

## Steve Le

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**From:** lrs\_pwhoa [REDACTED]  
**Sent:** Wednesday, April 04, 2018 9:19 AM  
**To:** Steve Le  
**Subject:** Re: 1075 Pomeroy Avenue Packet

Hi Steve,

[Thanks. It's probably too late to get this to City attendees tonight but I will bring copies. This is also intended for when this next goes before City Council.]

To the Architecture Committee, Theresa O'Neill, City Staff, Daryoush Marhamat and his team.

Firstly, I would like to thank Theresa O'Neill for facilitating our working session with the developer on March 21st and all involved in that session for their time and effort in working with us..

I am pleased with the response from Dary. While we have not gotten everything we asked for we have come closer to a satisfactory outcome.

The one item that I would like to address is the restriction on the garages to be used only for parking. I still have a concern that CC&Rs are not the best way to insure continued compliance.

At the meeting on the 21st we were told that because this is a PD development this restriction could be created as a City code compliance issue. That it would apply only to this development and that enforcement would be through the City's Code Compliance office.

I think that is a better way to go than any CC&R. So:

***I would respectfully request that any approval of this development be conditional on having the restriction on the garages to be used for parking only be subject to and enforceable by the City of Santa Clara's Code Compliance Office and be clearly stated as such.***

Should in the future there be a violation where a resident is using the garage for other proposes than parking I don't want to have the situation where a resident of Pomeroy Green calls the Code Compliance Office and is told 'we don't enforce that' or 'it's not our jurisdiction'. I want them to be told 'yes, we are aware of that and will send an officer out as soon as we can'.

It's unfortunate that we couldn't have achieved this earlier in the process, but in fairness we did raise our concerns at every meeting that we attended and had always indicated our willingness to meet in a working session to try and come to a reasonable compromise.

Thanks again,

Roy Shenfield

On 4/2/2018 1:49 PM, Steve Le wrote:

Hello All,

Attached is staff report packet for the 1075 Pomeroy Avenue project going to April 4, 2018 Special Architectural Review Committee (ARC) meeting. The applicant's response and the revised plan are included. You can review the packet prior to the meeting in case you want to gather your comments in advance.

Since the plan was revised within a short time frame, it is currently in draft version for the purpose of the design review. A final development plan with color rendering and the Tentative Parcel Map will be submitted for the City Council after ARC final recommendation.

Should you have any questions regarding the meeting date or the project, my contact is below.

Thank you,

**Steve Le** | Assistant Planner  
Community Development Department  
1500 Warburton Avenue | Santa Clara, CA 95050  
O:408.615.2450 | D: 408.615.2468



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April 3, 2018

Architectural Committee  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, Ca. 95050

Re: 1075 Pomeroy Avenue, rezoning and proposed development

Dear Architectural Committee:

I am writing to express my disappointment in the outcome of the March 21, 2018 Architectural Committee meeting in consideration of the above referenced project. The short list of items the committee asked the developer to make to his design are inadequate to address the shortcomings of the project. The project will still be incompatible with the surrounding neighborhood, especially the Pomeroy Green multifamily housing complex that surrounds the 1075 property on three sides.

I have two requests:

First, I request that the Architectural Committee re-review the City's regulatory documents including the City's zoning ordinances, the Design Guidelines, the Architectural Committee's Community Design Guidelines and the General Plan Land Use Maps, to discover the problems with the 1075 project and to provide a broad outline of the items that need to be addressed.

Secondly, I request the Architectural Committee require the developer to meet with City staff and residents of Pomeroy Green and Pomeroy West, as has been also requested by the City's Historical and Landmarks Commission, in order to work out the details to solve the problems with the developer's proposal that the Architectural Committee discovers during their re-review of the City's regulatory documents. That would be the opportunity to work out the problems already found by the City's Historical and Landmarks Commission.

These activities cannot be done in the ten minutes allotted speakers at these types of hearings.

I have provided excerpts of those City regulatory documents following my critique of the proposed development. I have also attached two alternatives to the 1075 Pomeroy proposal that I have designed; descriptions of the advantages of these designs is included in the attached Supporting Documents.

The number of shortcomings of the 1075 proposal are many, but the greatest shortcoming is the inadequate rear setbacks of the proposed homes. Those rear setbacks for the homes are located along the side of the 1075 lot.

In order to allow space for the required setbacks, the Committee should require the project to be reduced in size in order to produce a design more in scale with the neighborhood. Either reduce the number of homes or their size and provide a multi-family project intended by the zoning.

These changes are needed so that the rear setbacks of the homes (again, the setbacks along the side of the lot) can be increased from 10' to 20' in order to match the setbacks of the surrounding townhouses of Pomeroy Green and Pomeroy West.

Here are the problems and solutions as described in our City's regulations:

Problem: The developer only provides 10" rear setbacks for the proposed homes.

Solution: Require the developer to provide 20' rear setbacks as mentioned in the City's zoning ordinances and guidelines and that are existing in the neighborhood. Also, the *side* setback of the proposed homes at the rear of the lot (the setback at the *back* of the 1075 lot) should also be increased from 15' to 20' due to the fact the elevation of the Pomeroy Green property adjacent to the rear of the 1075 lot is 30" lower than the 1075 lot.

