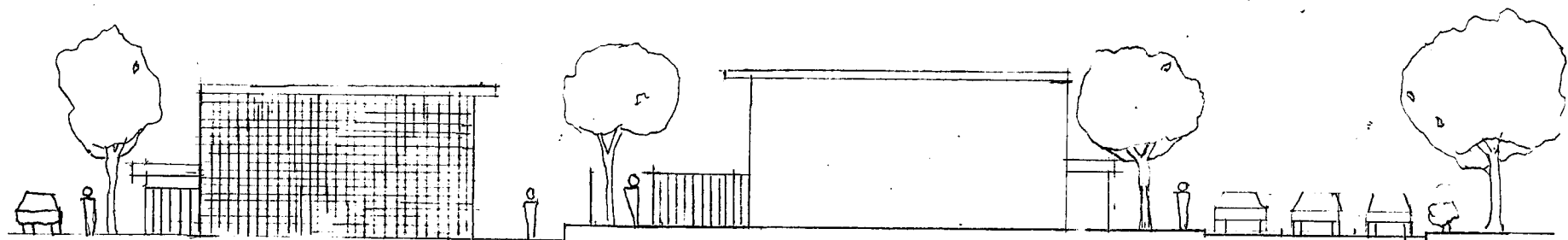
SCALE: 3/32" = 1'-0"

DATE: 12-27-17  
DWG: KRATZ  
DWG.# 43



ALTERNATIVE  
SOUTH ELEVATION  
(SIDE)

PG BLDG "O"  
SOUTH ELEVATION  
(SIDE)

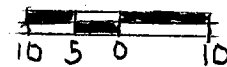


PG BLDG "O"  
SOUTH ELEVATION  
(SIDE)

ALTERNATIVE  
NORTH ELEVATION  
(SIDE)

1075 POMEROY AVENUE "  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
ELEVATIONS

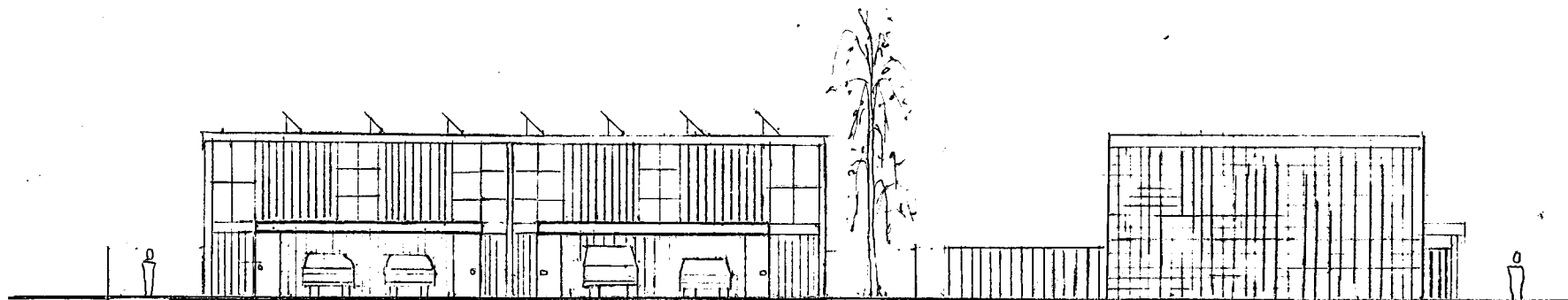
SCALE:



DATE: 12-30-17

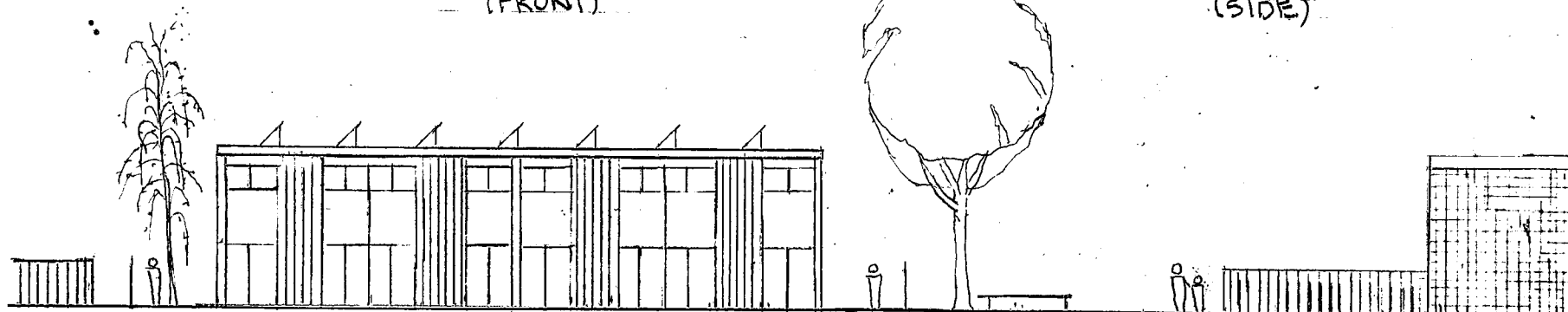
DWG: KRATZ

DWG.# 4-E2



ALTERNATIVE  
WEST ELEVATION  
(FRONT)

PG. BLDG. "Q"  
WEST ELEVATION  
(SIDE)



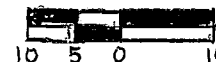
ALTERNATIVE  
EAST ELEVATION  
(REAR)

SML. PG. PARK

PG BLDG "F"  
EAST ELEV.  
(SIDE)

1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
ELEVATIONS

SCALE:



DATE: 12-30-17  
DWG: KRATZ

DWG.# 4-E1



Top

Bottom

Left

Right

Long Position

Side Wall

# Daryoush Marhamat

██████████ | ██████████  
Mail: ██████████ | ██████████

---

October 23, 2017

Hon. Mayor and Council Members  
City of Santa Clara

I respectfully request that the Council recommend approval for the rezoning to a Planned Development (PD), and a Mitigated Negative Declaration (MND) for the property located at [1075 Pomeroy Avenue, Santa Clara](#), in order to construct four single-family homes on an underutilized lot.

