

November 13, 2018

Item. 10

# City of Santa Clara

**City Council– November 13, 2018**

**1530 - 1540 Pomeroy Avenue  
Residential Townhouse Project**

Public Hearing Item #

PLN2016-12053, PLN 2016-12068, CEQ2017-01036



**City of  
Santa Clara**  
The Center of What's Possible

POST MEETING MATERIAL



**City of  
Santa Clara**  
The Center of What's Possible

## 1530 - 1540 Pomeroy

### Request

- Adoption of the MND and Adoption of the Mitigation Monitoring and Reporting Program
- Rezoning of two parcels totaling 0.48 acres from Low Density Multiple Dwelling (R3-18D) and Agriculture (A) to Planned Development (PD)
- Approval Tentative Subdivision Map to allow development of 8-unit two-story residential townhouse project

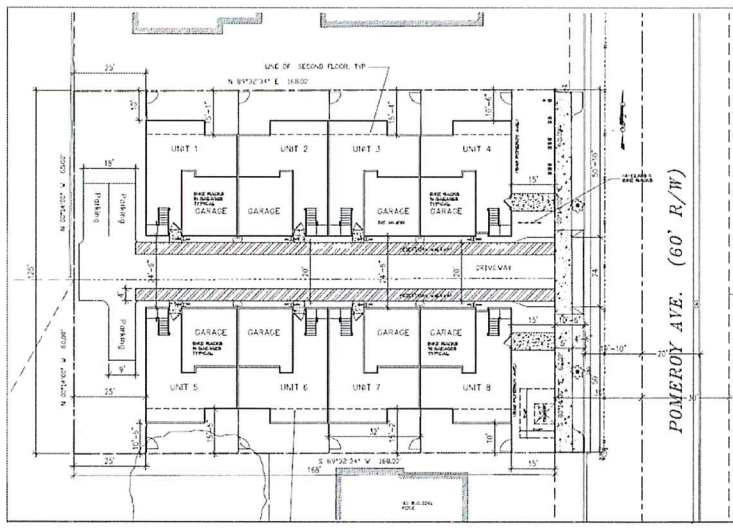


**City of  
Santa Clara**  
The Center of What's Possible

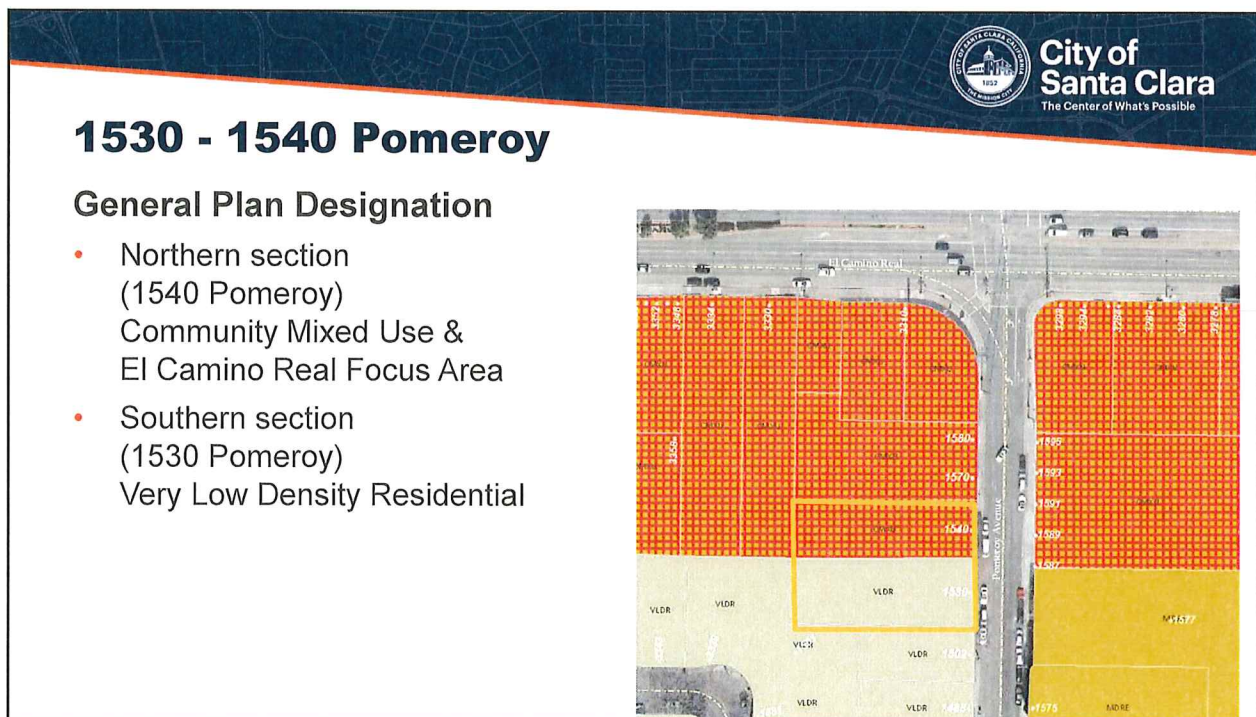
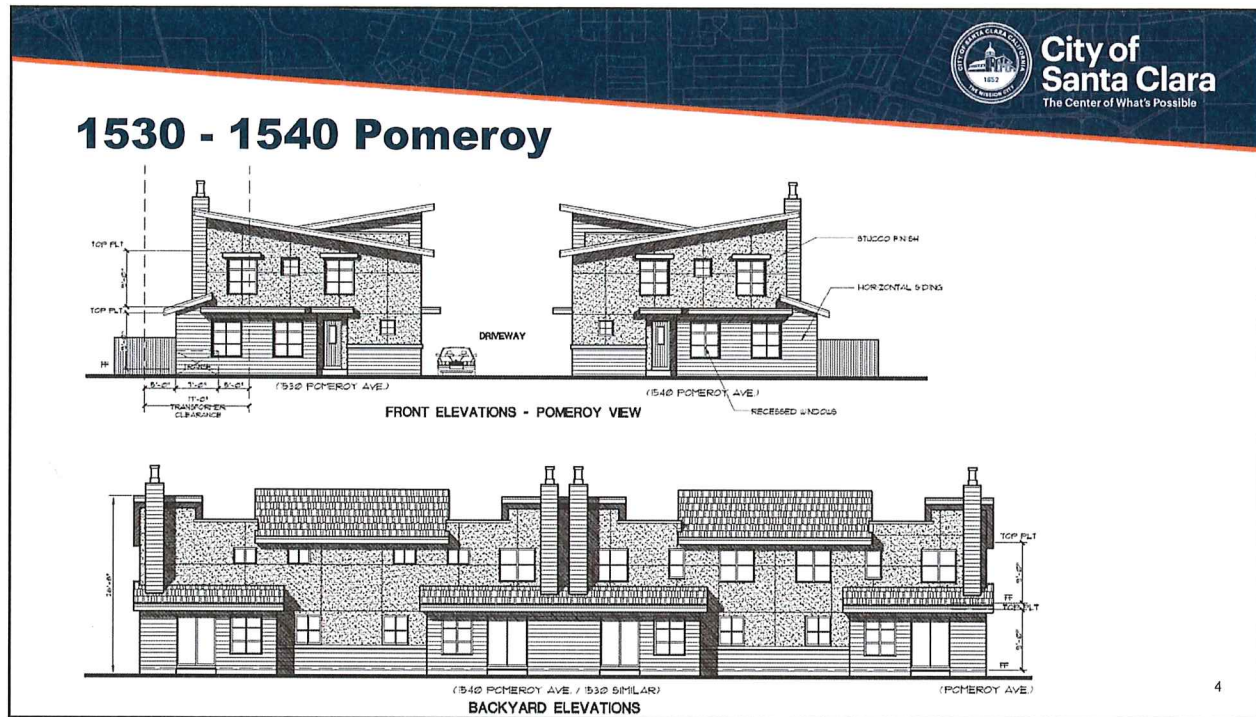
## 1530 - 1540 Pomeroy