The proposed building's rear setbacks (again, the setbacks along the side of the 1075 lot) should be greater according to City zoning ordinances and guidelines. They should be increased to at least twenty feet (20') back from the property line according to:

1. The City's zoning ordinances: 20' minimum rear setback (again, the rear of the homes is the side of the 1075 lot) mentioned in the R1-6L ordinance referred to in the R3-18D ordinance; Pomeroy Green typically has 20' deep backyards.
2. The City's Design Guidelines, page 23, Site Planning "Sensitivity to the neighborhood patterns and orientation plays an important role in promoting neighborhood compatibility."
3. The Architectural Committee's Community Design Guidelines, page 10, 13, 3-A and 1-B.

The Architectural Committee's Community Design Guidelines, page 10, states:

"Setbacks: Setbacks should conform to Zoning Ordinance Standards for the particular zone district (*R1-6L via R3-18D*). Where appropriate, proposed setbacks should be adjusted to complement nearby development or to accommodate special needs of the development through the architectural review process. Impacts of scale, shadow, views, noise, air and light and other consequences of development upon nearby properties and open space may require the use of greater setbacks to provide adequate mitigation." (*zoning reference mine*)

The existing minimum face-to-face building separation at Pomeroy Green is 48'-6". That distance is far greater than the 30' now proposed between the developer's homes and the Pomeroy Green townhouses located to the south of the 1075 property.

This lack of building separation will make the 1075 project look enormous from the backyards of the adjacent Pomeroy Green buildings located to the south and east of the 1075 lot. The 1075 project will appear out of scale due to the small setbacks.

This lack of building separation will reduce access to light and prevailing breezes as well as increase noise and shadow to the Pomeroy Green buildings “Q” and “O” located south and east respectively of the 1075 property.

I am particularly concerned about noise invading my townhouse from the new homes proposed; increasing the setback of those new homes to 20' will help mitigate my concerns. You might not be aware that Pomeroy Green townhouses are not provided with air conditioning and instead rely on natural ventilation throughout the year to ventilate and cool their homes. That means Pomeroy Green is particularly susceptible to noise from the surrounding environment, including the 1075 Pomeroy Avenue property.

Pomeroy Green does not allow air conditioners to be installed outside the residents units without a doctor's note saying that it is needed by that resident. The complex is concerned that noise from an exterior mounted air conditioning unit, such as the window mounted type, will be a problem for adjacent townhouses.

The small Pomeroy Green park, located to the north of the 1075 property, will also experience increased noise and shadow. The shadow will extend into the park to the extent that approximately half the park will be in shade during the winter months.

This park is used year round. Dog owners use it to exercise their dogs and families bring their small children to play in the park as well. This is the only park in Pomeroy Green.

The park is 42' wide and the shadow cast in winter by the new buildings (the shadow cast by the 20' high roof on that side of the building) will enter 22' into the park. Again, approximately half the park will be in shade in the winter including the benches in the middle of the park where people sit. The proposed buildings should be setback 20' rather than the proposed 10' in order to reduce this shadow into the park to 12'.

The Architectural Committee's Community Design Guidelines, page 13, states:

“...inadequate setbacks and other design features may result in proposals that appear out of scale with their surroundings.”

Again, the developer's building will look enormous from the backyard of the Pomeroy Green townhouses to the south and east of the 1075 property and vice versa. The developer's homes will present practically a solid wall of buildings from the rear of the lot to the front of the lot along the length of the small Pomeroy Green park and the Pomeroy Green townhouses located to the south of the property. A smaller multifamily project the size of the existing Pomeroy Green townhouses would provide a development in scale with Pomeroy Green.

The Architectural Committee's Community Design Guidelines, page 3A, for Single-family/Duplex Residential developments indicates the 1075 proposed yards are too small:

“Open and usable rear yard recreational areas should not be less than approximately 20 feet by 36 feet (720 square feet) on single family lots.”

The backyards of the Type A and A1 homes in the developer's proposal only have 590 square feet; this is under the 720 square feet required. With a more modest sized development, the yards can be increased.

The Architectural Committee's Community Design Guidelines, Page 1-B, of the Architectural Guidelines for Multifamily Residential, states, somewhat in reference to placing a multifamily (second story construction) next to a single-family home but may be generalized to this project due to the language in the first line of the paragraph (new development to be in scale with existing), that:

“Setbacks should be sufficient to minimize views into the neighboring properties.”

The setbacks should be increased on the south side of the 1075 property to provide a minimum of 40' feet of distance between the Pomeroy Green townhouses in building Q, located to the south of the 1075 lot, and the developer's homes. At the very least, investigate setting back the second floor of the homes.

On the north side of the 1075 property, the proposed homes should be setback 20' to minimize views into the Pomeroy Green small park.

Problem: The project is four single-family homes on a lot zoned for multi-unit housing.

Solution: Provide multi-unit housing per the current zoning.

