18-786 **Agenda Date: 6/26/2018**

REPORT TO COUNCIL

SUBJECT

Public Hearing: Action on a Four Unit Development Project located at 1075 Pomeroy Avenue

BACKGROUND

The project was continued from May 15, 2018 City Council meeting with re-noticing to the property owner within 500 feet and published in the *Santa Clara Weekly* on June 13, 2018. The Planning Division received two email comments from one community member and one letter from Craig Mineweaser & Associates regarding the cultural evaluation of the recently adopted Mitigated Negative Declaration report. The applicant's historical consultant, Bonnie Bamburg, prepared a response to Mr. Mineweaser's letter. All correspondence received is attached as "Correspondence Received After May 15, 2018."

On June 7, 2018, the Historical and Landmarks Commission (HLC) discussed this project under Other Business due to an email correspondence received by a Pomeroy Green resident. The discussion focused on an application to the California Office of Historic Preservation (OHP), considering Pomeroy Green to be listed on the National Register. Following the discussion, the HLC wrote a letter to recommend to the Council defering the consideration of the proposed project for the outcome of the OHP process. The HLC letter is also included in the Correspondence Received After May 15, 2018.

The proposed development project includes the rezoning of a 12,400 square foot property at 1075 Pomeroy Avenue from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD), and a Tentative Parcel Map to subdivide the property into four parcels. These actions would allow the development of four detached townhomes on the property.

The project site is adjacent to the Pomeroy Green and Pomeroy West townhouse developments, both of which were designed by Joseph Eichler, a developer active in the Bay Area in the 1950s and 1960s, known for development projects that made use of a distinctive Mid-Century Modern architectural style.

The project was previously considered by the City Council at the November 21, 2017 and March 6, 2018 public hearings. The previous Reports to Council are provided as Attachment 12.

At the November 21 hearing, the project was referred by the City Council to the HLC, which considered the project and made recommendations at its January 4, 2018 meeting.

Following the HLC meeting, the project was considered by the City Council on March 6. Residents of Pomeroy Green and Pomeroy West were present and spoke in opposition of the proposed project. Following public testimony and Council deliberation, the Council adopted the project Mitigated

Negative Declaration and referred the project to the Architectural Review Committee (ARC) to provide an opportunity for further design review with the Committee, staff, residents and the applicant.

The project was reviewed at the ARC March 21, 2018 meeting and at a special ARC meeting on April 4, 2018. The March 21 meeting was attended by approximately seven residents from Pomeroy Green and Pomeroy West as well as one member of the Historical and Landmarks Commission. The residents expressed concerns with the proposed: setbacks to the existing neighbors to the south and east; height; amount of on-site parking; architectural design; and potential impacts related to privacy and shadows. Following the public testimony, the ARC recommended that the residents provide specific design recommendations for the developer to consider and that the project return to a Special ARC Meeting for review of changes made by the developer based upon that input. The neighboring residents subsequently provided the following 13 requested design changes:

1. Eliminate the sliding door access to the garage.
2. Redesign the second floor plan to avoid egress windows facing the south side neighbors. Use clerestory windows to allow sunlight into the units.
3. Add conditions of approval to restrict the use of the garage for parking only.
4. Increase setbacks on the north and south side from 10 feet to 20 feet.
5. Redesign the project as attached multifamily residences to increase the setback from all property lines.
6. Use vertical siding instead of horizontal siding.
7. Lower the building height to closer to 19 feet, similar to the height of Pomeroy Green.
8. Eliminate divided-light windows (windows with individual squares of glass separated by muntins or grills).
9. Provide parking for each unit in a carport instead of a garage.
10. Redesign the window sizes and types to create a more uniform design and distribution.
11. Use a flat roof for the front porches instead of a low pitch roof.
12. Eliminate stone veneer for the chimney.
13. Eliminate stone veneer for wainscoting.

At the April 4, 2018 Special ARC meeting, the applicant provided a revised plan and response letter (Attachment 8) to address each of the 13 recommendations. Seven members of the public and two members of the HLC were present. The majority of the residents appeared to be pleased with the changes made as concessions by the applicant. Two neighbors continued to express concern regarding the proposed setbacks between the proposed houses and the neighbors to the south and east, the project's parking, and overall architectural design.

Following the public testimony, the ARC recommended approval of the design in accordance with the revised plan and with additional conditions to require two parking spaces be kept available within the garage for each unit, emphasizing that violation of this condition could result in an administrative citation and fine. Condition C.25 has been added to the proposed rezoning to implement this recommendation with the applicant's consent.