### Project Description

- 8 townhouse units
- 2-story, 27'8" in height
- Two-car garages
- Three guest parking spaces



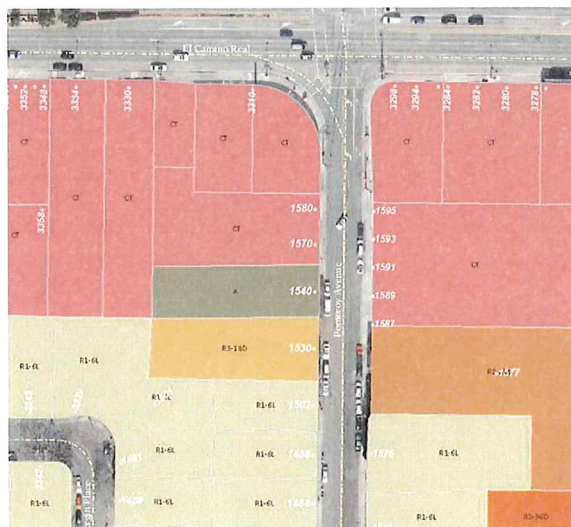




## 1530 - 1540 Pomeroy

### Zoning Designation:

- The zoning designation of the northern half of the site (1540 Pomeroy) is Agriculture (A).
- The designation of the southern half (1530 Pomeroy) of the site is Low Density Multiple Dwelling (R3-18D).



## 1530 - 1540 Pomeroy

### Changes in Response to Community Input

- Attached the units to provide a greater rear yard setback
- Number of the bedrooms reduction in the four townhomes closest to the neighbor's property
- Added an additional guest parking space
- Addition of a defined pedestrian pathway throughout the site to access guest parking and between the units
- Added a Mitigation Measure during project construction and a condition to require unit 5 owner to protect the neighbor's avocado tree during any work in the backyard

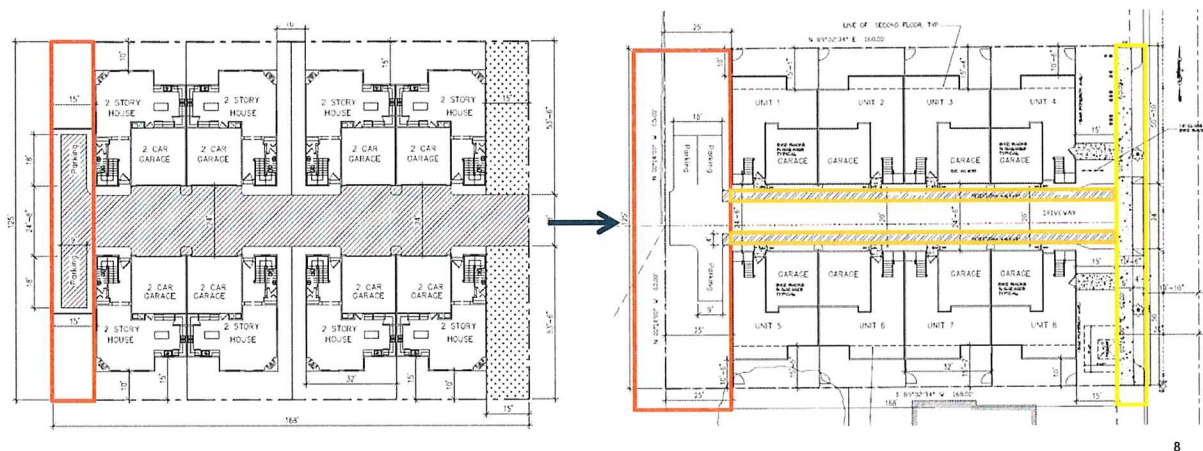




**City of  
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## 1530 - 1540 Pomeroy

### Community Meeting Discussion – November 28, 2017



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**City of  
Santa Clara**  
The Center of What's Possible

## 1530 - 1540 Pomeroy

### CEQA Review

- Mitigated Negative Declaration (MND) was prepared and a Notice of Availability was circulated for a 20-day period from March 19, 2018 through April 9, 2018
- Six comment letters from community members identifying concerns with traffic, potential aesthetic impacts, and construction noise
- Required mitigation identified related to air quality, biological resources, cultural resources, and hazardous material impacts to reduce impacts to a less than significant level

9



## **1530 - 1540 Pomeroy**

### **Planning Commission Meeting**

- 7 members of the public expressed concerns
- Forwarded the project to Council with no recommendation
- Approximately 260 signatures on petitions related to the project

