

CITY OF SANTA CLARA, CALIFORNIA

# **1075 Pomeroy Avenue Residential Subdivision**

RESPONSES TO COMMENTS  
ON THE  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

SEPTEMBER 2017

# **1075 Pomeroy Avenue Residential Subdivision Project**

## **Initial Study/Mitigated Negative Declaration**

### **Responses to Comments**

On August 31, 2017, as Lead Agency, the City of Santa Clara published the *1075 Pomeroy Avenue Residential Subdivision Project Initial Study/Mitigated Negative Declaration* and distributed the document for public review and comment. Prepared in compliance with the California Environmental Quality Act (CEQA), the Initial Study/Mitigated Negative Declaration (IS/MND) documents the environmental review conducted for a proposal to subdivide a 12,383-square-foot property located at 1075 Pomeroy Avenue in the City of Santa Clara into four lots and develop each lot with a two-story single-family home. The property is currently occupied by a single-story single-family home, paved driveway, and landscaping that would be demolished as part of the proposed project. The project would require rezoning of the merged properties to a Planned Development (PD) district.

The Notice of Availability distributed by the City initiated a 20-day public review period that ended on Thursday, September 21, 2017. During the public review period the City received four comment letters via email; no comment letters were received from public agencies.

Although CEQA does not require a lead agency to prepare written responses to comments on an IS/MND during the public review period, the City of Santa Clara has taken the extra step of preparing written responses to the comments received to further inform the public regarding the environmental review process for the proposed project, as well as to assist the City's decision-makers in their consideration of the comments. As stipulated in Section 15074(b) of the *CEQA Guidelines*, the decision-making body of the lead agency must consider all comments received during the public review period prior to approving or disapproving a project.

Each of the comment letters submitted is presented in this document, with brackets separating the letters into individual comments. The City's responses to the comments follow each letter, and are keyed to the numbered comments.

# LETTER A

**From:** Lara Ruffolo lara32@gmail.com  
**Subject:** RE: 1075 Pomeroy Avenue Residential Subdivision Project  
**Date:** September 5, 2017 at 1:27 PM  
**To:** Steve Le SLe@SantaClaraCA.gov

LR

Dear Mr. Le,

A-1

I oppose the Rezoning of 1075 Pomeroy from RD-18D to Planned Development.

The City should stand by its existing plan for redevelopment, in which 1075 is not slated for any redesignation or redevelopment at all. This pocket-handkerchief of land is surrounded by 17 families of homeowners on 3 sides, all of whom purchased their townhouses adjacent to it with the understanding that the City of Santa Clara had designated the entire block RD-18D. To change this zoning to permit the new owner of this property to stuff another house onto the land is to fly in the face of pre-existing owners and taxpayers. Perhaps it would make the City liable to some legal challenge, as well as permitting construction of homes that will unnecessarily impinge the privacy and peace of adjoining homeowners.

A-2

During previous meetings between these owners and a member of the City Planning Division, owners were assured that the City will grant a rezone only if the developer proposes to provide some public good, such as a bike lane or park. Mr. Maharmat's proposal does nothing to benefit residents of Santa Clara. Indeed, it will detract from our quality of life by adding many cars to fight over our limited street parking.

As I have pointed out in previous letters to the Planning Commission and City Council, four-bedroom houses will soon need parking for four cars. Mr. Maharmat's design only accommodates ten of the predictable sixteen needed parking spaces off-street, so we will eventually have six more drivers vying for the limited parking on Pomeroy Avenue.

A-3

Just how this justifies adoption of a Mitigated Negative Declaration I can't tell from the plans we have seen. Mr. Maharmat's new design, while an improvement on previous versions such as his five-house plan of two years ago, still jams too many homes onto land that is not zoned to allow them.

The zoning should not be changed just to help one landowner make more money. This landowner, by the way, is not a resident of Santa Clara and has no history with the city that I can trace. His purchase of 1075 Pomeroy was an exercise in speculation, pure and simple, and he's trying to maximize his profit without regard to existing neighbors. Once he builds and sells, he'll be a gone goose.

Why should our City be so eager to accommodate Mr. Maharmat's desire to overbuild on this little parcel of land? He may have purchased it with the understanding that our City development plans are so much meaningless mulch, and that he should be allowed to erect more homes than Low-Density Multiple Dwelling status allows, but that is not the City's problem, nor ours. Let him abide by Santa Clara's original plans for this neighborhood and build accordingly. He can put up four townhouses or an apartment building, as long as they don't impinge on the privacy, light, air, and peace of existing neighbors - if they are in accordance with our current zoning they won't.

Thanks for your attention.

## LETTER A

Commenter: Lara Ruffolo  
Email dated September 5, 2017

- A-1 This comment will be considered by decision-makers prior to deciding whether or not to approve the proposed project. The commenter's opposition to the project is noted. However, the comment does not pertain to the adequacy of the IS/MND, and no further response is necessary.
- A-2 The point regarding an assurance that the City would grant a rezone only if the applicant provided a public benefit does not pertain to the adequacy of the IS/MND, and no response is necessary.

With respect to the impact the project's parking demand would have on street parking, there is no evidence to suggest the project would have a significant impact on street parking. Owners of modest-sized single-family homes do not typically own four vehicles, as asserted in the comment. Each home would be provided with a two-car garage, and two guest parking spaces would be provided on site, in excess of the parking required by the Zoning Ordinance. While it is possible that the combined parking demand generated by residents and visitors could at times exceed the supply of on-site parking and require drivers to find street parking, such demand from four homes that provide more than the required on-site parking would not be continuous or excessive. While the City's decision-makers will consider this comment, CEQA does not consider increased parking demand to be a significant environmental effect.

- A-3 This comment takes exception to the proposed density of the project, and asserts that the project should not be allowed to erect more homes than the Low-Density Multiple Dwelling (R3-18D) zoning district allows, nor should the requested zoning change should be approved, with an associated increase in development density on the site. However, Section 18.16.020 of the Santa Clara Zoning Ordinance allows up to 18 dwelling units per acre in the R3-18D district. With a site area of 12,383 square feet, five homes would be allowed on the site under the existing zoning. In addition, Section 18.16.120 of the Zoning Ordinance establishes a minimum lot area of 2,500 square feet per dwelling unit on lots of 10,000 to 22,000 square feet. The proposed project would substantially exceed this requirement, providing an average of 3,095 square feet per dwelling unit. Thus, the project's density is lower than that allowed by the existing zoning.

# LETTER B

PK

**From:** Prasad Kommoju rpkommoju@yahoo.com

**Subject:** Re: 1075 Pomeroy proposed development

**Date:** September 18, 2017 at 7:17 PM

**To:** Steve Le SLe@SantaClaraCA.gov

**Cc:** Steve Austin stephenaustin@mac.com, Dave Fatland login1165@comcast.net, Sunny Chow skchow@gmail.com, Michael Alonso mike.alonso15@gmail.com, Blanca Pradenas pradenas@sbcglobal.net, Peggy Parkin pparkin4559@comcast.net, Pam Wyman pamwyman2@gmail.com, Prasad Kommoju rpkommoju@yahoo.com, Lara Ruffolo larar32@gmail.com, Diane Harrison diane@dianesdreamdestinations.biz, Diane O'Hearn dianeohearn@comcast.net, Heather Taylor hktaylor@live.com, Shaliniv Venkatesh shaliniv1954@comcast.net, Beverly Shenfield bjwshenfield@comcast.net, Cindy Alderson calderso@jps.net, Ken Kratz kskratz@yahoo.com

Mr. Steve Le

,  
Assistant Planner  
Community Development Department

City of Santa Clara

1500 Warburton Avenue

Santa Clara, Ca. 95050

B-1

I am Prasad Kommoju, resident of 3287 Benton St, Santa Clara, CA 95051, which is adjacent to the property at 1075 Pomeroy Ave, Santa Clara, CA.