On September 27th, following public testimony, the Planning Commission adopted resolutions recommending the City Council adopt the MND and the Mitigation Monitoring Reporting Program (MMRP) requesting rezoning from R3-18D to PD, in conformance with the development plans, and subject to the conditions of approval contained in the staff report, including four additional recommended conditions which are addressed by the CC&Rs.

## BACKGROUND

As the applicant, I have been working with the Planning staff, neighbors, outside agencies and consultants since 2013. I have worked to address previous feedback from the Council, the Planning Commission, Planning staff, and neighbors (five outreach meetings) since an earlier five unit proposal was denied. The four unit proposal is the result of a lengthy process of refinement that addresses the concerns of the City and the neighbors.

Included are:

1. A reduction and redesign from 5 to 4 units;
2. A reduction in height from the allowable 25' to 20' - 24'-9";  
(The majority of the roof is 20' and the 24'9" height occurs only at the edge of the pitched roof. The 20' height faces adjacent neighbors, while the 24'9" height faces the inner court)
3. An increase in landscaping to 40% allowable and a fence height of 7', plus a 1' lattice top;
4. Preparation for electric car charging access in each garage;
5. The following of the City's guidelines for Boulevard standards;  
(we are requesting they be omitted because of neighbors' requests)
6. A comprehensive Shadow Study which shows no significant impact to neighbors.

## PROPOSAL

To construct four single-family detached residences with two-car enclosed garages and two extra guest parking spaces. Building layout and design are consistent in mass and scale with the neighborhood. The design is a contemporary interpretation of the mid-century modern design of the surrounding Eichler structures. The project proposes the use of the highest quality available building materials with a color scheme that compliments the surroundings. Drought tolerant plant material will be used throughout the project.

It is understood that the Architectural Review Committee will review the design.

CONDITION	ALLOWABLE	PROPOSED
Units/Acre	8-19	14
Building Height	25'	20'-24'9"
Setbacks Sides:	10'	10'
Rear:	15'	15'
Front:	20'	15' - 19'
Landscaping	40%	40%
Parking:	2 per unit (8 total)	2 per unit (8 total)
Guest Parking:	0.8 (1)	2

## BENEFITS

1. The development of an underutilized lot.
2. An addition to the housing stock.
3. An approximate \$109,000 park fee for park development.
4. Approximately \$30,000 in School District fees.
5. Additional property assessments, taxes, and individual home ownership.
6. Additional street parking for one to two vehicles as the result of one ingress/egress driveway vs the existing two.

## COVENANTS, CONDITIONS & RESTRICTIONS, DRIVEWAY MAINTENANCE AGREEMENT

Conditions are to be prepared by an attorney, and are included in a separate listing per the Planning Commission's recommendation.

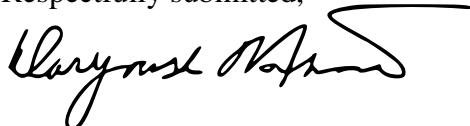
The CC&R restrictions are to be enforced by Civil Law by the resident occupants, so that if one neighbor violates the conditions, the others can sue the violator who will be liable for damages and attorney fees.

The project will follow the City's CC&R guidelines and requirements.

At the Planning Commission meeting on September 27th, in conformance with the development plans, subject to the conditions of approval contained in the staff report, The Planning Commission adopted resolutions include the following recommended conditions:

1. CC&Rs shall include fines for not using 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.

Respectfully submitted,



Daryoush Marhamat,  
Property Owner

[REDACTED]  
[Santa Clara, CA](#)



December 28, 2017

Santa Clara History and Landmarks Commission  
Santa Clara City Hall  
1500 Warburton Avenue  
Santa Clara, CA 95050

Subject: 1075 Pomeroy Ave.

Dear Commissioners,

The owner of the subject property Daryoush Marhamat, requested Urban Programmers review the plans for 4 town-house style homes, and to comment on their compatibility with the Mid-century Modern design of the 1963-65 Eichler Homes developments, Pomeroy West and Pomeroy Green that are in close proximity.

Mid-century residential design emanates from a combination of design factors; Bauhaus architects that came to America during the period 1930s-1945, technologies that translated to new building materials with textures and colors and the desire for a new style reflecting the post WWII suburban lifestyle. Eichler Homes brought such designs to the San Francisco Bay Area and Southern California.

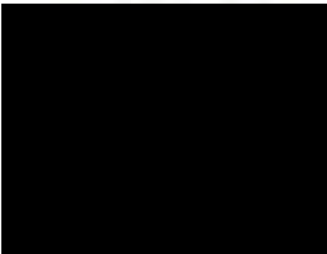
To consider the compatibility of the proposed new houses, it is necessary to identify the architectural elements that are distinctive of the Mid-century Modern style. The distinguishing features of this style consist of clean lines, form that follows function, both organic and geometric forms, minimal ornamentation, juxtaposition of different and sometimes contrasting materials, and industrial materials such as steel, brass, large glass panes, fiberglass, resin, and concrete. These features translated to houses with flat or shed roofs, simple lines without ornamentation, areas of glass (bringing nature to the interior), a mix of materials (wood, metal, glass and plastics) and covered or private landscaped areas.

The proposed houses are in a contemporary style that is very compatible with the older Eichler Homes developments. The proposed form is a two-story, low roof structure that follows the lines of the Mid-century Modern style. The design offers simple, yet elegant, lines with windows facing into the gardens (the current energy code makes larger voids very difficult). While Mid-century Modern is thought to have ended in the mid 1960s, contemporary designs that embody the same elements, as do the proposed houses, have carried forward with only slight modifications.

In conclusion, our review of the proposed 4 houses finds them to be compatible with the Mid-century design of the Eichler Homes developments. They do not copy the earlier style but show a respect for the style by using many of the same features, two-story, shed roof, simple lines, a mix of materials and private landscaped areas. Should the older developments become designated historic districts, the newer homes would not be contributing to a district but do meet the Secretary of the Interior's Standards, Number 9, for compatibility with a Mid-century residential historic district..