The lot is zoned R3-18D, Low-Density Multiple-Dwelling Zoning Districts; the ordinance's intent is to “...encourage lot assembly to provide quality multi-unit housing at a low to moderate density.” The developer is instead doing the contrary, he is requesting a rezoning to Planned Development in order to circumvent the R3-18D ordinance's restrictions in order to subdivide the 1075 lot into four parcels.

The City's General Plan Land Use Maps for Phase I (2010-2015), Phase II (2015-2025) and Phase III (2025 – 2035) indicate that no change in zoning is planned for the neighborhood nor the 1075 property for the foreseeable future. The Architectural Committee should cite the General Plan Land Use Maps as a rationale for denying the developer's request to rezone the property to Planned Development.

If the developer wants to provide single-family homes on this lot, the project is subject, per R3-18D, to the restrictions in Chapter 18.22 of the Santa Clara City Code. Those are the restrictions found in the R1-6L zoning ordinance, "Regulations for R1-6L-Single-Family Zoning Districts." The restrictions include a 20' rear setback for those homes; the developer wants to provide only 10'.

The R1-6L restrictions are intended to "...stabilize and protect the residential characteristics of the district and to promote and encourage a suitable single-family residential environment." I don't think having a below minimum size backyard allows for a suitable single-family residential environment.

I think the residents of those new homes that are planned for 1075 will expect but not be able, due to the small yards, to engage in the outdoor activities that other single-family home residents of larger properties enjoy in our city. If they do, they will end up disturbing not only the residents in nearby Pomeroy Green but also their new neighbors on the 1075 property.

Problem: The proposed buildings are too tall compared to the adjacent Pomeroy Green development.

Solution: Lower the building height of the proposed buildings by providing a flat or very slightly pitched roof. Replace the clerestory windows of the proposal with skylights.

You may not be aware that the elevation of the site of the Pomeroy Green building to the east of the 1075 property, building "O", is approximately 30" lower than the 1075 lot. This makes the 24' 1-1/2" tall proposed homes (in some locations on the roof) 7' 7-1/2" higher than the 19' tall Pomeroy Green buildings. The height differential is too great; the developer's buildings should be lowered to keep the project in scale with the surrounding Pomeroy Green townhouses.

Problem: The architectural features, materials and finishes and forms used in the proposed homes is incompatible with the surrounding neighborhood, Pomeroy Green and Pomeroy West.

Solution: Incorporate architectural features, materials and finishes and forms that derive from the existing patio homes, Pomeroy Green and Pomeroy West, in order to integrate the homes into the neighborhood.

The Patio Homes section of the City's Design Guidelines guidelines, page 11 states:

"Incorporate architectural features, materials, finishes and forms that derive from the existing patio homes to help integrate the the home into the neighborhood."

The homes in Pomeroy Green and Pomeroy West are the quintessential patio home. Therefore, that section of the Design Guidelines applies.

Architectural features found in the surrounding neighborhood buildings but not found in the developer's proposal are items such as carports integrated with the home, flat roofs, fenced small front yards, landscaping in front of the units, homes located between car storage/operation and the backyards, and windowless end-walls of buildings to provide privacy between buildings.

The window trim on the front facade of the second floor extends from the floor to the roof and provides a slight contrast to the horizontal buildings.

Architectural materials found in the buildings of the surrounding neighborhood but not found in the developer's proposal are items such as vertically grooved siding, concrete block walls, large expanses of glass, tongue and groove fencing along the front of the units, and tongue and groove roofing that is exposed on the underside where it cantilevers over the exterior wall.

Architectural finishes found in the surrounding neighborhood buildings but not found in the developer's proposal are items such as textured plaster for underside surfaces of carports and building soffits.

The finish on the window trim on the Pomeroy Green townhouses is painted the same color as the siding so that the trim does not draw your attention excessively—it is a subtle effect—allowing the building form and landscaping to predominate the view.

The 1075 homes, by contrast, have a dark color window trim against the white stucco wall that provides a strong contrast. That high contrast unfortunately draws you attention to the windows.

Pomeroy Green buildings provide a neutral background for the extensive landscaping. The 1075 homes, on the other hand, attract attention and look busy by contrast due to the horizontally and vertically oriented (metal?) screed strips found in the stucco wall surfaces and due to that contrasting window trim color.

Architectural forms found in the surrounding neighborhood buildings but not found in the developer's proposal are items such as the elongated rectangular form of the multifamily buildings, most positioned at 90 degrees to one another in order to enhance privacy between buildings and to allow more view of the sky.

The developer's single-family homes, on the other hand, will look out of place in this multifamily neighborhood of advanced site planning since the homes are lined up like barracks.

Other forms found in the surrounding neighborhood buildings but not found in the developer's proposal are the symmetrical placement of the windows on the facades and the clear distinction between the first floor and the second floor.

Additionally, the projecting fenced yard and the carports in the front of the townhouses at Pomeroy Green create a visually interesting facade with its highly varied, with advancing and retreating features.



The carports that are located at the end of the Pomeroy Green buildings that have an odd number of units provide more visual open space because the side of the carport at the end of the building is supported by a post rather than a block wall. One can see through those carports to the landscaping beyond giving a more open space appearance to the development.