I am concerned about the decision to change the zoning of the property in question from R3-18D to Planned Development (PD), when it is surrounded by adjacent and across the street properties in R3-18D zoning.

All of the problems we are petitioning about, raising concerns about and spending so much time and energy seem to appear to have been take no notice by the City. The main reason for all of our problems is rooted in the rezoning of 1075 Pomeroy Ave and thus allowing the property to be developed and used in ways that would not be possible without rezoning.

This being the case, the Mitigated Negative Declaration is not applicable regardless of what it claims and not relevant until the City offers a solid and logically defensible reason for allowing the conversion from R3-18D to Planned Development (PD).

I would like to have an explanation which satisfies all of the residents' surrounding the property in question or the City drop the proposal to rezone.

Best Regards,  
Prasad Kommoju  
[rpkommoju@yahoo.com](mailto:rpkommoju@yahoo.com)

## **LETTER B**

Commenter: Prasad Kommoju  
Email dated September 18, 2017

- B-1 The comment asserts that the proposed rezoning of the property would allow the property to be developed and used in ways that would not be possible without the rezoning. However, as discussed in Response to Comment A-3, up to five single-family homes could be developed on the site under the existing R3-18D zoning. As discussed in the IS/MND, the proposed Planned Development (PD) zoning would allow for minor deviations from the standard development regulations, but it would not allow a use or density that are not already permitted under the existing R3-18D zoning. Please see Response to Comment A-3 for additional information pertinent to this response.

## LETTER C

September 20, 2017  
3283 Benton Street  
Santa Clara, Ca. 95051

Mr. Steve Le  
Assistant Planner  
Community Development Department  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, Ca. 95050

Re: proposed development, 1075 Pomeroy Avenue

Dear Mr. Le:

C-1

Please deny the developer's request to change the zoning from R3-18D to Planned Development (PD) for the above referenced project. I have reviewed the updated project plans, the City's zoning ordinances, and the Mitigated Negative Declaration for the proposed project and this project does not meet the minimum requirements to be compatible with the surrounding community, particularly for the surrounding multi-unit housing complexes, Pomeroy Green, a 78 unit complex zoned R3-18D, and Pomeroy West, a 138 unit complex also zoned R3-18D.

The proposed project should be compatible with the surrounding neighborhood, preserve privacy and quiet environment, observe all the current zoning regulations for the property, and be aesthetically sympathetic with the surrounding development. Instead the developer is proposing to provide single-family detached housing, with all the freedoms residents of that type of housing expect, in a multi-unit housing neighborhood, with its many restrictions on personal activities. The proposed development does not in keeping with the existing character and environment found in the neighborhood nor does it provide the attributes found in single-family home neighborhoods found throughout the City.

C-2

The City's zoning ordinances that would protect the surrounding neighborhood have been largely ignored and the Mitigated Negative Declaration prepared for this project is so flawed in many of its assessments of the environmental impacts, (namely noise, aesthetics, and land use and planning) that I request you reject the Mitigated Negative Declaration.

C-3

It would be nice to have thirty days to review this MND. My neighbors and I noticed a discrepancy in the MND notice that was sent to the neighborhood residents; the notice mentions a thirty (30) day public review period in the "Comments" section and a twenty (20) day public review period in the first sentence of the notice.

C-4

I also request you have the developer's architect correct his plans and then allow the public and I more time to review the corrected plans. There are some significant labeling errors on the plans; I discovered in the labeling of the elevation drawings. The "Proposed Type A & A1 West Elevation" drawing, detail # 3, on page A1B, is actually a west elevation of proposed type "B" and "B1".

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-4 Also, the “Proposed Type A & A1 East Elevation” drawing, detail 4 on drawing A1B, is actually the east elevation of the proposed type “B” and “B1”.

C-5 I have the following comments, concerns and objections regarding that proposed project that support my request to deny the developer's request:

I. Mitigated Negative Declaration (MND): Again, the MND is so flawed in its assessment as to the impacts on the environment that I request that you reject the Mitigated Negative Declaration. The MND is flawed in the following areas:

A. Noise: (MND item XII., page 65)

I disagree with the MND finding that noise will not be a problem. I think noise from the development will intrude on the quiet environment of Pomeroy Green.

The MND mentions there will only be a little automobile noise from the proposed development by the coming and going of residents in their motor vehicles. What the authors of the MND report failed to notice is that the project includes four two-car garages, located along the sides of the 1075 property, that will have large sliding-glass doors on the back side of the garages.

Those garages will face the Pomeroy Green backyards and large windows of Pomeroy Green dwelling units (9 units), particularly those in Pomeroy Green building “Q” (4 units) to the south of the development and Pomeroy Green building “F” (5 units) and the Pomeroy Green park to the north of the 1075 property (see Pomeroy Green site plan, attached). The project also includes two (2) additional parking spaces, also on the sides of the property (one on the north and one on the south), that will only exasperate the noise problem. Some noise will intrude upon building “O” to the east as well.

There is the real possibility of noise, such as automobile noise, automotive repair noise, woodworking noise, metalworking noise, power tool noise, and other noise from crafts and do-it-yourself projects coming from those garages and entering the backyards and dwelling units of Pomeroy Green, especially when the sliding-glass doors at the back of the garages are open during good weather. That type of noise will impact the quiet atmosphere in the Pomeroy Green backyards, units and park that surround the 1075 Pomeroy property, particularly Pomeroy Green buildings “Q” and “F” (see attached Pomeroy Green site plan).



Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-5

It is important to note that Pomeroy Green dwelling units, for the most part, are not air-conditioned but rather rely on natural ventilation for cooling. Air-conditioning units installed outside are uncommon in the complex and are only installed after approval from the Board of Directors. Windows are often left open day and night to promote natural air circulation.

There is no way to effectively protect the interiors of Pomeroy Green dwelling units from noise; therefore, the proposed project should be sensitive to this fact and eliminate the garages or take other mitigating measures to eliminate the transmission of noise from the garages.

C-6

City Staff and the developer have mentioned that the CC&Rs for the proposed project may prohibit those garage activities; however, since this provision was not addressed by the MND and City Planning Department staff tell me that the public is not invited to review CC&Rs, I have grave concerns that the noisy activities will occur. While CC&Rs are important and may contribute to assuaging my fears somewhat, I would prefer to rely on physical improvements or removal of the garages entirely in order to secure the quiet environment of the neighborhood.

The quiet environment in Pomeroy Green (and Pomeroy West for that matter) is assured through several design features and policies. The fact that the carports in those complexes, with one or two exceptions, do not have a direct connection with the backyards; the carports are located at the front of the buildings. So carport noise from Pomeroy Green not only does not enter the backyards, but also noise from those carports is prevented from entering the yard of the 1075 Pomeroy property.

Pomeroy Green further insures the quiet atmosphere of its complex through policies such as not allowing extensive car repair in the complex. Minor repair is allowed and the vehicle must be in operable condition at the end of the day and tools must be removed. Pomeroy Green also prohibits the use of power tools.

It would be hard to imagine that the CC&Rs for the proposed development will be as restrictive as Pomeroy Green. I expect that residents of the proposed development will use their garages in any fashion they please and will open the sliding-glass doors on the backside of the garages allowing noise into the Pomeroy Green complex.

Also, carports are not conducive to extensive car repair, wood working, metal shop working, power tool use and other noise generating activities whereas garages are conducive. The open nature of carports especially inhibits the use of that space for noise generating activities—the noise would deleteriously affect peace and quiet of the dwelling units nearby. There is no way to contain the noise.