Best regards,

Bonnie Bamburg









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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA. 95051  
APN: 290-69-079

### PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

no.	revisions	date
PD	Submittal	01/23/2018

date issued: 01/23/2018

drawn by: NGHI THANH LE

job#: 1650-2018

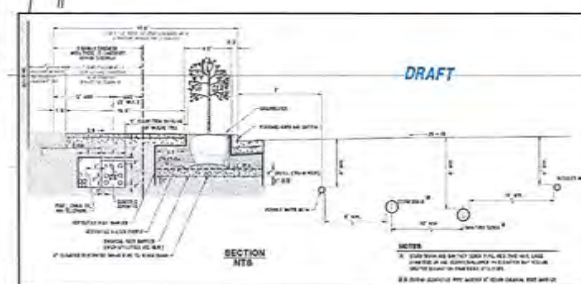
drawing number

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1 PROPOSED SITE PLAN  
SCALE: 1/8" = 1'-0"



2 PLANTER STRIP DETAIL  
SCALE: 1/4" = 1'-0"



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**4 New 2 Story  
Residential  
Sub-divide Prj**

1075 Pomeroy St.  
Santa Clara, CA. 95051  
APH: 290-69-079

**PROPOSED  
SITE ELEVATIONS**  
SCALE: 3/16" = 1'-0"

no.	revisions	date
1	PD Submittal	01/23/2018

date issued: 01/23/2018

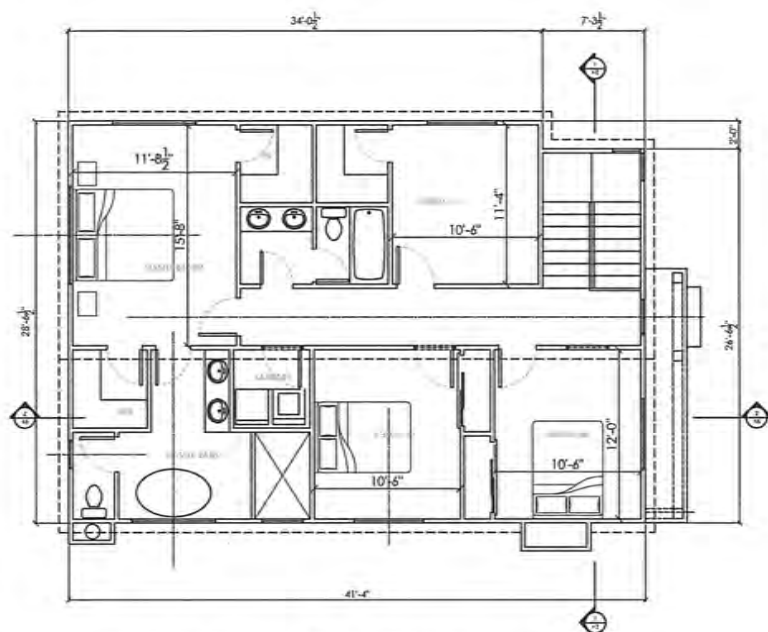
drawn by: NGHI THANH LE

job#: 1650-2018

drawing number

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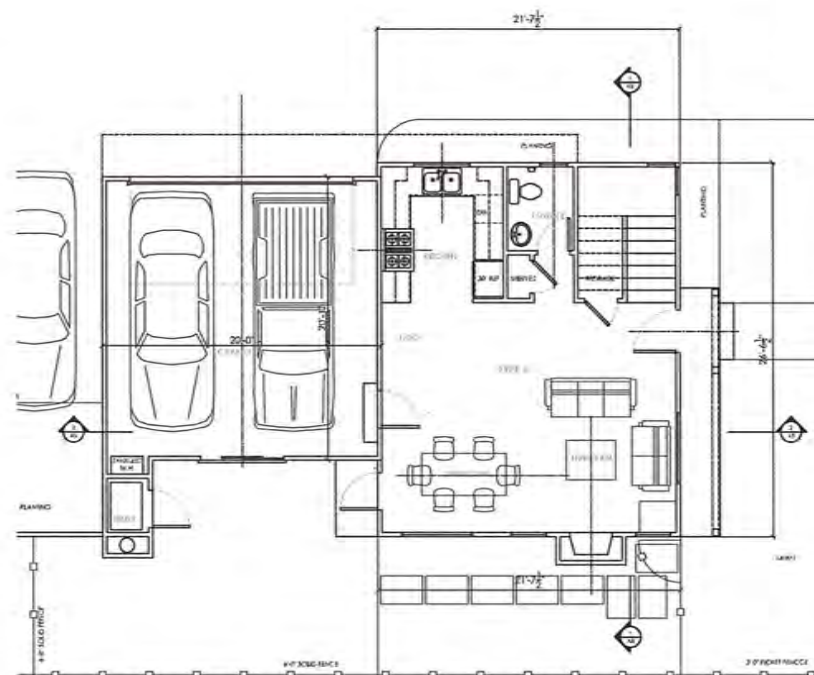
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3 PROPOSED TYPE A 2ND FLOOR PLAN

A2 SCALE: 1/4" = 1'-0"

- INDICATES (N) 1HR WALL
- INDICATES (N) AREA
- INDICATES HEAT REGISTER
- SMOKE DETECTOR
- SMOKE/CARBON MONOXIDE ALARM



1 PROPOSED TYPE A 1ST FLOOR PLAN

A2 SCALE: 1/4" = 1'-0"

#### ASHRAE 62.2 COMPLIANCE NOTES:

- ALL BATHROOM FANS ARE 30 CFM MIN.
- KITCHEN HOOD FAN IS 100 CFM MIN.
- HVAC FLEX IS A MIN. 1" THICK W/ MAX. 0.1" W.C. PRESSURE DROP

#### EGRESS WINDOW REQ.:

- AN OPENING FOR EMERGENCY THAT IS AT LEAST 5.7 SQUARE FEET IN OPENING AREA
- MINIMUM OPENING SIZE IS 20" WIDTH X 24" HIGH
- IN ORDER TO MEET THE REQUIRED 5.7 SQFT TOTAL EITHER THE WIDTH OR HEIGHT, OR BOTH MUST EXCEED THE MINIMUM DIMENSION