10



## **1530 - 1540 Pomeroy**

### **Staff Recommendation**

- Recommend adoption of the Mitigated Negative Declaration and Adoption of the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project; and
- Recommend approval of the rezoning from Agriculture (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD) to allow development of 8 townhouse units and approve the Tentative Subdivision Map
- Recommend approval of the Tentative Subdivision Map

11



# City of Santa Clara

**City Council- November 13, 2018**

## 1530 - 1540 Pomeroy Avenue Residential Townhouse Project

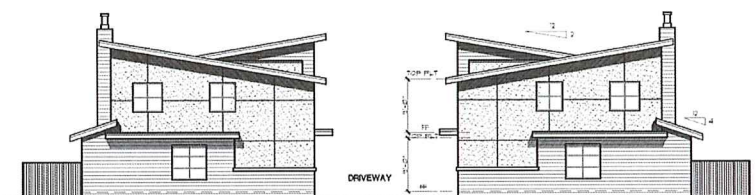
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**City of  
Santa Clara**  
The Center of What's Possible

## 1530 - 1540 Pomeroy



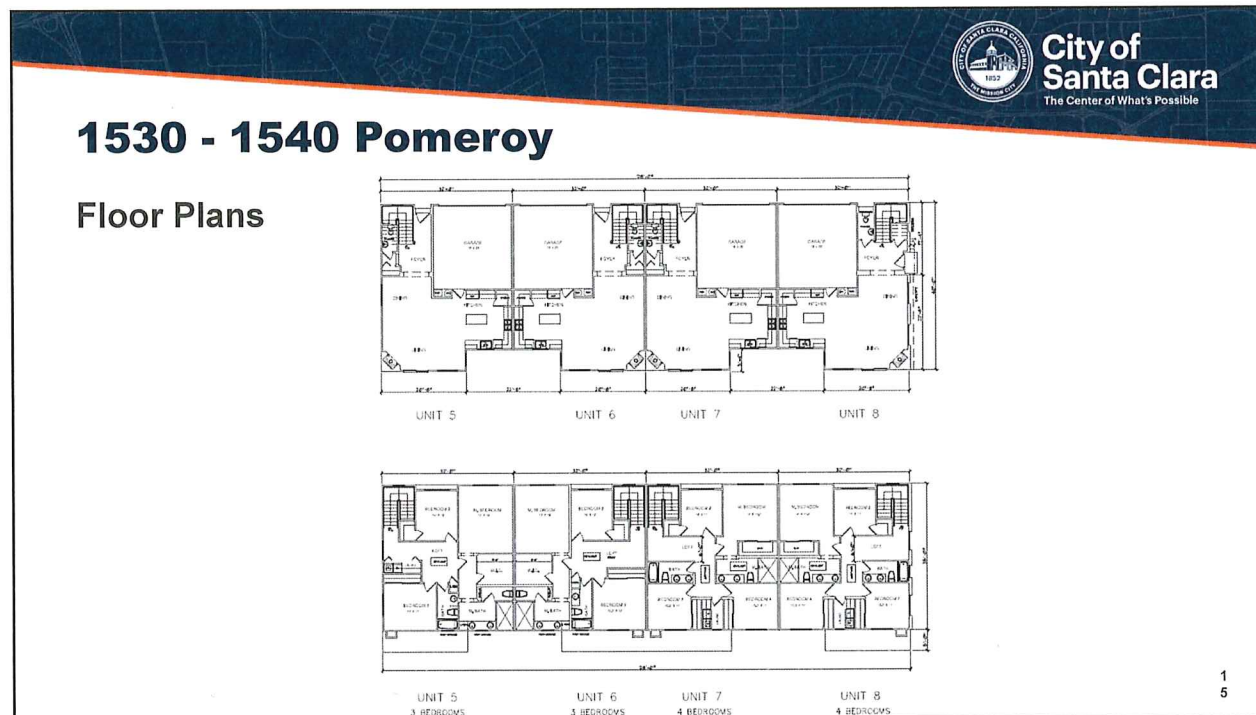
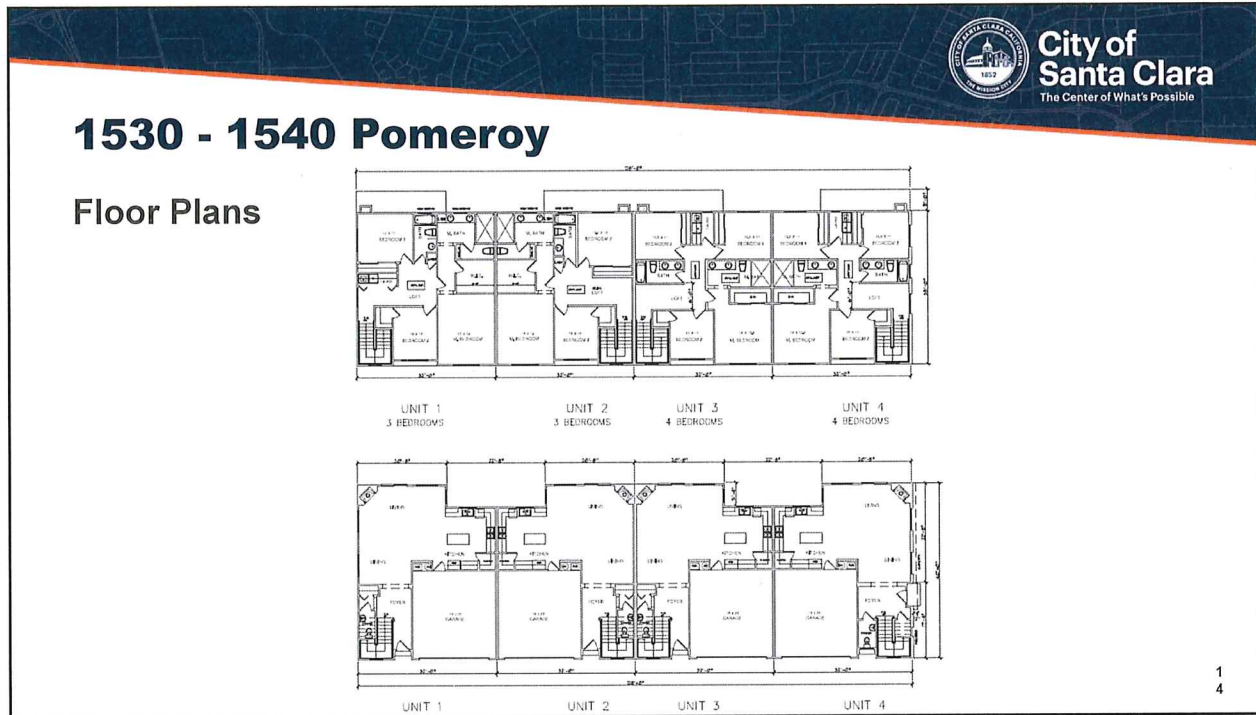
REAR ELEVATIONS



