



Legislation Details (With Text)

File #: 18-1131 **Version:** 1 **Name:**

Type: Public Hearing/General Business **Status:** Agenda Ready

File created: 8/10/2018 **In control:** City Council and Authorities Concurrent

On agenda: 11/13/2018 **Final action:** 11/13/2018

Title: Public Hearing: Action on a Proposed Rezoning to Allow Development of Eight Townhouses at 1530 - 1540 Pomeroy Avenue

Sponsors:

Indexes: CC

Code sections:

Attachments: 1. Planning Commission Report, 2. Mitigated Negative Declaration, 3. Responses to MND Comments, 4. Project Data and Maps, 5. Resolution Recommending Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, 6. Resolution Recommending Approval of the Rezoning, 7. Resolution Recommending Approval of the Tentative Subdivision Map, 8. Conditions of Rezoning Approval, 9. Conditions of Tentative Subdivision Map, 10. Application - Letter of Justification, 11. Development Plans, 12. August 22, 2018 Planning Commission Minutes, 13. Correspondence, 14. POST MEETING MATERIAL

Date	Ver.	Action By	Action	Result
11/13/2018	1	City Council and Authorities Concurrent	Approved	Pass
11/13/2018	1	City Council and Authorities Concurrent	Declined	Pass

REPORT TO COUNCIL

SUBJECT

Public Hearing: Action on a Proposed Rezoning to Allow Development of Eight Townhouses at 1530 - 1540 Pomeroy Avenue

BACKGROUND

The applicants, the Ridge Crest Group and Omid Shakeri, are requesting a rezoning of two parcels totaling 0.48 acres from Low Density Multiple Dwelling (R3-18D) and Agricultural (A) to Planned Development (PD) and approval of a Tentative Subdivision Map to allow the development of an 8-unit two-story residential townhouse project (PLN2016-12053 and PLN2016-12068).

The project site is on the west side of Pomeroy Avenue between El Camino Real and Granada Avenue. The site is currently occupied by two single-family homes. Single-family residential land uses are located to the west and south of the project site and multi-family and single-family residential land uses are located across Pomeroy Avenue to the east. The project site is adjacent to commercial uses to the north.

The Planning Commission considered the project on August 22, 2018 and forwarded the project to the City Council with no recommendation.

The Planning Commission staff report with previous attachments and excerpt minutes from the

Planning Commission meeting of August 22, 2018 are included in this report.

DISCUSSION

At the August 22nd Planning Commission meeting, staff provided a presentation of the proposed project. The Commission asked about the relation of the project to the El Camino Real Specific Plan in preparation. Staff explained that at the April 18, 2017 City Council meeting, the Council provided direction that, pending rezoning projects inside of the El Camino Real Focus Area, including the 1530-1540 Pomeroy Avenue project, could move forward during the Specific Plan visioning/community outreach process, as long as the projects did not require a General Plan Amendment.

Approximately seven members of the public spoke on this item, mostly expressing concerns about the project proposal. Some of the major concerns raised were regarding dust and noise during construction, traffic issues in the neighborhood, existing trees onsite to be removed and the potential harm to a neighbor's avocado tree adjacent to the property. Two of the speakers expressed concerns regarding potential development at 1575 Pomeroy Avenue across the street from the proposed project. Two community members expressed support for the project.

As part of the Planning Commission discussion, Commissioner Becker indicated that he did not support the project as it would create additional density in the neighborhood. Commissioner Saleme and Vice Chair Chahal expressed support for decreasing the number of units from 8 to 6 units. The developer stated that reducing the number of units would not be financially feasible. Chair Jain and Commissioners Kelly and Ikezi supported the project as proposed.

A motion was made by Commissioner Kelly and seconded by Commissioner Ikezi to forward the project to Council with no recommendation. (5-0-1; Vice Chair Chahal abstained)

Since the Planning Commission meeting, the City has received approximately 260 signatures on petitions related to the project, with almost all in opposition. The petition letters reference opposition to a preliminary application for a five-story 122 dwelling unit project at 1575 Pomeroy Avenue as well as the eight two-story townhome project proposed at 1530-1540 Pomeroy Avenue. The petition states that these two potential projects will negatively affect the character of the existing single-family residential neighborhood.

ENVIRONMENTAL REVIEW

An Initial Study and a Mitigated Negative Declaration (MND) was prepared and was circulated for a 30-day period from December 6, 2017 through January 10, 2018 in accordance with California Environmental Quality Act (CEQA) requirements. The Community Development Department received two comment letters from two community members identifying concerns with traffic, potential hazards and soil contamination, aesthetics, land use and planning. Responses to the comments are attached to this report.

The MND examined environmental impacts associated with the proposed project development and identified potential air quality, biological, cultural resources, and hazardous materials impacts. The MND also identified mitigation measures that would reduce all potential impacts to less than significant levels. 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 for the proposed project.

As detailed in the Report to the Planning Commission (Attachment 1), approval of the project would

allow a project that is consistent with the vision of the General Plan and provides new for-sale housing opportunities with private and common open space. The requested PD zoning is required to implement the General Plan designation and policies applicable to the project site that support new residential land uses.

FISCAL IMPACT

There is no impact to the City for processing the requested application other than administrative staff time and expense.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A notice of public hearing of this item was posted in three conspicuous locations within 300 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 October 31, 2018.

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 at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special 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>> or at the public information desk at any City of Santa Clara public library.

ALTERNATIVES

1. Adopt a resolution adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project;
2. Adopt a resolution approving the rezoning from Agricultural (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution approving the Tentative Subdivision Map to allow development of 8 townhouse units.
4. Deny the project including the proposed rezoning from Agricultural (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD) and the Tentative Subdivision Map.

RECOMMENDATION

Alternatives 1, 2, and 3:

1. Adopt a resolution adopting the Mitigated Negative Declaration and adoption of the Mitigation Monitoring and Reporting Program for the 1530 - 1540 Pomeroy Avenue Project;
2. Adopt a resolution approving the rezoning from Agricultural (A) and Low Density Multiple Dwelling (R3-18D) to Planned Development (PD);
3. Adopt a resolution approving the Tentative Subdivision Map to allow development of 8 townhouse units.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Planning Commission Report
2. Mitigated Negative Declaration

3. Responses to MND Comments
4. Project Data and Maps
5. Resolution Adopting Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
6. Resolution Approving the Rezoning
7. Resolution Approving the Tentative Subdivision Map
8. Conditions of Rezoning Approval
9. Conditions of Tentative Subdivision Map
10. Application - Letter of Justification
11. Development Plans
12. August 22, 2018 Planning Commission Minutes
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