#### FIRE/SAFETY REQ.:

- FIRE ALARMS SHOULD BE LISTED AS COMPLYING WITH UL217 AND BE INSTALLED & MAINTAINED BY ACCORDANCE WITH NFPA 72 & MANUF. INSTRUCTIONS
- CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL2034 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND THE MANUF. INSTRUCTIONS

#### PLUMBING NOTES:

1. WATER & SEWER IS SERVED BY MORE THAN ONE WATERING. THE COVERED FLOW RATE OF ALL THE WATERING AREAS OR SEWER FLOW RATE CONTAINED IN A SINGLE FLOOR SHALL NOT EXCEED 1.5 GPM AT 80 PSI OF THE SEWER SHALL BE DESIGNED TO ALLOW ONLY ONE SEWER ORIENTED TO BE IN OVERFLOW AT A TIME.
2. THE MAX. FLOW RATE OF LAUNDRY MACHINES, REFRIG. IN COOLING AND HEATING, AIR HANDLERS, OR DRYERS OR SERVING UNITS IN RESIDENTIAL BUILDINGS SHALL NOT EXCEED 1.5 GPM AT 80 PSI.
3. AUTOMATIC FLOODGATE VALVES SHALL BE INSTALLED IN ALL FLOOR JOINTS, WALLS, CEILING, AND FLOOR.
4. AUTOMATIC FLOODGATE VALVES SHALL BE INSTALLED AT THE TIME OF INITIAL INSPECTION. SHALL BE WEATHER OF SOLID MATERIALS 4" MIN.



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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA 95051  
APN: 290-69-079

## PROPOSED TYPE A FLOOR PLANS

SCALE: 1/4" = 1'-0"

no.	revisions	date
PD	Submit	01/23/2018

date issued: 01/23/2018

drawn by: NGHI THANH LE

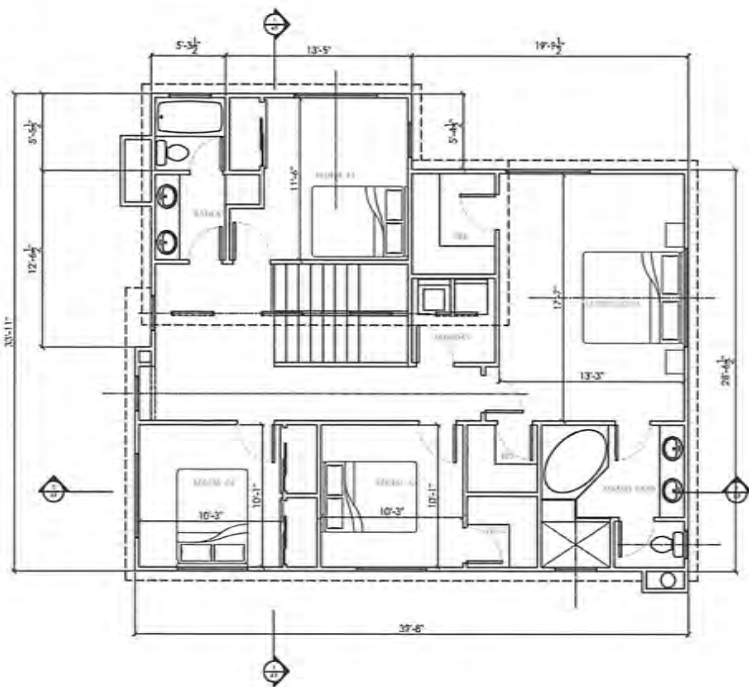
job#: 1650-2018

drawing number:

A2

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2 PROPOSED TYPE B 2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

- INDICATES (N) 1HR WALL
- INDICATES (N) AREA
- INDICATES HEAT REGISTER
- SMOKE DETECTOR
- SMOKE/CARBON MONOXIDE ALARM

#### ASHRAE 62.2 COMPLIANCE NOTES:

- ALL BATHROOM FANS ARE 20 CFM MIN.
- KITCHEN HOOD FAN IS 100 CFM MIN.
- HVAC FILTER IS MERV 8 MIN., 1" THICK W/ MAX. 0.1" W.C. PRESSURE DROP

#### EGRESS WINDOW REQ:

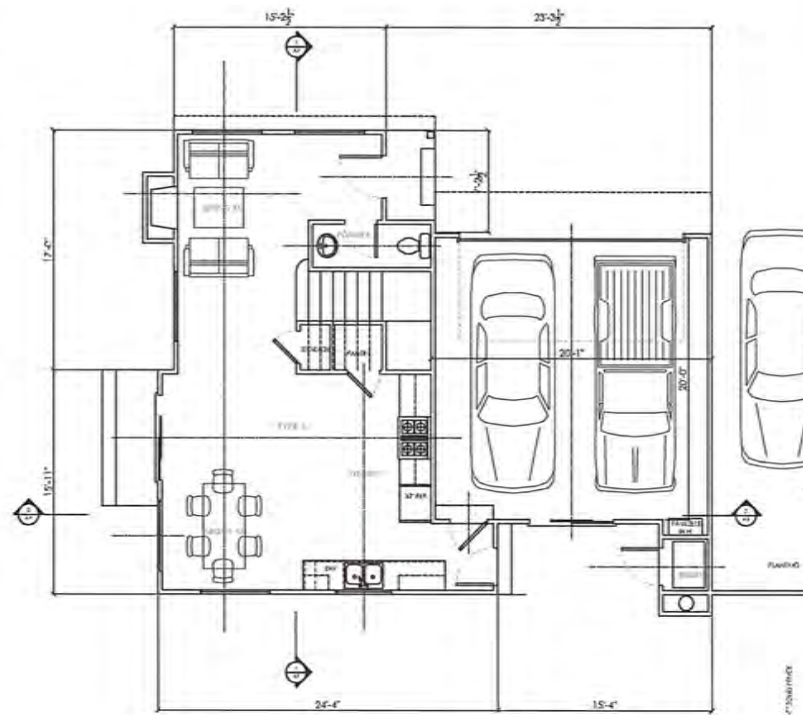
- AN OPENING FOR EMERGENCY THAT IS AT LEAST 5.7 SQUARE FEET IN OPENING AREA
- MINIMUM OPENING SIZE IS 20" WIDTH X 24" HIGH
- IN ORDER TO MEET THE REQUIRED 5.7 SQFT TOTAL, EITHER THE WIDTH OR HEIGHT, OR BOTH MUST EXCEED THE MINIMUM DIMENSION