DRIVEWAY ELEVATIONS

HORIZONTAL SIDING  
STUCCO FINISH

1  
3





# RECEIVED

#10  
#9

MAY 26 2005



City of Santa Clara  
Planning Division

The use of the plans and specifications shall be restricted to the specific use, project and time shown on the title block and shall be subject to change without notice. Plans, specifications or publications in any method or medium or in any form or by any means shall be subject to change without notice. The user of the plans and specifications shall be responsible for obtaining the latest version of the plans and specifications.

SPENO HOMES  
1142 SOUTH WINCHESTER BLVD  
SAN JOSE, CALIFORNIA 95128

Project:  
POMEROY TOWNHOMES  
1575 POMEROY AVENUE  
SANTA CLARA, CA 95051

Name:

### City Revisions

No.	Description	Date
1	1575 POMEROY AVENUE, SANTA CLARA, CA 95051	1/15/05
2	1575 POMEROY AVENUE, SANTA CLARA, CA 95051	1/15/05
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

### Client Revisions

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Drawn by:  
1/15/05  
Sheet 1 of 1

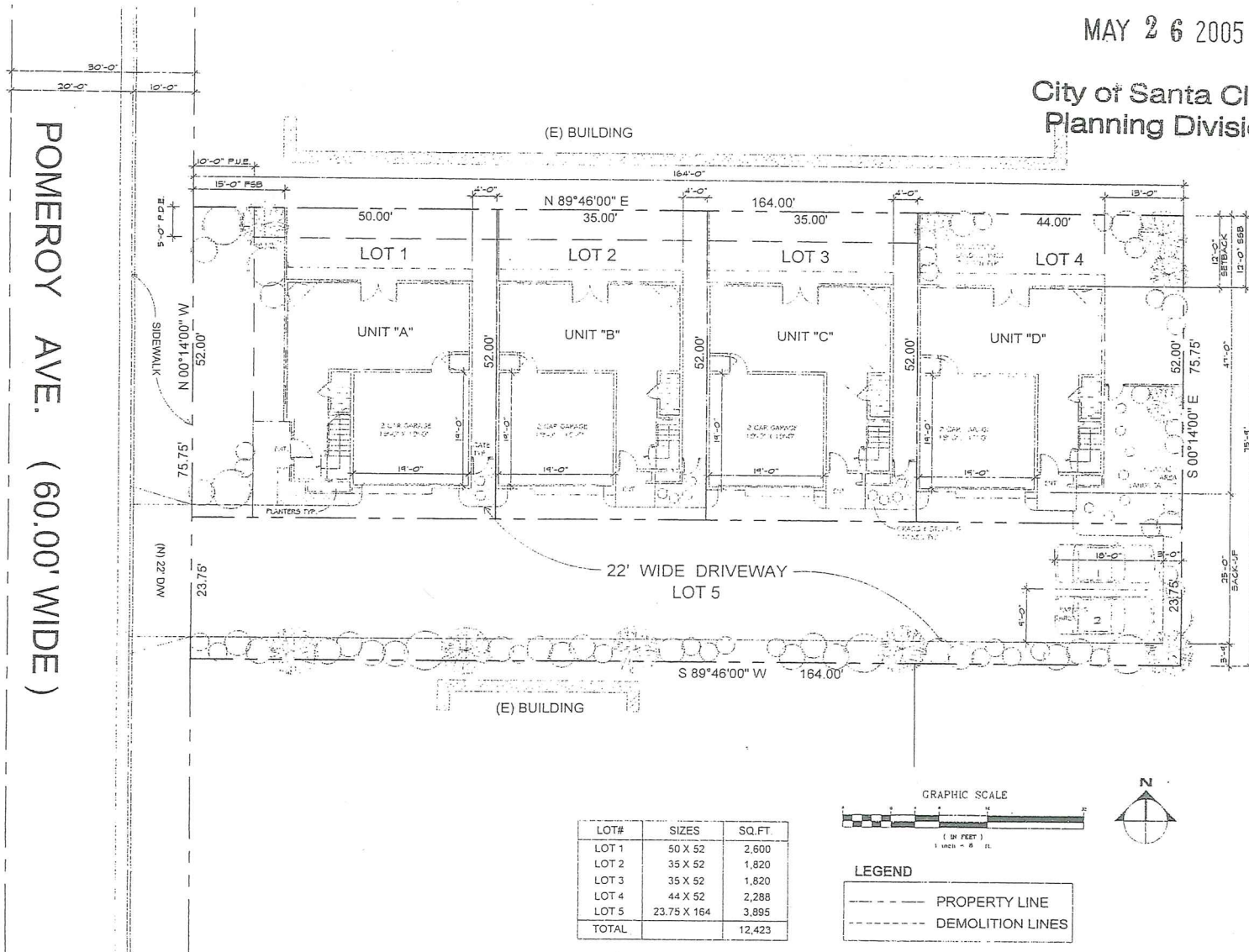
SITE PLAN

A1.0

Sheet 1 of 1

Date: 1/15/05

POMEROY AVE. (60.00' WIDE)



LOT#	SIZES	SQ.FT.
LOT 1	50 X 52	2,600
LOT 2	35 X 52	1,820
LOT 3	35 X 52	1,820
LOT 4	44 X 52	2,288
LOT 5	23.75 X 164	3,895
TOTAL		12,423

LEGEND  
--- PROPERTY LINE  
--- DEMOLITION LINES

PLN 2005-04965

of the preparation of this report:

- The applicant submitted the following statement of justification: "The general plan indicates High Density and this application is for re-zoning a parcel to support three (3) units on a parcel which would allow 12 units under the current general plan."
- No other comments have been received as of the date of preparation of this staff report.

