



## 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.

**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)