#### FIRE/SAFETY REQ:

- FIRE ALARMS SHOULD BE LISTED AS COMPLYING WITH UL217 AND BE INSTALLED & MAINTAINED IN ACCORDANCE WITH NFPA 72 & MANUF. INSTRUCTION
- CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL308 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND THE MANUF. INSTRUCTIONS

#### PERMANENT NOTES:

1. THESE PLANS ARE BASED ON THE ASSUMPTION THAT THE EXISTING BUILDING IS A SINGLE-FAMILY RESIDENCE. THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC). THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC).
2. THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC). THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC).
3. THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC). THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC).
4. THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC). THE EXISTING BUILDING SHALL BE REMODELED TO MEET THE REQUIREMENTS OF THE 2018 CALIFORNIA BUILDING CODE (CBC) AND THE 2018 CALIFORNIA FIRE CODE (CFC).



A1 PROPOSED TYPE B 1ST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



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4 New 2 Story  
Residential  
Sub-divide Proj

1075 Pomeroy St.  
Santa Clara, CA 95051  
APN: 290-69-079

PROPOSED  
TYPE B FLOOR  
PLANS

SCALE: 1/4" = 1'-0"

no.	revisions	date
1	PD Submit	01/23/2018

date issued: 01/23/2018

drawn by: NGHI THANH LE

job #: 1650-2018

drawing number

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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
 Santa Clara, CA. 95051  
 APN: 290-69-079

### TYPE A BUILDING ELEVATIONS SCALE: 1/4" = 1'-0"

no.	revisions	date
PD	Submit	01/23/2018


date issued: 01/23/2018

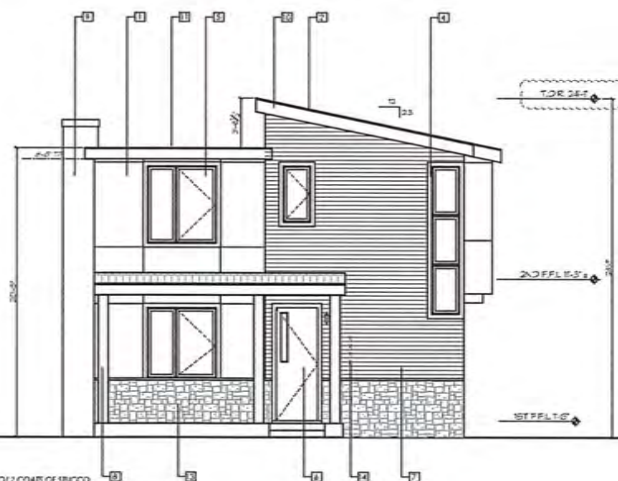
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job #: 1650-2018

drawing number

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- 1. 1/2" CEMENT BOARD OR 2 COATS OF STUCCO
- 2. ASPHALT SHINGLE ROOF - "CLASS A"
- 3. SOLID CARBIDE DOOR - STAIN
- 4. 1X6X2 TRIM - PAINT
- 5. DOUBLE FRAME ALUMINUM FRAME WINDOW
- 6. SOLID WOOD ENTRY DR. - STAIN
- 7. 1X6X2 SILL - STAIN
- 8. 8X8 HD COLUMNS - PAINT
- 9. STUCCO CHIMNEY GAS REPLACEMENT
- 10. 1X6 FASCIA - 1X6 PAINT
- 11. 1X6 DOWNBUILT UP ROOF - "CLASS A"
- 12. EXTERIOR DOOR
- 13. STONE VENEER
- 14. 4" HEIGHT 1/2" THICK HEN BUILDING ADDRESS LOCATION
- 15. EXTERIOR LIGHTING W/ FROSTED/OP TRANSLUCENT GLASS
- 16. 1/2 BILLY BANG - PAINT
- 17. 5'X6" WOOD FENCE - MATCH HOUSE

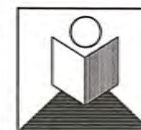
**PROPOSED TYPE A WEST ELEVATION**  
 SCALE: 1/4" = 1'-0"



NOTE:  
 1. NEW RAINWATER DRAINSPUTS SHALL BE DISCONNECTED AND  
 2. RAINWATER DIRECTED TO A LANDSCAPE AREA. DRAINSPUTS SHALL BE  
 3. CONNECTED TO A POP-UP DRAINAGE ENTRY IN THE LANDSCAPED  
 4. AREA OR MAY DRAIN TO SUB-BASIN BUDS. OR COLLECTIONS THAT  
 5. DIRECT WATER AWAY FROM THE BUILDING.  
 6. THROUGH DRAINS ARE NOT ALLOWED.



**PROPOSED TYPE A NORTH ELEVATION**  
 SCALE: 1/4" = 1'-0"



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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA 95051  
APN: 290-69-079

### TYPE A BUILDING ELEVATIONS

SCALE: 1/4" = 1'-0"

no.	revisions	date
PD	Submital	01/23/2018

date issued: 01/23/2018

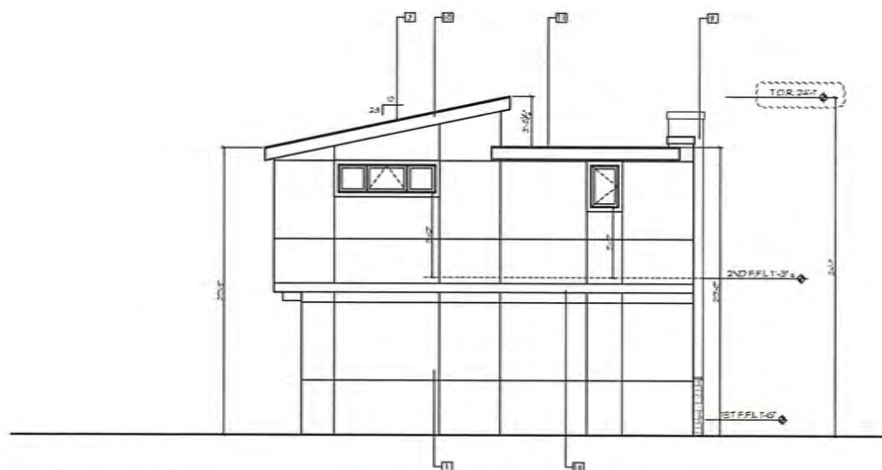
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job#: 1650-2018