**Considerations:** *The following general factors may be considered in evaluating this request. Some of these factors may represent evidence or facts that may directly support or refute the findings necessary to support this request:*

- The site is 12,423 square feet (75'9" wide by 164' deep) or .28 of an acre.
- The density of the proposed development (11 d.u./acre) is consistent with the General Plan Land Use designation of Moderate Density Residential (up to 25 d.u./acre) for this property and for surrounding properties on the east side of Pomeroy. This would support up to 7 units on this site.
- The proposed design consists of one 2-story unit at the front of the property, with the support posts for its front porch located fifteen feet behind the Pomeroy property line, and two 2-story attached units at the rear of the property.
- The front unit, Unit A, totals 2,770 square feet of building area on a 3,763 square foot lot. The two units at the rear each total 2,928 square feet, with one on a 2,547 square foot lot (Unit B) and one on a 2,831 square foot lot (Unit C). The front unit will have four bedrooms, three baths, a family room, and a 2-car garage. The rear units will have three bedrooms and two-and-a-half baths, and a 2-car garage. The fourth lot consists of the common driveway area and totals 3,383 square feet.
- Total building coverage of the site is 4,379 square feet or 35% of the lot size, where total building coverage on a single family-zoned lot is allowed up to a maximum of 40%. Proposed Floor Area Ratio (FAR) is .69.
- Besides the three two-car garages, one open parking space is proposed onsite for guest parking.
- Total height of the front unit is 26 feet 4 inches and the rear units are proposed to be 28 feet 9 inches tall.
- The second floor of the front unit steps back from the first floor elevation, two feet on the north end of the street frontage, adjacent to the 2-story apartments.
- The site is located next to a two-story apartment complex to the north that "wraps" around the subject property along its northern and eastern property lines. In addition, the back portion of the southern property line of this site is adjacent to the rear of another apartment development that fronts on Calabazas Boulevard.
- The other property that is immediately adjacent to the south, fronts on Pomeroy and is zoned R1-6L and contains a single family residence, as do the next two properties south of that and the properties directly across Pomeroy.
- The single family residence on this property is proposed to be demolished. It is over fifty years old. The Historic Resources Coordinator prepared a Determination of Historical Significance for the property at 1575 Pomeroy. It is staff's conclusion that the structure does not qualify as a significant historical or architectural resource under the City's criterion, and is not a qualified historic resource subject to the California Environmental Quality Act (CEQA). The existing structure can be demolished under a ministerial action, but under City policy can only be removed upon approval of replacement plans.
- The Historical and Landmarks (HLC) reviewed the proposed demolition on July 7, 2005. Although HLC did not designate this structure as a historically significant property, a recommendation was made that a plaque be installed by the developer to recognize the Buttita family's legacy in the City.
- In response to concerns expressed by residents, City Traffic Engineering staff in Fall 2005 analyzed speed, volume and accident information for this section of Pomeroy to determine if there is need for traffic calming measures. The Traffic Engineer determined



8.F. File: **PLN2007-06794**  
Location: 1165 Los Padres Boulevard, a 5,500 square foot lot located on the eastside of Los Padres, approximately 200 feet north of Benton Street (APN 290-42-092). Property is Zoned RI-6L (Single Family Residential).  
Applicant/Owner: Ann Soncini, Trustee  
Request: **Variance** to allow a 1-car garage where 2-covered parking spaces are required in conjunction with a 740 square foot rear addition (Previous Planning Commission variance approval of 10/12/05 has expired).  
Project Planner: Douglas Handerson, Associate Planner  
Staff Recommendation: **Approve, subject to conditions**

\*\*\*\*\*End of Consent Calendar\*\*\*\*\*

## REZONING

9. File: **PLN2007-06679**  
Location: 1468 Lafayette Street, a 7,303 square foot lot on the westside of Lafayette Street, approximately 100 feet north of Lewis Street (APN 269-05-091). Property is Zoned PD (Planned Development)  
Applicant/Owner: Salvatore Caruso  
Request: **Amend PD** to remove below-market rate requirement from a previously approved Density Bonus residential development project.  
Project Planner: Debby Fernandez  
Staff Recommendation: **Deny**

10. File: **PLN2007-06781**  
Location: ✓ 1575 Pomeroy Avenue, a 12,423 square foot lot, located on the east side of Pomeroy Avenue, approximately 350 feet south of El Camino Real (APN 290-03-089). Property is zoned R1-6L (Single Family Residential).  
Applicant: Kurt Anderson of Anderson Architects  
Owner: ERN Speno LLC  
Request: **Rezone from R1-6L to PD (Planned Development/R3-18D) to demolish an existing residence and construct three detached townhomes.**  
Project Planner: Doug Handerson, AICP, Associate Planner  
Staff Recommendation: **Approve, subject to conditions**

# Stop High Density Housing

By Santa Clara Neighbors of Pomeroy



# Stop High Density Housing

We object the changing the zoning of 1540 and 1536 and creating any non single family homes on the property.

- The redevelopment of El Camino does not mean redevelopment of Pomeroy
- Incremental Impact of redeveloping properties
- Traffic analysis does not estimate creation of coming developments
- Infrastructure of Pomeroy does not support this creation

# El Camino Re-Development

- At the last meeting regarding the redevelopment of the El Camino It was stated that “No single family homes will be included in the redevelopment of the El Camino
- 1536 and 1540 are single family and will be repurposed from low density family dwelling to high density development.
- Developments are not only building on El Camino but moving Pomeroy and Crowding the essence of the Single Family Neighborhood.
- Zoning Changes would destroy the area for single family homes down Pomeroy and possibly effect the future of the area.
- Across the street there is a discussion of creating a 5 story building with multiple residents, and that developer is watching this vote.