Utility cabinets at Pomeroy Green are integral to the fencing. Not only are they aligned with the fence they are also constructed of the same fencing materials, tongue and groove boards, that are applied to the cabinet door faces and the balance of the enclosures to make them blend into the adjacent fence.

Problems: The proposed parking stalls and the man-door at the back of the garages in the developer's plans will be a source of noise for the surrounding backyards of Pomeroy Green.

Solutions: Enclose the parking stalls on three sides and provide a roof. Remove the man-door, provide a solid wall and provide alleyways to access the rear yards like Pomeroy Green. With increased setbacks allowing larger backyards in the 1075 development, it will be possible to provide these alleyways.

The solutions are needed in order to assure the 1075 project is compatible with the surrounding development, Pomeroy Green and Pomeroy West.

Again, please re-review the City's regulatory documents to discover the problems with the 1075 project and provide a broad outline of the items that need to be addressed. Then please require the developer to meet with City staff and residents of Pomeroy Green and Pomeroy West in order to work out the details of the solutions to the problems with the developer's proposal. This can't be done in the ten minutes allotted speakers at these types of hearings.

I invite you, the developer and the City staff to take a tour of Pomeroy Green during which I can show you the problems and concerns my neighbors and I have with the developer's proposal. It is much easier in the field to see and get a feel for the existing development and to imagine some of the problems with the proposed project than from drawings and models.

I can setup a story pole, a long extension pole set to the height of the proposed homes, near one of the backyards in Pomeroy Green so that you can see how tall and how close the proposed homes will be from a typical Pomeroy Green townhouse. I have already done this once with neighbors and we were startled at how close the new homes will be to our townhouses.


Architectural Committee  
Page 8  
April 3, 2018

My neighbors and I feel the developer's project is too large and massive compared to Pomeroy Green and is too close to Pomeroy Green and is, therefore, out of scale with the surrounding Pomeroy Green complex. The developer's project is not compatible with the surrounding multifamily housing complexes in the neighborhood.

Thank you for reviewing this letter and considering my requests. My neighbors and I are interested in working with the developer and the City on this project in order to secure compatible development in the neighborhood.

Sincerely,

Ken Kratz  
Pomeroy Green shareholder/homeowner

  
A.B. Environmental Design, major in Architecture, U.C. Berkeley

attached: Supporting Documentation  
encl: Alternative designs #4 & #6

cc: Steve Le, Associate City Planner, City of Santa Clara  
cc: Historical and Landmarks Committee

## **SUPPORTING DOCUMENTATION:**

### **1. R3-18D:**

Requires a 20' rear setback:

From R3-18D: (18.16.030 refers the reader to Chapter 18.12, the R1-6L zoning ordinance) is the R1-6L ordinance)

#### **18.16.030 Permitted uses.**

(a) Single-family dwellings (subject to the restrictions of Chapter 18.12 SCCC).

From R1-6L:

#### **18.12.100 Rear yard.**

A rear yard is required at the rear of every lot. Such rear yard shall not be less than twenty (20) feet in depth.

Encourages lot assembly for multi-unit housing and maximum density may not be possible for small lots. From R3-18D zoning ordinance:

#### **18.16.020 Intent.**

This zone is designed to encourage lot assembly to provide quality multi-unit housing at a low to moderate density. The 18D denotes maximum density of eighteen (18) dwelling units on a one-acre lot with established percentages of open space required. It is not intended that lots less than twenty-two thousand (22,000) square feet in size provide housing at the maximum density of the zone. (Zoning Ord. § 8-2).

### **2. General Plan Land Use Maps:**

The maps show that the neighborhood, including 1075, is not planned to be rezoned in the foreseeable future. The maps are found at the following links:

Phase I (2010-2015): <http://santaclaraca.gov/home/showdocument?id=4500>

Phase II (2015-2025): <http://santaclaraca.gov/home/showdocument?id=4499>

Phase III (2025-2035): <http://santaclaraca.gov/home/showdocument?id=4498>

### **3. Alternative Designs:**

I have attached two (2) alternative proposals that I have designed, alternative design #4 and #6. These two designs were the only two out of eleven designs that received a positive rating out of the eleven designs I submitted to Pomeroy Green residents who live next to the 1075 property.

Alternative #4 is the most developed design. The design features four (4) townhouses with deep backyards, deeper than those proposed by the developer.

This design, a patio homes in a multifamily building, is similar to the Eichler townhouses that surround the 1075 property; the architectural aesthetics can be changed if something else is desired.

The units are approximately the same size (about 1,300 square feet) as the adjacent townhouses in Pomeroy Green. The provision of single-vehicle carports reduce the mass and footprint of the building and thereby provide a project that is in scale with the surrounding Pomeroy Green site planning and buildings.

The backyards are located behind the building in this design so that motor vehicle noise generated from on-site and from the city street is blocked from entering the backyards. This arrangement of the building also protects the Pomeroy Green townhouses and backyards located to the east of the 1075 lot from noise.