The open nature of the carports and the lack of ample storage space makes the noise generating activities mentioned above difficult since it would be troublesome to secure the equipment from theft. In other words, theft of tools and other equipment would be a problem. The addition of storage containers or fixed tables in the carports, installed in order to reduce the theft problem, would create an eyesore. These are not issues with garages.

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-7

In a typical single-family detached home located in a tract, the garage faces the street and may include a man-door usually located on the side of the garage or occasionally on the backside. In those situations, the noise goes towards the street for the most part in the case of an open garage door or, in the case of a man-door, towards the garage on the adjacent property.

It is important to note that in typical tracts, the garages on adjacent properties are next to each other (i.e., grouped in pairs as you look around the neighborhood. Therefore, the noise from the garage, either from the front of the garage or through the man-door on the side of the garage, has a greater path to travel to get to the rest of the home.

Also of note, those tract homes enjoy a minimum of a 20' rear setback so they have a 40' minimum separation between the homes (see zoning ordinance "R1-6L— Single Family") and usually much more along with the layout of the garages just mentioned. The separation proposed by the new development is 35' (20' Pomeroy Green setback plus the 15' setback proposed for the 1075 garages). This proposed setback is too little especially considering the large openings in the rear of the proposed garages.

For comparison, if Pomeroy Green distances are used as a guide, the minimum distance from vehicles located in carports to front yards is about thirty-two feet (32'), the minimum distance from vehicles located in the carports to the units' wall is about forty feet (40') and the minimum distance from a backyard to a vehicle in a carport is about forty-five feet (45'). See attached Pomeroy Green site plan.

Also of note is the fact that noise generated within the proposed development could be an issue for the new residents of the proposed development. There is only a twenty foot (20') to twenty-six and two inch (26'-2") wide motor court between the proposed homes so that noise generated in the proposed garages may enter the interiors of those homes that are opposite those garages. In a normal tract of single-family detached homes, the garages are set back twenty feet (20') from the city street right-of-way line and the city right-of-way is at least sixty feet (60') wide; therefore, the tract homes enjoy one hundred feet (100') separation.

I'm not against these noise generating activities in general; the problem is that these activities are likely in the type of housing being proposed for this development and those activities do not fit in with current environment of the neighborhood where those noise generating activities have been precluded primarily through the design of the existing complexes as described above. In other words, the proposed project belongs in a single family tract neighborhood or perhaps on the edge of that type of neighborhood and not located in the middle of multi-unit housing neighborhood that precludes those activities.

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-8

B. Land Use and Planning: (MND page 61, item X, b, “*Conflict with any applicable land use plan ...*”)

The MND fails to recognize that the proposed development does not meet the intent of the current zoning, R3-18D: to encourage multi-unit housing. That zoning regulation, section 18.16.010, “Intent” states:

“This zone is designed to encourage *lot assembly* to provide quality *multi-unit housing* at a low to moderate density. (italics mine)

The MND erroneously states on second paragraph on page 61 “General Plan Consistency” that :

“The Low Density Residential land use category (R3-18D) is *intended* for single-family dwelling units, townhomes, row houses, and combinations of these residential development types, which may include detached or attached dwelling units.” (italics mine)

The developer's proposal includes only single-family detached homes (not multi-unit housing) on an existing lot that he proposes to subdivide into four smaller lots (not combining with other, existing, adjacent lots) and, therefore, the developer clearly violates the intention of the the current zoning for the lot, R3-18D.

C-9

The MND goes on to say in that second paragraph on page 61, “General Plan Consistency”, that:

“The proposed four single-family homes are thus consistent in type and density with the development allowed in the Low Density Residential land use designation.”

What the MND fails to point out is that, for a project this size (12,400 sq. ft.) the current zoning regulation, R3-18 D, states in section 18.16.020, “Intent”, that:

“It is not intended that lots less that twenty-two thousand (22,000) square feet in size provide housing at the maximum density of the zone.”

Therefore the MND statement is overreaching in respect to the intent of the current zoning ordinance for that property.

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-10 The MND fails due to its assessment that the proposed project is consistent with the General Plan in regard to compatibility and sensitivity to nearby existing development; the MND mentions on page 61 that:

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.1 □ P29** Encourage design of new development to be *compatible with, and sensitive to*, nearby existing and planned development, consistent with other applicable General Plan policies.” (italics mine)

The MND authors fail to notice that the proposed project is not compatible with nor sensitive to the existing development in the neighborhood. The project creates many noise and privacy issues not found in the surrounding multi-unit housing complexes. The buildings in the housing complexes of the surrounding developments feature solid (no windows) in their end walls and, with 90 degree building orientation of adjacent buildings, no building looks directly into another building at close range (see Pomeroy Green site plan) . The face to face distances in those surrounding complexes are quite generous and greater than the distances proposed between the buildings of the proposed development. That little separation between buildings is uncharacteristic with the rest of the neighborhood.

Additionally, the aesthetics of the new development only provide a “Modern” look that only mimics the features of the Eichler mid-century modern design of the buildings in the surrounding housing complexes. Those Eichler mid-century modern features are recognizable not only in the surrounding complexes but also in other Eichler mid-century modern developments throughout the south San Francisco Bay Area. Those features have been well documented in guidelines adopted by the nearby cities of Sunnyvale and Cupertino.

The MND fails due to its assessment that the proposed project is consistent with the General Plan in regard to the appropriateness of higher density residential development at this 1075 Pomeroy property; the MND mentions on page 61 that:

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.2 □ P2** Encourage higher □ density residential development in *transit and mixed □ use areas* and in other locations throughout the City where appropriate.” (italics mine)

What the MND fails to point out is that the 1075 Pomeroy property is not in a transit nor mixed use area. The closest public transit is located a half a mile (1/2 mile) away at El Camino Real (to the north)

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-10

and Kiely Boulevard (to the east) where VTA public transit buses operate. There is no mixed use in the neighborhood either. Therefore, the proposed development should not be allowed to build at higher densities than the current zoning allows nor beyond the intent of that current zoning ordinance (i.e., the proposed development on that 1075 site may need to be designed at lower densities than allowed by the current zoning [see paragraph on project size above]).

The MND on page 62 states:

C-11

“In particular, the project would be consistent with the following general land use and residential land use policies:

**5.3.2 P11** Maintain the existing character and integrity of established neighborhoods through infill development that is in keeping with the *scale, mass and setbacks* of existing or planned adjacent development.” (italics mine)

I disagree with that assessment in the MND. The proposed development does not maintain the existing character and integrity of the established neighborhood in regard to scale, mass and setbacks:

- The proposed development is out of scale with the surrounding neighborhood because it is too tall; the roof on the proposed development is about 25' (24' -8" high on the revised drawings; the MND states the building heights are over 25' ) and the surrounding Pomeroy Green and Pomeroy West buildings are 20' to 21' high.
- The proposed development, is not in keeping with the mass of the surrounding Pomeroy Green and Pomeroy West buildings because the proposal is taller and narrower that emphasizes its verticality as opposed to the horizontal masses of the Pomeroy Green and Pomeroy West Buildings.
- The front setback of the proposed development is 5' closer to the city street (15' setback) than the surrounding buildings of the Pomeroy Green housing complex (about 20' setback per the requirements of the zoning for Pomeroy Green, R3-18D).
- The MND mentions the proposed development does not meet the minimum open landscape requirement (minimum 40% open landscape space) though the project plans indicate the developer meets the minimum (40.11%). There must be a discrepancy between the method used to calculate the open landscape area.
- The MND mentions that some of the other criteria used to determine the character of the proposed development, the current zoning, R3-18D, are not being met: building lot coverage, rear setback and building height. The revised plans do indicate that it meets these criteria (building lot coverage 33.8% [35% maximum allowed], 15' rear setback [15' allowed], 24'-9 1/2" [25' maximum allowed]). The MND must have used the older plans.