# Incremental Impact

- Has there been a traffic analysis or an infrastructure analysis including the Deck Numbers
  - Has there been a traffic analysis with inclusion of other recently built properties
  - The reasons why I ask is because the current traffic analysis does not include a real life analysis of the deck and coming high density homes.
  - This incremental impact is dangerous and is never included accurately
-

# Traffic

- Is Jam Packed in the morning and coming home there is a addition of 20 mins from Pomeroy to San Tomas daily
- Adding more people to an already crowded road will only increase accident rates.
- There is definitely a road infrastructure on Pomeroy, it's a small 2 lane street. Adding more housing into Pomeroy without infrastructure improvements will Likely increase accidents, irritation, and death





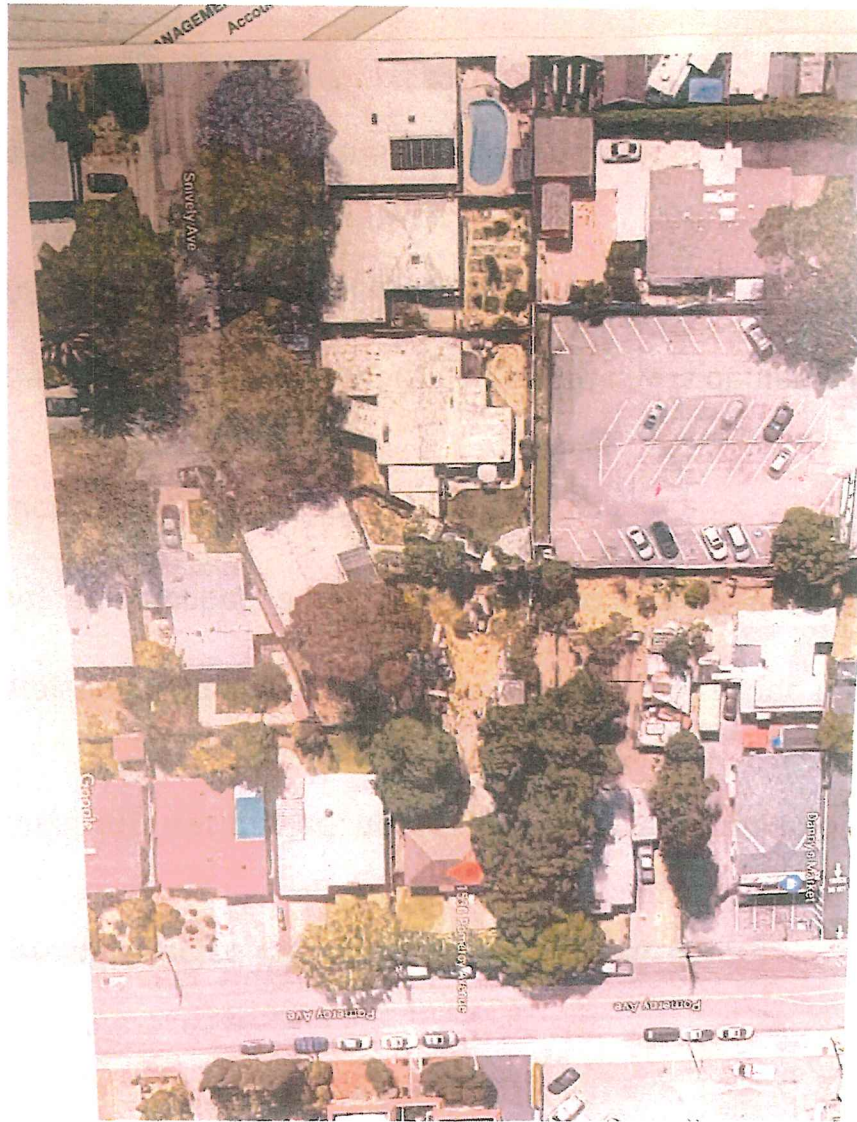
## Over Dramatized Representation



Real Image

Look No business behind it  
No Pool Behind it.

Its done just to hood wink people





# Infrastructure

**4 – previous attempts and they were all rejected due to the current Infrastructure**

**2005:** 4 town homes on a lot of 12,423 sqft was denied, now across the street similar lot has 8 2 story town homes? 1575 Pomeroy Why?

**2006:** Developers attempted to install only 2 town homes, 1 detached and 2 attached town homes.

**2008:** Again 3 detached town homes, all detached, and it continued to be denied. Still denied.

**2014:** Denied again due to infrastructure

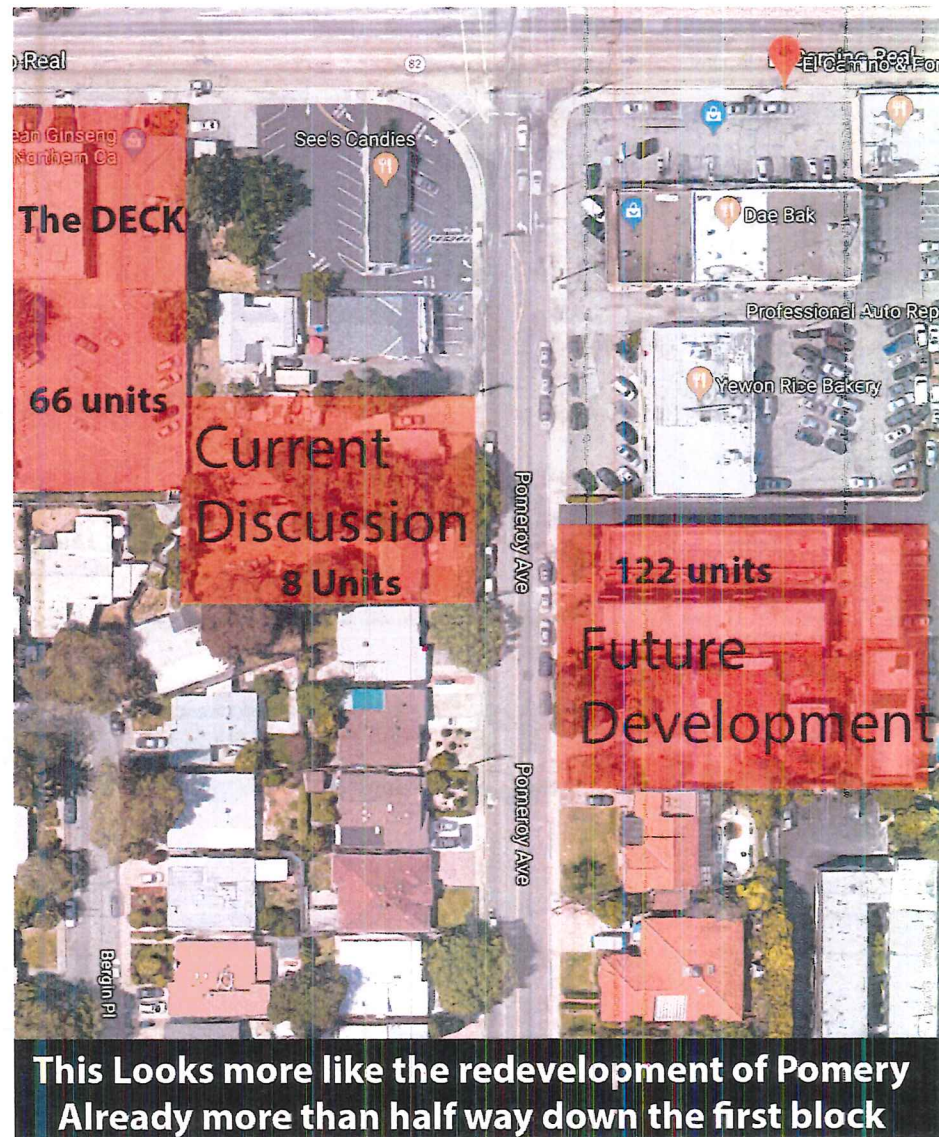
**I want to point out.** The the lot right across the street that is a bigger size, was denied with only 4 town homes homes