The placement of the on-site vehicular parking stalls towards the front of the 1075 lot allows more sunlight to reach the small Pomeroy Green park located to the north of the 1075 lot compared to the developer's proposal. That placement also allows more landscaping to be planted along the front of the homes

The placement of the on-site parking towards the front of the lot also preserves the views of Pomeroy Green townhouses 3287 and 3289 located to the south of the p1075 lot.

This placement of the on-site parking area towards the front of the site completes the pattern of on-site parking areas found in the neighborhood, particularly along Pomeroy avenue. Pomeroy West and Pomeroy Green both have parking areas similar to what I am proposing for the 1075 development.

The design features windowless end-walls that protect the privacy of the new residents and the surrounding Pomeroy green townhouses.

Alternative #6 features four (4) townhouses in a multifamily building. This design places the parking stalls on the north side of the property thereby allowing even more sunlight to reach the small Pomeroy Green park.

This design features integrated carports that can store one passenger vehicle.

The units, though smaller, (about 900 square feet) could be enlarged by cantilevering the second floor of the building over the parking lot.

The design features small backyards and the building is setback 15' from the property line providing one privacy from the Pomeroy Green townhouses located to the the south of the 1075 property.

I have many more designs that are compatible with the surrounding neighborhood including an underground parking structure to allow more freedom of design. Please let me know if you would like to review them too.

End of Supporting Documents

## Steve Le

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**From:** Lara Ruffolo [REDACTED]  
**Sent:** Tuesday, April 03, 2018 1:45 PM  
**To:** Steve Le; Planning  
**Subject:** 1075 Pomeroy Avenue project

Dear City Architectural Committee,

I can't attend the meeting of the Architectural Committee tomorrow (Wednesday), but I would like to convey my concerns about the plans for redeveloping 1075 Pomeroy Avenue.

The new plans have hardly budged from previous ones, and do not satisfy the requirements of the zoning of that patch of land. Why is it necessary to violate the General Plan Land Use Map to satisfy the requests of the owner, who wants to build too many homes too close together and too near existing homes? There is no plan to rezone that land to accommodate such development in the City Land Use Maps up through 2035.

Rezoning this land for this purpose sets a dangerous precedent; it means that anyone who purchases a single-family home in the neighborhood could ask for a rezone and plop five or six new houses on that land. If you permit this rezone, how could you justify refusing future ones? This is the thin end of the wedge that could destroy the single-family, low-density character of the neighborhood - a character guaranteed by the City's General Plan Land Use Maps through 2035, on which current owners based their decision to purchase in this neighborhood. This could set up a future lawsuit against the City, almost as fun as the Levi's Stadium suits.

I have previously expressed my concerns over the number of cars and insufficient parking this project would introduce to the neighborhood; I will reiterate those concerns now, since the Architectural Committee may not be familiar with them. To wit:

Street parking is tight on Pomeroy Avenue, since all the townhouses and condos in both Pomeroy West and Pomeroy Green were built with single carports and have single assigned parking spaces allotted to them; when families in these homes have children who drive, those children's cars park on the street. So do guests, as these complexes have no visitor parking spaces. Basically you can count on at least one car per bedroom that will need space to park. Recently six street parking spaces were lost to traffic-calming measures.

Not to mention the curb space taken up by trash bins on Thursday nights and Fridays.

The current design for 1075 Pomeroy has four four-bedroom houses, each with a double garage, and two visitor spaces. That's sixteen bedrooms (and thus sixteen eventual cars) and ten spaces. So at least six more cars will be shoved into the parking fray on Pomeroy Avenue. This outcome can be clearly and easily anticipated. So please deny the rezone required to build this particular project, as the street cannot adsorb the cars it will bring in.

Thank you for your attention.

Lara Ruffolo ([REDACTED])

March 19, 2018

Mayor Lisa Gillmor and Members of Santa Clara City Council  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: 1075 Pomeroy Avenue, rezoning and proposed development

Dear Mayor Lisa Gillmor and Members of Santa Clara City Council:

We are writing to express disappointment in the turn of events at the March 6, 2018 City Council meeting. We believe that the decision to approve the Mitigated Negative Declaration (MND) for the above referenced project was made in haste and without consideration for the advice and guidance that the City Council sought from the City's Historical and Landmarks Commission (HLC).

In their public meeting on January 4, 2018, the HLC determined that Pomeroy Green and Pomeroy West are potentially eligible for listing on the City's Historic Preservation and Resources Inventory. The HLC further stated that there are problems with the compatibility of the proposed development as it currently stands and made two very specific recommendations to the City Council: (1) The developer should work with the Pomeroy Green and Pomeroy West neighborhood to address those problems, via City Staff-facilitated meetings, and (2) After revising the project based on feedback in those meetings, the project should be brought back to the HLC for further review.

We have two requests:

First, we ask that you reverse your decision of March 6, 2018 approving the Mitigated Negative Declaration (MND) for the above referenced project. The MND is incomplete because no account was taken of possible impacts the 1075 project may have on the historically significant Eichler multi-family complexes, Pomeroy Green and Pomeroy West, that surround the property in question. The MND mentions them only as multi-family residential development. Based on the recommendations of the City's Historical and Landmarks Commission, the MND should be revised to include a study of the complexes and an analysis of the impact the proposed development may have on them.