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-12 I disagree that the proposed R3-18 D development regulations are the most applicable to the project as mentioned in the second paragraph on page 63 of the MND, that states:

“In the case of the proposed project, *the development regulations promulgated in City Code Chapter 18.16 (Low-Density Multiple-Dwelling Districts) are the most applicable to the project.*” (italics mine)

The proposed development consists of single-family detached homes and therefore, the single family detached zoning regulations with their greater side setbacks (20') would be more applicable.

C-13 I disagree with the MND assessment that the deviations from the current zoning (R3-18D) are minor (page 63, “Zoning Ordinance”). Those deviations, if corrected to conform with the current zoning, R3-18D, particularly the front setback, would significantly alter the design of the project. If the required twenty foot (20') front setback was provided, the building footprints would have to be substantially reduced in size.

Increasing the front setback along with a reduction in the height of the building, from 25' down to 22' to 23' for instance, would reduce the mass of the proposed buildings and would be more in character with the existing Pomeroy Green and Pomeroy West building complexes that surround the 1075 Pomeroy property.

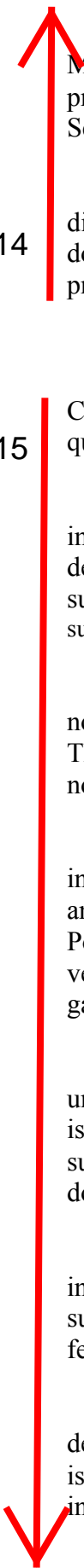
C-14 I agree that, as the MND mentions on page 62, the PD zoning, if granted, would allow the project to deviate from the standard development regulations. This action would be unfortunate. Those standard regulations, the current R3-18D regulations, help protect the characteristics of the existing neighborhood. The existing neighborhood that surrounds the 1075 Pomeroy property conform to the R3-18D zoning; the proposed development should too.

I disagree that the proposed project meets the criteria for Planned Development. Because the proposed development is not compatible with the existing community for all the reasons I mentioned earlier, the intention of Planned Development, the overarching requirement of Planned Development, is not being met. The City of Santa Clara's zoning ordinance, Chapter 18.54, “Regulations for PD—Planned Development and Combined zoning Districts”, Section 18.54.010, “Intent” states:

This district is *intended* to accommodate development that is *compatible* with the existing community...” (italics mine)

Again, the project is not compatible with the existing community that surrounds the project site.

Based on my discussion above, the MND fails to interpret the City's zoning ordinances (R3-18D, Planned Development, and single-family detached home zoning ordinances) correctly, therefore I



Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-14

disagree with the MND findings. Based on my review of the zoning ordinances, the proposed project does conflict with applicable land use policy and regulations for the City that has jurisdiction over the project for the purpose of avoiding or mitigating an environmental effect.

C-15

C. Aesthetics: (MND, page 21, item I., c, “Substantially degrade the existing visual character or quality of the site and its surroundings.”)

I disagree with the MND authors that the proposed project would have a less-than significant impact on the visual quality of the site. I disagree with the findings of the MND that the proposed development is consistent with and compatible with the other two-story residential development surrounding the site. The development would constitute a substantial degradation in the visual character of the surroundings.

The MND fails to take into account the views of the project from the Pomeroy Green park on the north side of the 1075 Pomeroy property. This is one of our most used recreation areas in the complex. The proposed building is unattractive from that viewpoint (and all viewpoints for that matter) since it is not in sympathy with the Eichler mid-century modern design of the Pomeroy Green complex.

The MND mentions that the garage doors of the proposed development will only be slightly visible, indicating to me that the authors of the MND consider the view of the doors somewhat to be an eyesore and maybe out of place in the neighborhood. The complexes in the neighborhood, Pomeroy West and Pomeroy Green, both have carports that face the street that are a highly visible solution to the motor vehicle storage problem and lets not forget that almost all the single family home tracts in the City have garages that face the street.

The MND authors' value judgments in regard to the visibility of the garage doors unfortunately undermines other solutions to storing motor vehicles that in fact will eliminate some environmental issues, such as keeping garage activity noises and automotive noise away from the backyards of the surrounding properties, particularly since the garages in the proposed development feature sliding glass doors at the back of the garage that faces the surrounding development.

I think the buildings in the proposed development are contemporary in design but find they are inconsistently treated on the various elevations and none of the features are related in any way to the surrounding Eichler mid-century modern design. The front of the proposed buildings receive all the features and the back and sides little to none—the sides and back are bland.

The contemporary design is not in keeping with the surrounding development. The surrounding development is not contemporary, rather it is a period piece of Eichler mid-century modern design that is over fifty years old and has its own very specific aesthetic standards. Those standards can be found in the Eichler Design Guidelines adopted by the nearby cities of Sunnyvale and Cupertino.



Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

The architectural details that the MND cites (architectural details such as chimneys, stone veneer, and contrasting walls of stucco and horizontal stained wood siding) are not sympathetic to the architectural details of the surrounding development (concrete masonry units, stucco panels rather than walls, vertically grooved plywood siding to name just a few of the architectural details that make those Eichler mid-century modern developments, Pomeroy Green and Pomeroy West , distinctive.

The MND mentions the City's Architectural Committee will ensure the project conforms to Santa Clara's adopted Community Design Guidelines. What the MND fails to report is that some of the provisions in those guidelines, if applied, would substantially alter the proposed development.

Some of those provisions are:

- 1) "Second story window and balcony locations should be sensitive to nearby residences and private yards." (page 2-B) The privacy of the surrounding development's backyards (Pomeroy green building "Q"), to the south of the 1075 property, and the Pomeroy Green park, to the north of the 1075 property, will be compromised.
- 2) "Architecture style should be suitable for the immediate neighborhood." (page 3-B) The immediate neighborhood is composed of two architecturally significant complexes, Pomeroy Green and Pomeroy West, that are designed in the Eichler mid-century modern style. That style is distinctive for its horizontal massing, large floor to ceiling glass windows and sliding glass doors positioned at regular intervals across the facade of the buildings, large roof overhangs, visible structure (posts and beam construction and projecting elements), vertical grooved plywood siding, panel construction, tongue and groove roofing, and windowless end walls of buildings to provide acoustic and visual privacy between adjacent buildings that are oriented 90 degree to one another are just a few of the significant design features that are totally different from the buildings of the proposed development. If the massing (currently vertical orientation), windows (currently windows on all sides of the buildings located in irregular patterns), the roofing slope and materials used in its construction (currently steep slope and asphalt shingles), the type of windows (casement) of various sizes, and structure (currently hidden in the typical wood frame construction) to name just a few items, were in keeping with the surrounding Pomeroy Green and Pomeroy West development, particularly the orientation of the windowless end-walled buildings oriented 90 degrees to each other, the proposed development would be substantially altered to the point that the drawings would have to be redrafted and resubmitted to the Planning Department for review and the planning Commission for approval.
- 3) "Building height and bulk should be appropriate relative to nearby properties." (page 4-B and page 13) The proposed development is too tall and therefore out of scale (4' feet taller than the surrounding Pomeroy Green development (due to the sloped roof that provides the 12' high ceiling on the second floor of the proposed buildings). The proposed building's mass is



Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-16

vertically oriented and emphasized by vertical windows that span between two stories in the front of the building while the nearby properties, Pomeroy Green and Pomeroy West, have buildings that emphasize horizontal massing that is relived by the vertical panel construction, vertical grooved plywood siding, and the floor to ceiling glass windows and sliding-glass doors.