drawing number

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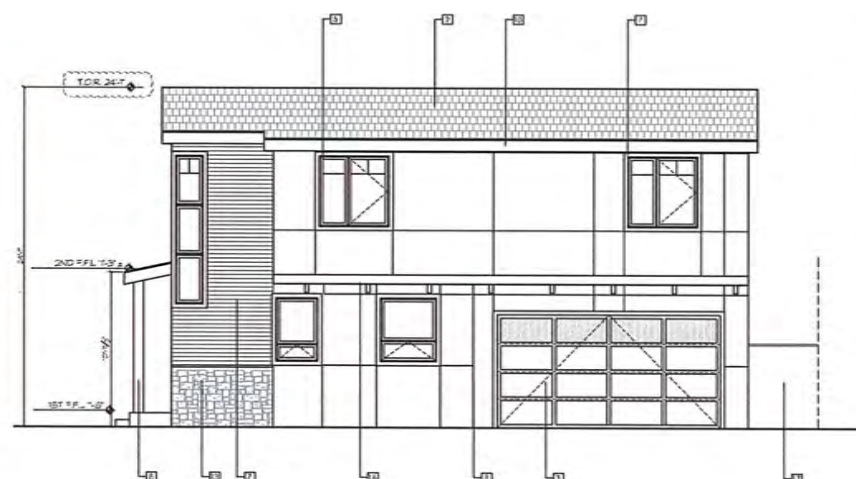
**PROPOSED TYPE A EAST ELEVATION**

SCALE: 1/4" = 1'-0"

- ◇ 3/8" CEMENT BOARD OF 2 COATS OF STUCCO
- ◇ ADHESIVE SHINGLE ROOF - "CLASS A"
- ◇ STUCCO GARAGE DOOR - STAIN
- ◇ EX-1 WD TRIM - PAINT
- ◇ DOUBLE PANE ALUMINUM FRAME WINDOW
- ◇ STUCCO HOOD ENTRY DOOR - STAIN
- ◇ EX-1 WD SIDING - STAIN
- ◇ R48 INS CONDUIT/PIPE - PAINT
- ◇ STUCCO CHIMNEY CHASSIS/PLACE
- ◇ EX-3 FASION W/ PAINT
- ◇ TORCH DOWN ROOF OF ROOF - "CLASS A"
- ◇ EXTERIOR DOOR
- ◇ STONE VENEER
- ◇ 4" HEIGHT & 2" THICK ANTI BUILDING ADDRESS LOCATION
- ◇ EXTERIOR EXTERIOR W/ PROGRESSIVE TRANSLUCENT GLASS
- ◇ 1/4" BELLY BAND - PAINT
- ◇ 8'-0" STUCCO FENCE - MATCH HOUSE



NOTE:  
- NEW RAINWATER DRAINAGE SHALL BE DISCONNECTED AND  
RECONNECTED TO A LANDSCAPE AREA. DRAINAGE MAY BE  
CONNECTED TO A 2" DRAINAGE SYSTEM IN THE LANDSCAPED  
AREA OR MAY DRAIN TO 6" ASH BLOCKS OR C/BOULETS THAT  
DRAIN WATER AWAY FROM THE BUILDING.  
- THRU-CURB DRAINS ARE NOT ALLOWED.



**PROPOSED TYPE A SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"



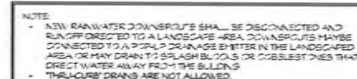


1075 Pomeroy St.  
Santa Clara, CA. 95051  
APN: 290-69-079

SCALE:  $\frac{1}{8}'' = 1'-0''$

[illegible]

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**PROPOSED TYPE B WEST ELEVATION**



**PROPOSED TYPE B NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA. 95051  
APH: 290-69-079

### TYPE B BUILDING ELEVATIONS

SCALE: 1/2" = 1'-0"

no.	revisions	date
1	PD Submittal	01/23/2018

date issued: 01/23/2018

drawn by: NGHI THANH LE

job#: 1650-2018

drawing number

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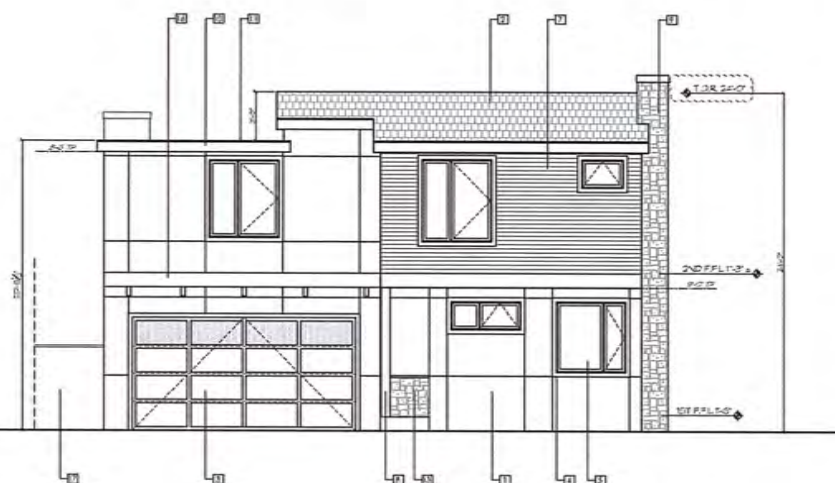