Secondly, we ask you to place the 1075 Pomeroy Avenue project on hold until the historic eligibility of the neighborhood's complexes can be determined by the National Register of Historic Places. Here is our rationale:

- The City is required, since it is enrolled in the Certified Local Government historic program of the State of California, to survey our properties and notify us of our eligibility and help us determine the best avenue to protect our complexes from incompatible development. We feel we have been overlooked by the City's Planning Division in this regard. Enclosed is a copy of the Certified Local Government (CLG) requirements and the applicable provisions are excerpted at the end of this letter.

- We believe the state and national historic programs (National Registry automatically includes State Registry) will find our complexes significant at the local, state, and, very likely, national levels and that a review of the proposed development at 1075 Pomeroy under CEQA (California Environmental Quality Act) and the Secretary of the Interior Standards will be required.
- We very recently discovered by our own efforts the existence of the National program, which, among other advantages, charges no application fee. Prior to this discovery, we were working on the false assumption that we needed to go through the City's own historical designation process, requiring an \$8000 application fee per complex. This substantial application fee has been a serious deterrent over the approximately five years Pomeroy Green has been investigating historic designation, an investigation that started almost a year before the developer's first proposal for the rezoning and development of 1075 Pomeroy Avenue.
- We are asking for more time because the residents of Pomeroy Green and Pomeroy West were not provided information by the City of Santa Clara's City Planning Division nor from the City's website, information they are compelled to provide that would have enabled us to make a more timely submission for historic designation.
- Our neighborhood is in the process of submitting an application to the State of California for the National Register of Historic Places under a Multiple Property Submission (the State administers portions of the application). The historic district we are creating is called the "City of Santa Clara Eichler Multi-Family Housing District."

In summary, we respectfully request that you reverse your approval of the Mitigated Negative Declaration for the 1075 Pomeroy Avenue project so that the document can be revised, and place the 1075 Pomeroy Avenue project on hold until the historic eligibility of the neighborhood can be determined by the National Register of Historic Places. We also ask that the City honors the recommendations of the HLC for us to have an opportunity to work with the developer (facilitated by the City) to address the compatibility concerns of the HLC and that they can complete a further review.

Thank you for considering our requests.

Sincerely,

Ken Kratz

[REDACTED]

Shalini Venkatesh

[REDACTED]

Cynthia Alderson

[REDACTED]

Candace Connell

[REDACTED]

Michelle Reamy &  
Peter Transburg

[REDACTED]

Horst Govin

[REDACTED]

Beverly & Leonard Shenfield

[REDACTED]

Elizabeth Flosznik

[REDACTED]

Scott Jaskower

[REDACTED]

Patricia Wall

[REDACTED]



Andrew Blash  
[REDACTED]

Donald & Sally Connell  
[REDACTED]

Michael Fallon  
[REDACTED]

Steve Austin  
[REDACTED]

Maria Salvatore  
[REDACTED]

Douglas Caldwell  
[REDACTED]

Quentin Polosky  
[REDACTED]

Gabe Zubizarreta & Hannah Brooks  
Jessica Zubizarreta  
Collette Zubizarreta  
[REDACTED]

Peggy Parkin  
[REDACTED]

George Johnson  
[REDACTED]

Ruth Priest  
[REDACTED]

Debra Rossebo  
[REDACTED]

Suzanne Wehde  
[REDACTED]

Diane O'Hearn  
[REDACTED]

Diane Harrison  
[REDACTED]

Mala Chatlapalli  
[REDACTED]

Sabine & Charly Wimmer  
[REDACTED]

Terra & Austin Castaldi  
[REDACTED]

Camille Zubizarreta  
Cora Fowler  
[REDACTED]

Lara Ruffalo  
[REDACTED]

Jose & Sejin Olivares  
[REDACTED]

John Gay  
[REDACTED]

Attached: Supporting Documentation  
Encl: CLG Requirements Document

cc: Steve Le, City Planner  
cc: Yen Chen, City Planner  
cc: Brian Doyle, City Attorney  
cc: Members of the City of Santa Clara Historical and Landmarks Commission  
cc: Members of the City of Santa Clara Architectural Committee  
cc: Amy Crain, State Historian II, CA Office of Historic Preservation (OHP), Registration Unit  
cc: Ron Parsons, State Historian II, CA OHP, Local Government and Environmental Compliance Unit

## SUPPORTING DOCUMENTATION

**Certified Local Government (CLG) requirements, the *Requirements (Excerpt from Appendix G, Certified Local Government Application and Procedures, August 1999, pp 41-47)*. The requirements most applicable to the current situation can be found in section III, IV and V.** (Note: Emphasis added where applicable.)

From section III, Maintain a system for the survey and inventory of historic properties, A, 1 & 2:

The CLG shall be responsible for organizing, developing, and administering an inventory of cultural resources within the entire spatial jurisdiction of the CLG.