The higher roof of the proposed development will block the cooling breezes (wind impacts) from the north during the summertime from entering the Pomeroy Green building "Q" (it is next to impossible and would be unsightly to install central air conditioning in the Pomeroy Green buildings due to the building's lack of an attic and the flat roofs where the units would be easily seen). Inclusion of any of these architectural elements common in the surrounding development in the proposed design would alter the design to the point that the drawings would have to be redrafted and resubmitted to the Planning Department for review and the Planning Commission for approval.

The MND and the City fails to consider quality of the surrounding properties in that the surrounding properties contain the historic and architecturally significant housing complexes, Pomeroy Green on the north, south and east sides of the 1075 property and Pomeroy West, across the street from and to the west of the 1075 Pomeroy property. That City recognition would require further scrutiny by the City, the neighborhood residents, and the public of the proposed development for the 1075 property in order to determine if it is compatible with those surrounding properties.

The City of Sunnyvale has adopted standards for development that occurs near Eichler neighborhoods (see attached standard). The City of Santa Clara should adopt similar standards in order to assist in the review of the proposed development for the 1075 Pomeroy property.

C-17

**According to the City of Santa Clara Historic Preservation and Resource Inventory, section 8.9 of the City's General Plan, the City has the jurisdiction to nominate properties to be listed on the inventory if those properties meet certain criteria. Those criteria are:**

\* Must be a qualified historic resource: Any building, site, or property in the City that is 50 years old or older and meets certain criteria of architectural, cultural, historical, geographical or archaeological significance is potentially eligible.

*Pomeroy Green was completed in 1963 and is over 50 years old and meets the criteria for architectural and historical significance.*

\* To be historically or culturally significant, a property must meet at least one of the following criterion (six criterion mentioned):

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

The site, building or property has character, interest, integrity and reflects the heritage and cultural development of the city, region, state, or nation.

*Pomeroy Green has character, interest and integrity that reflects the heritage and the cultural development of the region.*

*Pomeroy Green is a rare example of mid-century modern architecture in the City of Santa Clara and the residents of those complexes have, for the most part, maintained the integrity of that architectural design for over fifty years.*

*The layout of the buildings, in a cluster fashion with common open space that connect the residents of the community, makes this housing complex interesting. The landscaping with the abundant mature trees in the common open spaces of the complex as well as along the public streets are exceptional in our City and reflects our city's on-going environmental concerns.*

*Pomeroy Green is of such great interest that it has become a tourist destination. A group of architects from a Scandinavian country recently toured our buildings and grounds.*

The property is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

*Pomeroy Green is associated with the famous and nationally recognized S.F. Bay Area housing developer, Joe Eichler. He contributed significantly to the political, social and cultural life of the community. In the book Design for Living, Eichler Homes, (1995) by Jerry Ditto and Lanning Stern, it mentions that Eichler Homes was the first large tract builder (in the United States[context of paragraph]), to sell houses to African-Americans. (page 97)*

A building's direct association with broad patterns of local area history, including development and settlement patterns, early or important transportation routes or social, political, or economic trends and activities. Included is the recognition of urban street pattern and infrastructure.

*Pomeroy Green is an early example of new development patterns in local area history. Pomeroy Green and Pomeroy West are early examples of cluster housing in the State. An article about Pomeroy Green was featured in a national publication of the period, Look magazine; the article was entitled "Solution for Suburbia"*

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-17

*Pomeroy Green was also featured in a book, Cluster Development, 1964, by renowned urbanist and journalist William Wyte.*

*Pomeroy Green has been featured in the California Modern magazine, a quarterly publication distributed in regional additions to mid-century modern households throughout California.*

*Pomeroy Green is also mentioned in the definitive architectural guide for northern California, The Guide to Architecture in San Francisco and Northern California, 1985, revised edition, page 185-186, by David Gebhard, Roger Montgomery, Robert Winter, John Woodbridge, and Sally Woodbridge along with Eric Sanweiss. In the entry about the two complexes the authors state:*

*“These two tracts were among the pioneering townhouse developments that triggered the wave of planned unit, high density, attached housing that had by the 1970s all but captured the mass home housing market in California. Starting in the 1950s, architects advocated such solutions in place of the sprawl of single family detached housing. These twin projects, thanks to the enlightened sponsorship of Joe Eichler, helped make the architects' dreams prevail.”*

\* To be architecturally significant, a property must meet at least one of the following criterion:

The property characterizes an architectural style associated with a particular era and/or ethnic group.

*Again, as mentioned in the historical criteria above, Pomeroy Green's buildings are rare examples of mid-century modern architecture in the City of Santa Clara.*

The property is identified with a particular architect, master builder or craftsman.

*Pomeroy Green was designed by Claude Oakland, the famous S.F. bay-area modernist architect.*

The property is architecturally unique or innovative.

*Pomeroy Green is both architecturally unique and innovative. The dwelling units are architecturally unique because they feature an indoor-outdoor/private yard relationship due to the large expanses of glass and sliding-glass doors that connect the two areas visually and physically.*

C-17

*Pomeroy Green's multi-unit buildings are architecturally innovative because the end walls on the buildings are windowless and provide privacy for adjacent buildings that are oriented to look onto those walls and the landscaped common open spaces between the buildings rather than look into dwelling units.*

The property has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.

*Pomeroy Green has a strong and unique relationship to Pomeroy West located across the street. Pomeroy West is over fifty years old and is also potentially eligible for preservation because of its architectural significance. Pomeroy West was developed by the same developer and designed by the same architect in the same architectural style as Pomeroy Green. Pomeroy West includes additional architectural features such as dwelling units that feature an atrium.*

The property has a visual symbolic meaning or appeal for the community.

*Many residents of the City in addition to the residents of Pomeroy Green enjoy the flowering trees that are planted in front of our units. These trees provide the passerby a dramatic color display.*

A building's unique or uncommon building materials, or its historically early or innovative method of construction or assembly.

*Most of the bearing walls run normal to the walls with windows and are made of reinforced concrete masonry units that support the roof. This structural system allows the window walls to be free of loading (non-bearing); that in turn allows the extensive use of floor to ceiling glass windows and sliding-glass doors.*

A building's notable or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, details, fenestration, ornamentation, artwork or functional layout.

*The interiors of Pomeroy Green dwelling units feature a functionally superior open-plan on the first floor. The open nature of the interior (few interior walls) allows for improved natural ventilation. Supplemental mechanical air-conditioning units are not in wide use at Pomeroy Green.*

*Pomeroy Green features carports (one-car carport per dwelling unit) integrated with the dwelling unit. This architectural feature provides many benefits: it allows for improved day-lighting of the auto storage area and the entry door area as well as providing rain cover for those activities.*

C-17

*The flat-roof carports also make the buildings look less massive and more human in scale compared to buildings that feature garages.*

*Pomeroy Green features radiant floor heating throughout the dwelling unit.*

*The dwelling units feature the expansive use of glass to connect the outdoors visually with the indoors. This provides visual interest for occupants in addition to providing more natural daylight inside the unit.*

*Pomeroy Green features skylights. This feature further increase the natural daylight in the units.*

*Functionally, Pomeroy Green features four bedrooms and 2-1/2 baths in a space of only about 1,400 sq. ft. It also includes a washer dryer area on the second floor, near the four bedrooms, that simplifies the laundry work.*

Using the City of Sunnyvale's "Eichler Design Guidelines" (two pages from the guide are attached) as a checklist to determine if the proposed development is compatible with the existing Eichler Style complexes in the neighborhood, Pomeroy Green and Pomeroy West, the proposed development should have more elements in common with those surrounding complexes. The guidelines stated purpose is to preserve the unique characteristics of Eichler homes and their neighborhoods. Those unique characteristics included in the Eichler Design Guidelines are:

Incorporate a Modernist Style sympathetic to the forms and style of the Eichler homes nearby. (paragraph 3.7.1, page 21)

Use simple floor plans with rectangular shapes similar to Eichler homes.

