

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA APPROVING A REZONING FROM LOW DENSITY
MULTIPLE DWELLING (R3-18D) AND AGRICULTURE (A) TO
PLANNED DEVELOPMENT (PD) TO ALLOW A RESIDENTIAL
DEVELOPMENT CONSISTING OF 8 TOWNHOUSE UNITS AT
1530 – 1540 POMEROY AVENUE, SANTA CLARA**

PLN2016-12053 (Rezone)
PLN2016-12068 (Subdivision Map)
CEQ2017-01036 (Mitigated Negative Declaration)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on July 8, 2016, Omid Shakeri (“Applicant”) filed an application for the 0.48 acre site located at 1530 – 1540 Pomeroy Avenue currently occupied by two, one-story single-family homes (“Project Site”);

WHEREAS, the Applicant applied to rezone the Project Site from Low Density Multiple Dwelling (R3-18D) and Agriculture (A) to Planned Development (PD) to allow a residential development consisting of 8 townhouse units (“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 30-day public review period December 6, 2017 through January 10, 2018;

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 October 31, 2018, the notice of public hearing for the November 13, 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, On November 13, 2018, the City Council held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record during which the Planning Commission 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 recommends that the City Council rezone the Project Site from Low Density Multiple Dwelling (R3-18D) and Agriculture (A) to Planned Development (PD) to allow a residential development consisting of 8 townhouse units as shown on the attached exhibit Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein 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 near the density range identified in the 2010-2035 General Plan. The Planned Development (PD) zoning would allow residential development to implement the General Plan designation.

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 three underutilized properties and visually improves the Project Site and surrounding neighborhood with physical

and financial investment in the construction of a modern and aesthetically pleasing 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 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 townhouses that are compatible with surrounding residential and commercial land uses.

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 hereby Approves rezoning the Project Site as set forth herein.

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5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13TH DAY OF NOVEMBER, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Conditions of Rezoning Approval
2. Development Plans