A. The commission (*Historical and Landmarks Commission*) shall develop procedures for conducting an inventory of culture resources. *Survey activities* shall be coordinated with and complementary to the state program to ensure that survey results produced by the CLG will be readily integrated into the statewide comprehensive historic preservation planning process.

1. The CLG shall be responsible for overseeing the compiling, recording, and updating of inventory information on cultural resources within its jurisdiction. *The information shall be based on comprehensive surveys* conducted in conformance with state survey standards and procedures. Surveys completed prior to the certification of a local government may be re-evaluated in accordance with state standards and may be submitted for inclusion in the State database.
2. As part of any ongoing survey effort, *procedural requirements must allow for periodic update of survey results as buildings gain maturity* and as new areas are incorporated or annexed by the CLG.

From section III, Maintain a system for the survey and inventory of historic properties, B:

“A. (*sic*) The commission (*Historical and Landmarks Commission*) shall establish internal procedures to facilitate the use of *survey results* in the planning process by the CLG officials and departments.”

From section IV, Provide for adequate public participation in the local historic preservation program, A, 2:

“Public participation shall be fully encouraged in the performance of the historic survey program at all levels of responsibility to *identify and inventory* significant cultural resources in the jurisdiction of the CLG. The public can serve as volunteers to assist in the survey effort. Survey results shall be of public record and on file at a public institution, ...”.

From section V, Satisfactorily perform the responsibilities delegated to the CLG, C:

“The state shall monitor and evaluate the performance of the CLG for consistency with the *identification*, evaluation, and preservation priorities of the comprehensive state historic preservation planning process.”

From section V, Satisfactorily perform the responsibilities delegated to the CLG, C, paragraph 2, Procedures for Decertification:

“Performance (*of the CLG*) shall be deemed unsatisfactory if one or more of the following conditions exist or is applicable: g) the CLG *fails to adequately survey historical resources in its jurisdiction*; and...”.

## Requirements

(Excerpt from Appendix G, Certified Local Government Application and Procedures, August 1999, pp 41-47.)

Local governments may be certified to participate in the CLG program by complying with the following requirements:

- I Enforce appropriate state or local legislation for the designation and protection of historic properties:
  - A. State enabling legislation provides for local jurisdictions to enact appropriate historic preservation legislation. California Government Code Sections 65850, 25373, and 37361 enable city and county legislative bodies to provide for “the protection, enhancement; perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.”
  - B. Local governments must adopt local historic preservation ordinances with provisions to enforce the designation and protection of historic and archeological resources.
  - C. The local legislation shall be consistent with the intent and purpose of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).
  - D. The CLG will adopt a historic preservation plan or a historic preservation element for the local jurisdiction's General Plan, as authorized by the California Government Code, prior to or upon applying for a CLG grant.
  - E. The CLG commission will participate in the environmental review of specific federally sponsored projects, such as community development programs involving HUD Block Grant funds unless it is determined by OHP that the necessary expertise is not available to the local government. The CLG will establish programmatic agreements with the state agreeing to ensure compliance with Section 106 provisions of the NHPA.
  - F. The CLG commission will participate in the environment review of local projects in accordance with the requirements under the California Environmental Quality Act (CEQA). The commission may review and comment on permit actions affecting significant listed historic properties and other resources eligible for listing, in accordance with local ordinance requirements and with CEQA. Procedural guidelines should include standards for demolition stays, design review criteria, anti-neglect requirements, and appeal strategies.
- II Establish an adequate and qualified historic preservation review commission by local law:
  - A. The commission shall include a minimum membership of five (5) individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.
  - B. At least two (2) Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural

- history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation.
- C. A local government may be certified without the minimum number or types of disciplines established in state procedures if it can be demonstrated to the satisfaction of the state that it has made a reasonable effort to fill those positions, or that some alternative composition of the commission best meets the needs of the protection of historic properties in the local community.
  - D. Commission members shall be appointed by the chief elected local official, city council, or board of supervisors consistent with the provisions of the preservation ordinance. The appointing authority shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the commission. The appointing authority shall also act within sixty (60) days to fill a vacancy. Terms of office of the commission members shall be according to the local preservation ordinance.
  - E. The commission shall meet at least four times a year, with meetings held in a public place, advertised in advance, and open to the public, pursuant to the Ralph M. Brown Act (G.C. Section 54950 et seq.) for open meetings. Written minutes of commission meetings shall be kept on file, available for public inspection, and submitted to the state as a part of the CLG Annual Report.
  - F. Each commission member is required to attend at least one informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission and would be approvable by the state. The CLG Regional Workshops sponsored by the OHP are important sources of information. The annual State Historic Preservation Conference generally provides special sessions devoted to the issues, objectives, and responsibilities of commissions. Commissions may also bring in professionals to provide training on site.
  - G. An annual report of the activities of the commission shall be submitted to the state at the end of each calendar year. The reports shall include, but not be limited to, such information as narrative summary of accomplishments, summaries of new and corrected survey activities, number of properties designated under local ordinance in relation to inventory for community, summaries of National Register applications reviewed, summaries of historical contexts prepared, number of federal tax certifications reviewed, number of properties on which design review was held, number of properties on which environmental project reviews were conducted, property owners of Mills Act contracts approved, summarization of local preservation activities, list of local landmark designations, description of public education activities, lists of commission members and resumes, list of staff and resumes, detailed listing of commission and staff training received, commission attendance

records, summary of changes in preservation laws, summary of adoption or updates of historic preservation plan or historic preservation element of your community's General Plan, commission meeting minutes and agendas, and other pertinent activities performed by the commission.