*Proposal mostly OK.*

Provide front facade offsets and/or insets similar to typical Eichler floor plans.

*Proposal does not have any offsets or insets on the front facade; the proposal provides a porch which is not sympathetic to the Eichler design. The porches are setback from the second floor so that a soffit is created on the side of the buildings. Therefore, the proposal is not sympathetic to the Eichler style of the surrounding Pomeroy Green and Pomeroy West complexes.*



C-17

Provide a strong horizontal emphasis to the home design.

*The proposal has a strong horizontal emphasis particularly the use of stone veneer that goes partially up the front wall and a narrow window in the staircase that extends from near the top of the first floor to the top of the second floor. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

Use flat or low pitched roofs with wide overhangs. Steeper pitches may be allowed in neighborhoods with Eichler homes which utilized steeper pitched roofs.

*The shed roof further emphasizes the horizontally of the design of the proposal and are out of place in the neighborhood; in other words, the shed roofs of the proposal is not sympathetic to the flat roofed Pomeroy Glen and Pomeroy West complexes.*

Use post and beam construction methods.

*The proposal uses bearing wall construction unlike the post and beam construction of the Pomeroy Glen and Pomeroy West complexes. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

Use building volumes that are compatible with the surrounding Eichler neighborhood.  
(paragraph 3.7.2, page 22)

If a two-story house is proposed:

- Limit floor-to-floor heights to a maximum of 10 feet..

*The proposal has 12' high ceilings on the second floor; this is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes that feature 9' floor to floor heights. Therefore, the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Glen and Pomeroy West complexes.*

- Provide large second floor overhangs of at least 3 feet.

*The proposal includes overhangs only 1' long; this is not sympathetic to the 3' overhangs at the rear of the buildings of the surrounding Pomeroy Glen and Pomeroy West complexes.*





C-17

- Hide some detail elements at the second floor line to relate to the one story height of nearby Eichler homes. Some techniques include:

- a. Deeply recessed garage doors.

*The proposal does not recess the garage doors. Pomeroy Green and Pomeroy West have projecting and, at the same time, recessed carports. Pomeroy West has some single story homes.*

- b. One-story elements forward of two-story walls.

*The proposal does include a steeply pitched roofed porch on the first floor of the front facade; though, because of the slope of that roof, this is not sympathetic to the Eichler style of the surrounding Pomeroy Green and Pomeroy West complexes. Pomeroy Green and Pomeroy West have projecting carports.*

- c. Horizontal projecting bands.

*The proposal has no projecting bands in the Eichler style nor does Pomeroy Green and Pomeroy West.*

- d. Trellis elements.

*The proposal has no trellis elements nor does Pomeroy Green and Pomeroy West.*

Use crisp exterior wall materials organized into wall and window panels similar to the Eichler modernist design spirit. (paragraph 3.7.3, page 22)

- Vertical or horizontal grooved siding.

*The proposal is not sympathetic because it includes some 1" X 4" horizontal wood siding. Pomeroy Green and Pomeroy West have vertical grooved siding.*



C-17

- Stucco panels.

*The proposal has stucco walls but the large amount is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes. Those complexes use stucco panels to visually connect the first and second story windows at the rear of the buildings creating a panel effect.*

- Brick or concrete block.

*The proposal does not include any of these materials. Pomeroy Green and West have concrete block walls.*

- Smooth stone veneer.

*The proposal includes irregular shaped stone veneer and is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes. Pomeroy Green and Pomeroy West do not have stone veneer.*

- Shingles.

*The proposal does not use shingle as a siding material nor does Pomeroy Green and Pomeroy West..*

Design with window shapes and types that are compatible with the Eichler Style.  
(paragraph 3.7.4, page 22)

Use fixed, sliding or casements windows.

*Somewhat sympathetic to the Eichler style; the design includes some casement windows and some fixed window panes but also includes some awning windows. Some fixed pane windows are in combination with the awning or casement windows; is somewhat sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

*Pomeroy Green and Pomeroy West complexes include floor-to-ceiling fixed pane windows in combination with floor-to-ceiling sliding-glass doors as well as floor-to-ceiling double hung windows combined with a fixed pane window. Those windows are in regular/repeated combinations on the front and rear sides of the buildings.*

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-17

*Pomeroy Green and Pomeroy West have windowless walls on the ends of the buildings. The proposal has a mixture of different size windows with various sill heights and operation (casement, awning, double hung) on all sides of its buildings; the proposal is not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

Use windows with small jamb, head and sill profiles.

*Profiles of the proposal not determinable from drawings.*

Avoid bay windows - especially on the primary facades that face the street.

*The proposal does not include any bay windows.*

Avoid arched and oddly-shaped window forms that are not commonly seen on original Eichler homes.

*The proposal does not include these forms but it appears it does include muntins (a strip of wood or metal separating and holding panes of glass in a window, also called glazing bars.). The muntins in the windows of the proposal are not sympathetic to the Eichler Style of the surrounding Pomeroy Green and Pomeroy West complexes.*

## II. Other problems:

C-18

I request that the Planning Commissioners review the problems with the proposed development that I described above in the Mitigated Negative Declaration section of this letter (i.e., noise, land use planning, and aesthetics) as well as review the additional problems I describe below.

The proposed division of the 1075 Pomeroy property into four (4) lots that are individually owned is unlike and incompatible with the common ownership model of the complexes surrounding the 1075 property, Pomeroy Green and Pomeroy West, and, therefore, may cause the following problems:

1. Increase in noise from landscaping and building maintenance.

Since each owner will be responsible for their own landscaping and building maintenance on their own property in the proposed development. The surrounding neighborhood may

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-18

experience four different days of noisy maintenance activities and most likely some of that work will be conducted on the weekends when there is time to do the work by the owners. Currently, Pomeroy Green maintenance work, landscaping and building, is conducted during working hours during the normal work week.

C-19

2. Increase in neighborhood involvement with the City and those future property owners in the proposed development as those property owners request changes to the property into the foreseeable future.

Since each owner will be allowed to make modifications to their individual properties on that 1075 Pomeroy site (e.g., garage conversions, additions, additional parking areas for recreational vehicles and other motor vehicles at the front of the site, etc.) on parking on with public review, the neighborhood residents will have to vigilant to protect their interests into the foreseeable future. This may become a nuisance for the new residents as well as the existing neighborhood. The public review, the application process and City staff's time to review and process those requests will certainly increases the burden of government.

Contrast that foreseeable future with the neighborhood's past; Pomeroy Green and Pomeroy West, with their common ownership model, remain mostly unchanged since their original development over fifty years ago. The neighborhood is predictable and stable; they have made few changes to their complexes that required extensive City and public review. It seems unreasonable to subject the neighborhood to the individual ownership model with these problems.

3. Lost opportunity to increase affordable housing stock in the neighborhood.

The single-family homes on their individual lots proposed by the developer will certainly be more expensive to own than the other options in the neighborhood such as the the multi-unit housing that is Pomeroy Green (cooperative) and Pomeroy West (condominium) not to mention the other cooperative, Twin Pines, and the other apartments that are on Pomeroy Avenue.