**PROPOSED TYPE B EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

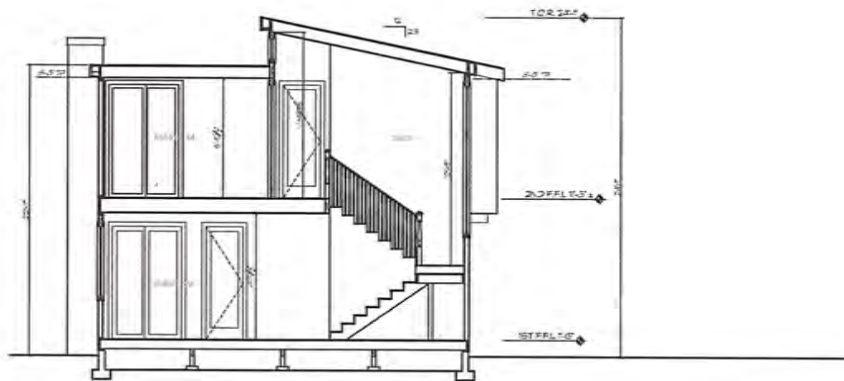
- ◆ 2" CEILING BOARD OVER COATS OF STUCCO
- ◆ ASPHALT SHINGLE ROOF - "CLASS A"
- ◆ SOLID PARADE DOOR - STAIN
- ◆ 1/4" HD T&G - PAINT
- ◆ DOUBLE FRAME ALUMINUM FRAME WINDOW
- ◆ SOLID WOOD ENTRY DR. - STAIN
- ◆ 1/4" HD SINKS - STAIN
- ◆ 8" HD COUNTERTOP - PAINT
- ◆ STUCCO CHIMNEY GAS FIREPLACE
- ◆ 1/2" FASCIA W/ PAINT
- ◆ TORCH DOWN METAL UP ROOF - "CLASS A"
- ◆ EXTERIOR DOOR
- ◆ 3/4" HD VENEER
- ◆ 4" HEIGHT 1/2" THICK VINYL BUILDING ADDRESS LOCATION
- ◆ EXTERIOR LIGHTS W/ FRONT PORCH TRANSLUCENT GLASS
- ◆ 1/4" HD T&G - PAINT
- ◆ 6" STUCCO FENCE - MATCH HOUSE



**NOTE**  
- NEW SANITARY DOWNSPOUTS SHALL BE DISCONNECTED AND  
- RUNOFF DIRECTED TO A LANDSCAPED AREA. DOWNSPOUTS MAY BE  
- CONNECTED TO A POP-UP DRAINAGE SYSTEM IN THE LANDSCAPED  
- AREA OR MAY BE RUN TO SPLASH BLOCKS OR COLLECTIONS THAT  
- DIRECT WATER AWAY FROM THE BUILDING.  
- THROUGH DRAINS ARE NOT ALLOWED.

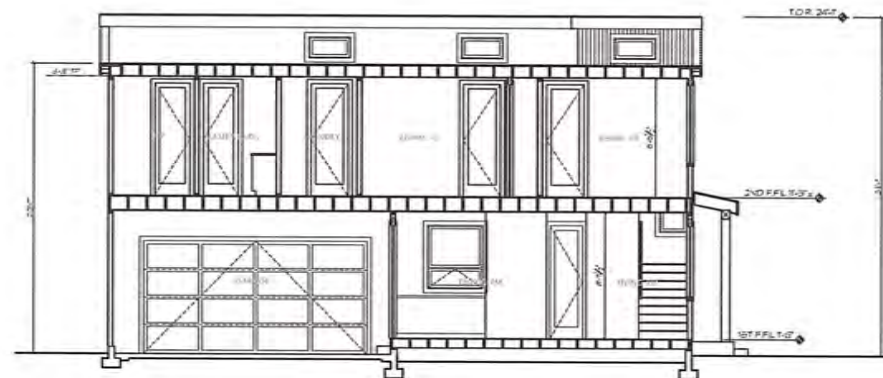


**PROPOSED TYPE B SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED TYPE A SECTION A-A**  
SCALE: 1/8" = 1'-0"

NOTE:  
- NEW RAINWATER DOWNSPOUTS SHALL BE DISCONNECTED AND  
- RUNOFF DIRECTED TO A LANDSCAPE AREA. DOWNSPOUTS MAY BE  
- CONNECTED TO A POTABLE DRAINAGE SYSTEM IN THE LANDSCAPED  
- AREA OR MAY DRAIN TO GRASS BLOCKS OR COBBLESTONES THAT  
- DIRECT WATER AWAY FROM THE BUILDING.  
- "THROUGH" DRAINS ARE NOT ALLOWED.



**PROPOSED TYPE A SECTION B-B**  
SCALE: 1/8" = 1'-0"



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**4 New 2 Story  
Residential  
Sub-divide Prj**

1075 Pomeroy St.  
Santa Clara, CA, 95051  
APH: 290-69-079

# **TYPE A BUILDING SECTIONS**

SCALE: 1/8" = 1'-0"

no.	revisions	date
PD	Submit	01/23/2018

date issued: 01/23/2018

drawn by: NGHI THANH LE

job#: 1650-2018

drawing number

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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA, 95051  
APN: 290-69-079

### TYPE B BUILDING SECTIONS

SCALE: 1/2" = 1'-0"