It was denied again with 2006, 2008, 2014 with only 3 houses instead of 4.

The Point is that We are trying to build 8 homes that are 2 stories on a sm



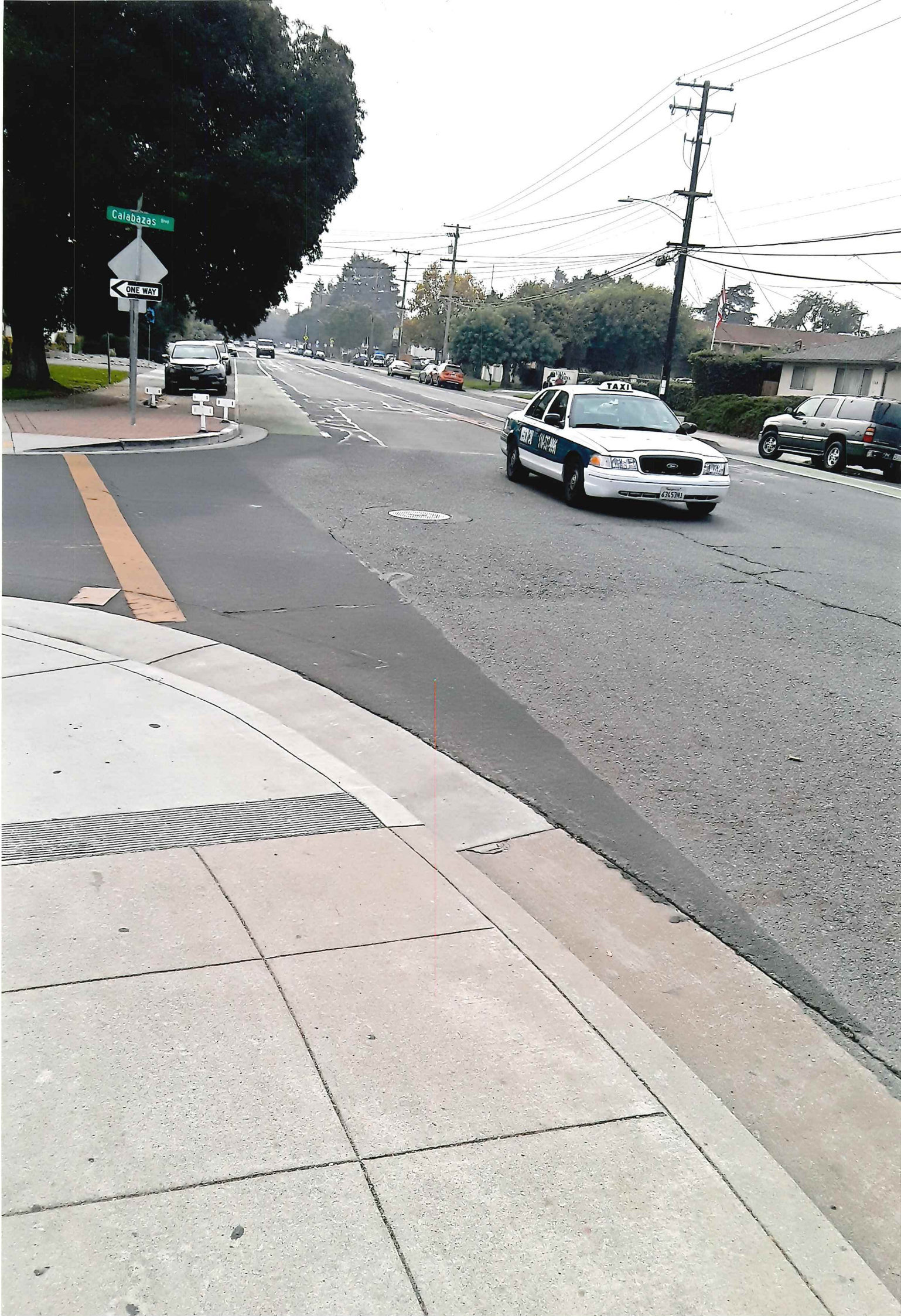


















11/13/18

#10

**Lynn Garcia**

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**From:** Mayor and Council  
**Subject:** FW: Project at 1530-1540 Pomeroy Ave

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**From:** Carmen Carey [[mailto:carmen\\_carey@msn.com](mailto:carmen_carey@msn.com)]  
**Sent:** Tuesday, November 13, 2018 4:43 PM  
**To:** [MayorandCouncil@santaclara.gov](mailto:MayorandCouncil@santaclara.gov); Lisa Gillmor; Patrick Kolstad; Kathy Watanabe; Patricia Mahan; Debi Davis; Teresa O'Neill; Elaheh Kerachian  
**Subject:** Project at 1530-1540 Pomeroy Ave

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**N A Speno and Associates, Inc.**

1142 S. Winchester Blvd. ~ San Jose, CA 95128  
Phone 408-984-1216 ~ Fax 408-984-6304 ~ Email [carmen\\_carey@msn.com](mailto:carmen_carey@msn.com)  
Property Manager ~ Carmen Carey

Honorable Mayor and Member of City Council:

We own the properties across the street from the proposed eight-unit development located at 1530-1540 Pomeroy Avenue. We would like to express our support for this project. We believe that this project is compatible with the surrounding neighborhood and is a good transition between the homes on south side and the future mixed-use development to the north along El Camino Real.