There are plenty of single-family housing options in the neighborhood already, we do not need more of them.

4. The CC&Rs for the new development may be minimal and may be ignored by those residents.

The single-family homes on their individual lots proposed by the developer will most likely lend itself to limited CC&Rs that have few policies restricting the activities of the residents.

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-19

That may reduce the quality of the environment for existing residents in the surrounding multi-unit housing (e.g., noise coming from the garages, landscape and building maintenance noise, pet noise). Those activities are more tolerated in a neighborhood that has the same type of ownership pattern (single-family home tracts) where single-family detached home owners expect to be allowed to engage in those activities. The complexes are just too close in proximity and too different in their respective policies and expectation for them to be successful; they certainly don't complement each other.

The CC&Rs may be ignored by those new residents in the proposed development. The CC&Rs may be unenforceable by the other members of that new community because of the individual nature of ownership; those other members probably will have to take the offender to court. This differs sharply from the legal powers of cooperatives, like Pomeroy Green; when their members violate policies, the cooperative can fine the offender or require the offender to leave the complex.

Residents of Pomeroy Green will most likely have to tolerate activities occurring in the proposed development, due to the lack of strict CC&Rs or due to the lack of enforcement, that are prohibited in Pomeroy Green. Again, the complexes are just too close in proximity and will be too different in their respective policies and expectations for them to be successful; they certainly don't complement each other. I predict there will be conflicts that may be unsolvable between the residents of the proposed development and the residents surrounding Pomeroy Green due to some of the concerns I mentioned above.

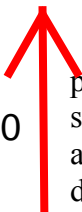
5. Loss of privacy due to the windows of new development, particularly those on the second floor, facing existing dwelling units to the south of the project site (Pomeroy Green building "Q") as well as overlooking the backyards in the building "Q".

6. According to the MND, the rear and side yards would be finished with bark mulch, leaving landscaping up to the individual future home owners. Because the 1075 Pomeroy property will be subdivided into four lots and those yards on those lots, which represent most of the landscaping on that 1075 property, will be maintained by each owner separately and the level of maintenance may be variable, of various levels of upkeep, and may be subjecting the residents of the surrounding properties (Pomeroy Green and Pomeroy West) to additional noise from maintenance operations being conducted on four rather than the one owner/landscape company. In other words, the landscaping on those four 1075 Pomeroy lots may become run down and/or maintenance will be conducted separately on four different days creating a constant buzz of landscape maintenance activity.

C-20

As you can see, I have described many problems this proposed development will create for Pomeroy Green and the surrounding neighborhood. Please deny the developer's request to change the zoning from R3-18D (multi-unit housing zoning) to Planned Development (PD) for the 1075 Pomeroy Avenue

Mr. Steve Le  
proposed development, 1075 Pomeroy Avenue  
September 20, 2017

C-20  property. I would like to see a new design that is compatible with the existing community that surrounds the proposed development, has the correct front setback, addresses noise and privacy issues and whose architectural aesthetic is sympathetic to the surrounding Eichler mid-century modern designed complexes, Pomeroy green and Pomeroy West.

Thank you for taking the time to review and consider my requests.

Sincerely,

Ken Kratz  
resident, Pomeroy Green Cooperative  
Pomeroy Green building "Q"

attachments:

Pomeroy Green site plan  
City of Sunnyvale "Eichler Design Guidelines" (two pages)

## LETTER C

Commenter: Ken Kratz  
Letter dated September 20, 2017

- C-1 The comment asserts that the proposed project is not in keeping with the existing character in the surrounding neighborhood, but does not provide any evidence in support of this assertion. The IS/MND presents evidence that the project *is* consistent with the neighborhood. For example, as noted on page 22, in comparison with the existing development on the project site, the proposed project would be more similar in height, massing, and density to the existing development bordering the site on all four sides. The proposed project is an attractive design that would not radically alter the visual character of the site or cause a substantial degradation in the visual character of the site and surroundings. The proposed development would be consistent with the density allowed under the existing zoning, as discussed in more detail in Response to Comment A-3, and the increase in development density would render the project more consistent, not less, with the existing surrounding development.

The comment also asserts that the project does not provide the attributes found in single-family residential neighborhoods elsewhere in the City, but does not specify what these missing attributes are, so no substantive response is feasible. However, as a general response, as discussed in Section X of the IS/MND, the project would be consistent with the use and density allowed under both the existing and proposed zoning.

- C-2 The comment asserts that the Zoning Ordinance has been ignored and the analysis of noise, aesthetics, and land use/planning impacts presented in the IS/MND is flawed, but provides no evidence in support of the assertion and does not specify any particular flaws. The project's consistency with the Zoning Ordinance is discussed in detail on pages 62-63 of the IS/MND. It is the City's position that the analysis of the project's potential noise, aesthetics, and land use/planning impacts have been adequately assessed and disclosed in the IS/MND.
- C-3 The commenter takes exception with the 20-day public review period. However, as established in Section 15073(a) of the *CEQA Guidelines*, a lead agency is required to provide a public review period for a proposed mitigated negative declaration of not less than 20 days. In the case of the proposed project, the City actually provided 22 days for public review.
- C-4 The commenter is referencing titles and numbers that do not correspond to the elevation figures (Figures 6 through 9) presented in the IS/MND, and the labels on the figures appear to be correct. However, in the event that one of the elevations is designated "west" when it should be designated "east," this would be a minor clerical error and would not materially affect the analysis of environmental effects presented in the IS/MND.
- C-5 Section 18.16.130 of the Santa Clara Zoning Ordinance requires each dwelling unit in the R3-18D district to provide a garage or a carport. By providing enclosed garages instead of carports, the project would minimize the noise effects the commenter expresses concern about. Garages are an accepted, and often mandated, component of single-



family residential development throughout the State and the rest of the country. Under general usage typical to most homeowners, the owner will start the car and exit the garage and property for the intended trip, and will reverse the process upon returning home. The amount of noise generated by this activity is negligible and lasts for just a few moments. Even with the sliding glass doors, which residents can be presumed to keep closed and locked most of the time for security reasons (just as people don't leave their front doors open), the offsite transmission of noise from the ingress and egress of resident vehicles would be negligible and would have no potential to exceed the City's noise standards or result in a substantial permanent increase in ambient noise levels in the project vicinity existing without the project, which are the applicable thresholds of significance under CEQA.

Although noise from autos parking or departing private residential garages would be negligible and is a non-issue under CEQA, a few other points on this subject are worth mentioning:

- The garage door openings would be oriented internally to the project site. Thus, noise emanating from open garage doors would be effectively blocked by the two-story buildings.
- The sliding glass doors would be double-paned and would effectively block auto noise generated by vehicle start-up from propagating any distance from the garage façade.
- A solid wood 6-foot-tall privacy fence would extend along the rear of the units, providing an additional noise barrier.
- Any landscaping provided in the rear yards by residents would provide additional sound absorption.

The commenter also expresses concern about noise from do-it-yourself projects conducted in the garages, including noise from auto repair, woodworking, metalworking, and use of power tools. Though this is by no means a ubiquitous component of residential life, some residents may on occasion engage in these activities in their garages. One of the aspects of urban living is that residents are at times exposed to annoying activities by their neighbors, whether it's having a loud party, a backyard barbeque, revving a motorcycle engine, an argument between residents, a barking dog, a radio played too loud . . . the list goes on. Solutions typically include forbearance of a temporary annoyance, discussion with the offending neighbor in a case of repeated or extended offense, turning up one's own radio . . . again, the list goes on, but generally only includes legislated remedies in extreme cases. The speculative possibility that a homeowner may infrequently and temporarily generate noise within their garage for a personal project does not rise to the level of a significant effect on the environment that is the purview of CEQA.