no.	revisions	date
PD	Submit	01/23/2018


date issued: 01/23/2018

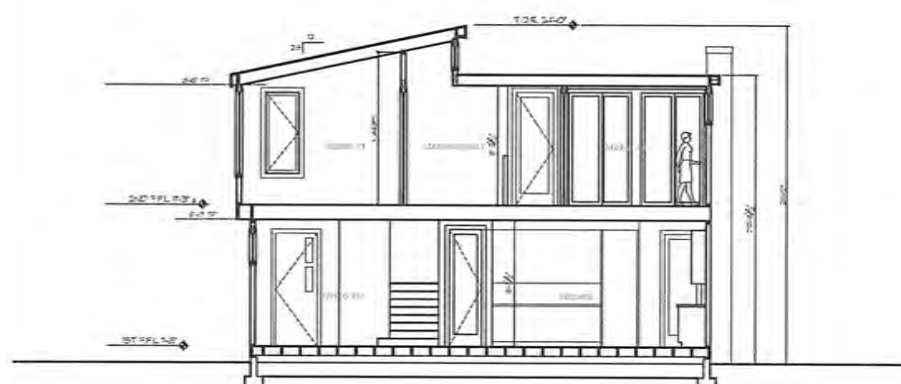
drawn by: NGHI THANH LE

job #: 1650-2018

drawing number

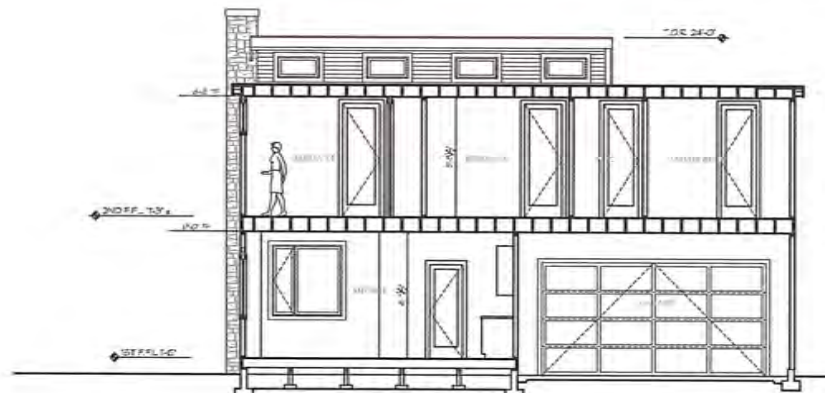
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**PROPOSED TYPE B SECTION A-A**  
SCALE: 1/4" = 1'-0"

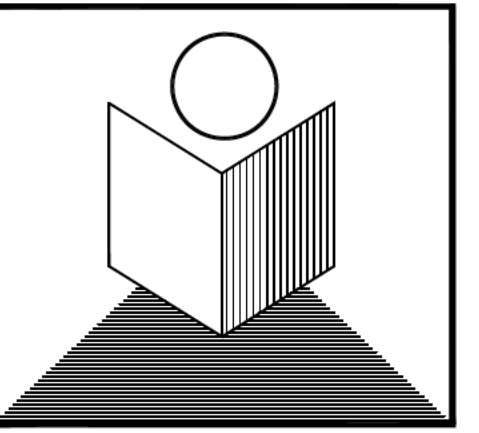
NOTE:  
- NEW RAINWATER DOWNSPOUTS SHALL BE DISCONNECTED AND RUN OFF DIRECTED TO A LANDSCAPE AREA. DOWNSPOUTS MAY BE CONNECTED TO A POPUP DRAINAGE SPITTER IN THE LANDSCAPED AREA OR MAY DRIP TO BRUSH BLOCKS OR COBBLESTONES THAT DIRECT WATER AWAY FROM THE BUILDING.  
- THRU-CURB DRAINS ARE NOT ALLOWED.



**PROPOSED TYPE B SECTION B-B**  
SCALE: 1/4" = 1'-0"

- 2" STUCCO FINISH - 3 COATS
- ASPHALT SHEET ROOF - "CLASS A"
- STAIN GUARANTEE DOOR - STAIN
- 1/4" HD TRIM - PAINT
- DOUBLE PANE ALUMINUM FRAME WINDOW
- SOLID WOOD ENTRY DR. - STAIN
- 1/4" HD SCONES - STAIN
- 3/8" HD COLUMNS - PAINT
- STONE VENEER CHIMNEY GAS FIREPLACE
- 1/2" FASCIA w/ PAINT
- TORCH DOWN BURST UP ROOF - "CLASS A"
- EXTERIOR DOOR
- STONE VENEER
- 4" HEIGHT 8 1/2" DEPTH VINYL BUILDING ADDRESS LOCATION
- EXTERIOR LIGHTING w/ PROTECTOR TRANSLUCENT GLASS
- 1/2" BRISTLE PAINT - PAINT
- 6" STUCCO FENCE - MATCH HOUSE





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## 4 New 2 Story Residential Sub-divide Prj

1075 Pomeroy St.  
Santa Clara, CA. 95051  
APN: 290-69-079

### PROPOSED IMPERVIOUS SURFACE CAL.

SCALE:  $\frac{3}{16}" = 1'-0"$

no.	revisions	date
	PD Submittal	01/23/2018

1		
2		

date issued: 01/23/2018

drawn by: NGHI THANH LE

job#: 1650-2018

drawing number

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**From:** [Daryoush Marhamat](#)  
**To:** [Steve Le](#)  
**Subject:** Fwd: Letter to Santa Clara City Council 1/29/18  
**Date:** Monday, January 29, 2018 1:09:17 PM

---

Please see attached, let me if you want any more information or changes. I send you the final revision yesterday.

Sent from my iPhone

Begin forwarded message:

**From:** Leonard Pacheco [REDACTED]  
**Date:** January 29, 2018 at 11:38:41 AM PST  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Letter to Santa Clara City Council 1/29/18

To: Santa Clara City Council  
From: Daryoush Mahamat, Property Owner, 1075 Pomeroy Avenue., Santa Clara  
Subject: Historic Landmark Commission Meeting of January 4, 2018  
This letter addresses recommendations of the HLC regarding the proposed development at 1075 Pomeroy Avenue.  
1. Consider that Pomeroy Green has the potential of being listed as an historic landmark:

Pomeroy Green is not listed as a potential historic landmark, nor has any application been made for a listing.

2. Replace the stucco and horizontal siding with more subtle materials:  
The proposed design uses contemporary materials that reflect a more updated aesthetic. A revision incorporates grooves in the stucco that respect and align with window placement. The grooves give a vertical impression of the siding. The horizontal cedar element is complimentary to and respectful of the basic design concept.
3. Lower the pitch roof section, and consider the window geometry:  
At its maximum, the pitch of 24'6" is below the allowable City standard. The pitch allows for clearstory windows that bring light into the interior space. A lower pitch would require tar and gravel roof treatment, which is out of character with the proposed design.  
Clearstory windows are complimentary to the design. Long, vertical windows are out of character with the design as they introduce an inconsistent element. Proposed windows respect code, egress and environmental requirements.

4. Setbacks, shadows:

Setbacks are in conformity with City standards for this project. A shadow study was

conducted and showed no significant impact on the surrounding landscape.

5. Carports vs garages:

Garages, integrated into the design afford privacy unavailable with carports.

Garage

doors will have one-way glass upper sections to allow for interior light.

Additionally, a rear

slider allows for light and access to a small garden area.

Respectfully submitted,

Daryoush Marhamat, Property Owner

January 29, 2018