We have owned our properties for many years now. This area of Pomeroy Avenue is in need of revitalization. The new townhomes will enhance our neighborhood and encourage other property owners to improve their property. Furthermore, we need additional ownership homes in this area of Santa Clara. The majority of developments along El Camino Real are apartments. Although these apartments provide much needed housing, it does not help the Santa Clara residents who wish to own their homes. These townhomes will be suitable for our younger generation who is looking to buy their first home.

We believe that these townhomes will be a great addition to our neighborhood and urge the City Council to approve this project.



If you have any questions or need additional information, please contact me.

Cordially,

Carmen Carey  
Nicholas A Speno & Associates, Inc.  
1142 S Winchester Blvd.  
San Jose, CA 95128  
408-984-1216 T  
408-984-6304 F

**POST MEETING MATERIAL**

11/13/18

#10

**Lynn Garcia**

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**From:** Mayor and Council  
**Subject:** FW: 2018 Nov 13 Agenda Item: 1530/1540 Pomeroy Avenue Residential Project

**From:** John Lesnick [mailto:jdlesnick@comcast.net]  
**Sent:** Tuesday, November 13, 2018 6:01 AM  
**To:** Mayor and Council  
**Subject:** 2018 Nov 13 Agenda Item: 1530/1540 Pomeroy Avenue Residential Project

Honorable Mayor and members of City Council:

Please find below the transcript of a public comment regarding the 1530/1540 Pomeroy Avenue Residential Project given at the Santa Clara City Council meeting on November 13, 2018. Thank you.

John Lesnick

Santa Clara Resident

The request to rezone the 1530/1540 Pomeroy Avenue Project PLN2016-12053 (Rezone) cannot be passed in good conscience or based on fair and objective analysis. Approval of this rezoning is not in the best interest of the City of Santa Clara and in fact is detrimental to the City and Neighborhood.

The designation of the southern section (1530 Pomeroy) of the site is Very Low Density Residential. The proposal to rezone to PD allows the owner to increase the number of units allowable on this plot from 2 to 4. Approval of this proposal only serves the financial aims of the 1530 owner.

The General Plan land use designation of the northern section of the site (1540 Pomeroy) is Community Mixed Use (CMU) and is located within the El Camino Real Focus Area. The current zoning is Agricultural, and the request is to rezone to PD. If the property is developed and rezoned to CMU, as deemed appropriate by City Planners and City Council, the property could support 9 housing units AND commercial property. Instead, the proposed plan provides only 4 housing units on the property and NO commercial property. Approving this proposal is financially irresponsible to the City of Santa Clara and propagates the abuse of PD zoning.

The El Camino Real is the City's most visible and identifiable commercial corridor. The City's General Plan vision for El Camino Real is to transform the Focus Area from a series of automobile-oriented strip malls to a tree-lined, pedestrian and transit-oriented corridor with a mix of residential and retail uses. Approval of this project steals from the El Camino Real Specific Plan.

As a neighbor, contrary to the false statements in the Letter of Justification, I prefer a buffer zone to the El Camino Development as it is identified in the General Plan. I prefer the old growth trees for sound and wind breaks from El Camino that would be chopped down for the owner of 1530. I prefer nice commercial establishments to walk to and spend money locally to support the city. Not walk along an established neighborhood to cross onto a misfit stretch of sidewalk along an ill-fitting in-fill project.

The request to approve THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 1530 – 1540 POMEROY AVENUE RESIDENTIAL PROJECT CEQ2017-01036 cannot be passed in good conscience or based on objective analysis. To start, the Mitigation Monitoring and Reporting Program is not an available document to review on-



line as of Nov 13, 2018. Considering the facts and evidence the City has been made aware of, as a result of the report and public comment, and recognized to have significant impact on the environment, as well as property and potentially life; the MND does not in fact reduce impact to a less than significant level in all cases.

The Resolution under consideration has very strong language of compliance to CEQA and conviction in the mitigation measures. Each Council Member and Mayor are encouraged to understand what they are accepting as True, Complete and “that approval of this project as mitigated will have no significant negative impacts on the area’s environmental resources, cumulative or otherwise”.

The MND is incomplete, it extends mitigation measures to ‘conditions of approval’ outside the CEQA guidelines. The language implies the City will represent my interests in legally binding documents e.g. Deed restrictions. If there is to be legal language protecting my property and family then my attorney needs to be consulted. It is incomplete as it does not address waste water / drainage impact considering BR-3 for example. Clearly, public response generated changes to Mitigated Measures e.g. some were edited in the response document. These changes have not been acknowledged publicly and vetted as the language speaks from a position of specific knowledge and it is not clear these are informed changes that would reduce the environmental impact to less than significant e.g. D-11, 12 and 13. The petitioner professes use of PD to obtain zoning exemptions and then encumber the mitigation measures is irresponsible and negligent e.g. the side setback for unit 5 is 10’ while the TPZ extends to 15’ and nearly the entire width of the TPZ is cut off by unit 5. 33% of the Tree Protection Zone is not protected. DDE, DDT, Arsenic and Mercury were in the TPZ area (not to discount the other toxic contamination of the property) and not reasonably addressed, in reality or in spirit, of the CEQA guidelines. Some mitigation measures are based on hope and chance which again do not represent the spirit of the CEQA guidelines e.g. PII ESA with extremely high probability will positively identify contaminants based on significant findings of PI ESA. Triggering HM3 and MH4 impacting BR-3 etcetera. These are serious matters with consequence and we hereby reserve the right to bring suits, claims, and actions for any and all causes of action arising from this decision where comments, issues and concerns have been made on the matter here or in the past.

The Planning Commission did not approve this project. Public response and suggestion for appropriate mitigation measures are contained in the report. The members of the Planning Commission also suggested the same mitigation measures to support consideration of the project. The universal mitigation measure suggested for this project was to reduce the number of units on the property of 1530 Pomeroy. The Council and Mayor should support this reasonable and widely accepted mitigation measure.

For the reasons described above, reduced housing units and eliminating commercial opportunity for the city and significant environmental impact, the tentative subdivision map should not be approved by the Mayor and City Council representing Santa Clarans.

Thank you for your time, service and consideration.

John Lesnick