- C-6 As explained in Response to Comment C-5, above, the project would not have a significant noise impact, and there is therefore no nexus under CEQA to impose CC&Rs on the proposed project related to activities the property owners may engage in the privacy of their enclosed garages. The City may decide to impose activity restrictions as a condition of project approval, but this is not required under CEQA, based on the noise analysis presented in the IS/MND.

The comment also discusses at some length the noisy nature of carports. As noted above, the project would provide enclosed garages, not carports.

- C-7 As noted in Response to Comment C-5, the garage doors would face internally to the project site, and would be surrounded by the two-story buildings, which would substantially block noise generated by vehicles entering and exiting the garages. See Response to Comment C-5 for additional discussion. The comment goes on to discuss setbacks in “typical tracts,” but the salient issue is whether the proposed project would result in a significant noise impact under the provisions of CEQA. The analysis summarized in the IS/MND demonstrates that it would not.
- C-8 The comment misinterprets the meaning of Zoning Ordinance Section 18.16.020 (the intent of the R3-18D district is set forth in Section 18.16.020, not Section 18.16.010) in asserting that the district is only intended for multi-unit housing. This is clarified and reinforced by Section 18.16.030, which lists “Permitted uses.” The first item listed in Section 18.16.030 is “single-family dwellings.” Thus, the Zoning Ordinance explicitly makes clear that the proposed use is a principal permitted use in the R3-18D district. The assertion that the applicant’s proposal “clearly violates the intention of the current zoning for the lot” is patently false.
- C-9 The points asserted in this comment were previously addressed in Response to Comments A-3 (density) and C-8 (type of use).
- C-10 The issue of compatibility with surrounding land use is addressed in Response to Comment C-1. The issue of noise is addressed in Response to Comments C-5, C-6, and C-7. The comment pertaining to the architectural style is not under the purview of CEQA. Whether or not it precisely mirrors other architecture in the neighborhood, the project would not have a significant adverse aesthetic impact, as documented in Section I of the IS/MND. Regarding General Plan consistency, the project would provide higher density residential development within a mixed-use area, as described on pages 14 through 17 of the IS/MND. Even if an argument could be made that the project does not further General Plan Policy 5.3.2-P2, the project clearly does not conflict with this policy.
- C-11 The project’s consistency with the surrounding neighborhood is addressed in Response to Comment C-1. As discussed in Section X(b) of the IS/MND, the project would have minor deviations from setback requirements, but these deviations would not constitute a significant deviation from the applicable development regulations or cause a significant environmental impact.

Regarding the landscaping requirement, based on plans reviewed during preparation of the IS/MND, the project was providing 39.22 percent of the site as landscaping, as noted on page 63. Although this is a very minor deviation from the required landscaping that would be addressed under the requested PD zoning, subsequent revisions in the plans increased the landscaping allotment such that the project now conforms with the 40-percent requirement. As noted in the comment, the project is now in closer conformance with other applicable development regulations as well. The project is also now under the maximum allowed building height, though an exceedance of the height limit was identified in the planning analysis presented in the IS/MND. These minor design revisions, which bring the project into closer compliance with the R3-18D development regulations, do not invalidate the analysis of potential environmental impacts summarized in the IS/MND.

- C-12 The zoning regulations for the R3-18D zoning district are appropriate because this is the zoning currently assigned to the project site and the surrounding property on all four

sides, and because the proposed project is consistent in land use and density with the R3-18D district.

- C-13 The front setback ranges from 15 feet to 18-½ feet, which would reduce the massing of the building as viewed from the street frontage. As noted in Response to Comment C-11, the project's height has been reduced and it is now 4 inches under the 25-foot height limit. The proposed two-story buildings would be very comparable in height to surrounding buildings, and would be much smaller in massing. The comments are noted and will be considered by decision-makers prior to deciding whether or not to approve the proposed project. However, these comments do not pertain to the adequacy of the IS/MND, and no further response is necessary.
- C-14 As stated in Response to Comment C-11, the project plans have been revised to bring the project into even closer conformance with the development regulations. There is no evidence that the project would detract from the character of the existing neighborhood. It will be up to the City's decision-makers whether to approve the requested PD zoning, which would establish the specific development regulations for the project. Regarding the general assertion that the project conflicts with applicable land use policy and regulations, please refer to all of the previous responses to this comment letter.
- C-15 The analysis presented on pages 21-23 of the IS/MND makes a strong case that the project would not substantially degrade the existing visual character of the site and surroundings, and the comment provides no evidence to the contrary. Details on architectural design will be considered by the City's Architectural Committee, but are not within the purview of CEQA.
- C-16 The issues of height and massing have been addressed repeatedly in the preceding responses. Regarding the architectural details, see Response to Comment C-15.
- C-17 The comment implies that the Pomeroy Green development could be added to the City of Santa Clara Historic Preservation and Resource Inventory, and cites considerable detail in support of this assertion. However, no evidence is presented to indicate that the existing building on the project site is historically significant. As concluded in Section III of the IS/MND, with incorporation of Mitigation Measures CR-1 and CR-2, the project would have a less-than-significant impact on historic resources. Also see Response to Comment C-15.
- C-18 These issues of noise and neighborhood compatibility have been addressed in the preceding responses to this comment letter.
- C-19 These issues of noise and neighborhood compatibility have been addressed in the preceding responses to this comment letter. The issues raised in the comment do not pertain to the adequacy of the IS/MND, and no further response is necessary. As previously noted, the City's decision-makers will consider these comments prior to making a decision on whether or not to approve the proposed project.
- C-20 These issues of noise, zoning consistency, architectural design, and neighborhood compatibility have been addressed in the preceding responses to this comment letter. The City's decision-makers will consider these comments prior to making a decision on whether or not to approve the proposed project.

# LETTER D

**From:** Nicholas H Rossi nickpetero@earthlink.net  
**Subject:** 1075 Pomeroy Ave., Santa Clara, CA 95051, proposed development there  
**Date:** September 20, 2017 at 6:55 PM  
**To:** Steve Le SLe@SantaClaraCA.gov

NR

Steve Le, Assistant City Planner for the City of Santa Clara

Dear Mr. Le,

D-1

I don't like the Mitigated Negative Declaration concerning this proposed development because of:

1. Noise;
2. Architectural aesthetics. The proposed development is not compatible with the surrounding houses in the neighborhood. It is surrounded on all sides by Eichler homes, and it's just not compatible with them. You can see that if you look at a photo of the place from the air. There will be more noise because the proposed development has garages, which allows tools, which can make a lot of noise, in contrast with the Eichler homes which have carports.

D-2

I am opposed to the proposed development as it's presently being put forth.

The proposed development requires a change in zoning. The owner of the proposed development has given no reason why the zoning laws that govern all the surrounding houses have to be changed for his development. I see no reason why any proposed development there shouldn't have to conform to the same zoning laws as the rest of the homes do. I live within 500 feet of the proposed development.

Nicholas H. Rossi  
1091 Pomeroy Ave.  
Santa Clara, CA 95051  
(408) 892-0621

## LETTER D

Commenter: Nicholas H. Rossi  
Email dated September 20, 2017

- D-1 Regarding noise concerns, please see Response to Comment C-5. Regarding architecture and aesthetics, please see Responses to Comments C-1, C-10, C-11, and C-13 through C-15.
- D-2 The commenter's opposition to the project is noted and will be considered by the City's decision-makers these comments prior to making a decision on whether or not to approve the proposed project. Regarding zoning compatibility, please see Responses to Comments A-3, C-8, and C-11 through C-14.