DISCUSSION

In accordance with City Council direction, the proposal has been reviewed by the Historical and Landmarks Commission and by the Architectural Review Committee for design and neighborhood compatibility. The applicant has made changes throughout the hearing process and additional

conditions have been added to the proposed entitlement to address concerns raised by the neighboring residents and through the Planning Commission, Historical Landmarks Commission, ARC and City Council hearing processes.

The HLC recommended design changes and an additional community meeting conducted by staff. The most recent City Council hearing and two subsequent ARC meetings have provided additional opportunity for community input. As a result of these meetings, the Project design has been modified to include lower building heights, redesigned windows, and changes in materials. The proposed rear and side yard setbacks would meet the current multi-family zoning standards for the property (R3-18D). A summary of the project design changes made since the ARC meeting of March 21, 2018 is provided in a matrix (Attachment 9). While, as previously discussed, staff has found the project to be consistent with the General Plan and other applicable City policies, the revised plan and conditions would allow for a detached townhome development that better responds to the concerns of the neighboring residents.

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 and ARC reviews are outside of the scope of the standard cost recovery fees and is borne by the general fund.

ENVIRONMENTAL REVIEW

The Mitigated Negative Declaration (MND) was previously adopted by the City Council at the noticed public hearing of March 6, 2018. A Notice of Determination was filed with the Santa Clara County Recorder on March 8, 2018, and the period to challenge the MND expired on April 7, 2018. Once adopted, the City is legally precluded from reopening an MND unless the City learns "new information of substantial importance to the project that was not known and could not have been known" at the time of adoption of the MND. Pub. Res. Code § 21166(c); CEQA Guidelines § 15162(a)(3).

Staff reviewed Mr. Mineweaser's letter and Ms. Bamburg's historical assessment per California Environmental Quality Act (CEQA) requirements. Mr. Mineweaser's primary assertion is that the adjoining "Pomeroy Green" property will potentially be determined to be eligible for listing on a historic register in the near future, and that if a property has been determined to be eligible, then the MND must mitigate adverse impacts on that property to less-than significant levels. However, as Mr. Mineweaser's letter acknowledges, the Pomeroy Green residents previously had the opportunity to apply for listing on a historic register but did not do so, and so even if the property were ultimately determined to be eligible for HRI listing, this is not information that "could not have been known" prior to adoption of the MND. As such, the City is legally precluded from reopening the MND.

Moreover, Staff accepts Ms. Bamburg's determination that the development would not have an adverse impact on Pomeroy Green, even if it is ultimately determined to be eligible for HRI listing, and finds that the MND was assessed in accordance with the CEQA guidelines. The HLC also reviewed the proposed project and gave design recommendations as if Pomeroy Green and Pomeroy West were considered historical. The applicant made changes according to the HLC and ARC recommendations.

COORDINATION

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

powered by Legistar™

PUBLIC CONTACT

On June 15, 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 June 13, 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 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. Approve the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD);
2. Approve a Tentative Parcel Map to subdivide the subject property to four parcels;
3. Deny the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD);
4. Deny the Tentative Parcel Map to subdivide the subject property to four parcels.
5. Any other action as directed by City Council

RECOMMENDATION

Alternatives 1 & 2:
1. Approve the rezoning from Low-Density Multiple Dwelling (R3-18D) to Planned Development (PD); and
2. Approve a Tentative Parcel Map to subdivide the subject property to four parcels.

Reviewed by: Andrew Crabtree, Director of Community Development
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution Approving the Rezoning from R3-18D to PD
2. Resolution Approving the Tentative Parcel Map
3. Conditions of Rezoning Approval
4. Conditions of Tentative Parcel Map Approval
5. Excerpt of Architectural Review Committee Meeting Minutes of April 4, 2018
6. Architectural Review Committee Staff Report of March 21, 2018
7. Excerpt of Architectural Review Committee Meeting Minutes of March 21, 2018
8. Response Letter to Architectural Review Committee Recommendations from March 21, 2018
9. Summary Table of Changes from March 21, 2018
10. Architectural Review Committee Staff Report of April 4, 2018
11. Public Comments Received After March 6, 2018
12. March 6, 2018 City Council Report
13. Correspondence Received After May 15, 2018
14. Development Plans with Tentative Parcel Map