III Maintain a system for the survey and inventory of historic properties:

The CLG shall be responsible for organizing, developing, and administering an inventory of cultural resources within the entire spatial jurisdiction of the CLG.

- A. The commission shall develop procedures for conducting an inventory of culture resources. Survey activities shall be coordinated with and complementary to the state program to ensure that survey results produced by the CLG will be readily integrated into the statewide comprehensive historic preservation planning process.
  - 1. The CLG shall be responsible for overseeing the compiling, recording, and updating of inventory information on cultural resources within its jurisdiction. The information shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures. Surveys completed prior to the certification of a local government may be re-evaluated in accordance with state standards and may be submitted for inclusion in the State database.
  - 2. As part of any ongoing survey effort, procedural requirements must allow for periodic update of survey results as buildings gain maturity and as new areas are incorporated or annexed by the CLG.
  - 3. The commission must adopt state guidelines for conducting its inventory of historic properties. State-approved inventory forms (DPR-523, A-L) and the OHP's Instructions For Recording Historical Resources shall be used to facilitate integration into the state electronic data system and for statewide comprehensive historic preservation planning purposes. Dimitri software is available for the DPR 523 forms.
  - 4. Standards for the evaluation of properties must be consistent with the National Register of Historic Places criteria.
- A. The commission shall establish internal procedures to facilitate the use of survey results in the planning process by the CLG officials and departments. The commission shall submit survey results to the local government for adoption, then forward to OHP. Copies of the survey should be on deposit at the local planning department, building and safety office, public works department, and redevelopment agency. Libraries, colleges, and historical societies should also receive copies. OHP will make copies available for the appropriate "California Historical Resources Information System" regional center. See IV(A)(2) below for public access requirements.

IV Provide for adequate public participation in the local historic preservation program:

- A The CLG shall provide opportunities for public participation in all responsibilities delegated to the CLG, in accordance with appropriate regulations, standards, and guidelines.

1. Public participation shall be fully encouraged at local commission meetings. Commission meetings shall be open to the public, with published agenda and minutes in accordance with the Ralph M. Brown Act (G.C. Section 54950 et seq.) for open meetings. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the commission's activities.
  2. Public participation shall be fully encouraged in the performance of the historic survey program at all levels of responsibility to identify and inventory significant cultural resources in the jurisdiction of the CLG. The public can serve as volunteers to assist in the survey effort. Survey results shall be of public record and on file at a public institution, except in the case of sensitive resources, e.g., archeological sites subject to vandalism.
  3. Public participation shall be fully encouraged in the nomination process for the National Register of Historic Places program. The CLG shall invite comments from the general public regarding National Register nominations.
  4. Public participation shall be fully encouraged in all public hearings on projects related to CEQA and Section 106 processes.
- V Satisfactorily perform the responsibilities delegated to the CLG:
- A. The CLG shall prepare a comprehensive local historic preservation plan which would identify preservation missions, goals, and priorities. The plan would also establish preservation strategies, programs, and time schedules.
  - B. The CLG will participate in the review and comment on historic preservation certification applications for tax incentives. The CLG and state may establish procedures for implementation of the investment tax credit program at the local level in conformance with the Secretary of the Interior's Standards for Historic Preservation.
  - C. Each CLG must have a local historic preservation plan prior to or upon becoming a CLG before any additional grant applications will be considered. The state shall monitor and evaluate the performance of the CLG for consistency with the identification, evaluation, and preservation priorities of the comprehensive state historic preservation planning process.
    1. Annual Review of CLGs:  
The State shall conduct an annual review of CLGs to assure that each government continues to meet the minimal requirements and is satisfactorily performing its responsibilities. As part of this review, the state shall examine the annual reports submitted by the CLGs, records of the administration of funds allocated from the HPF, and other documents as necessary. The CLG shall make these records available to the state. A more thorough review and site visit to the Certified Local Government will occur at least once every three (3) years.
    2. Procedures for Decertification:  
If the state evaluation indicates that the CLG no longer meets the minimal requirements or that in any other way a CLG's performance is not

satisfactory, the state shall document that assessment and recommend to the local government steps to bring its performance up to a satisfactory level. The CLG shall have a period of not less than 30 nor more than 180 days to implement improvements; If the state determines that sufficient improvement has not occurred, the state shall decertify the local government, citing specific reasons for the decertification. Performance shall be deemed unsatisfactory if one or more of the following conditions exist or is applicable: a) the commission fails to perform its delegated responsibilities within established time periods; b) the CLG fails to coordinate its responsibilities with the state; c) the commission substantially fails to maintain consistency of its design review decisions with the Secretary's Standards for Historic Preservation; d) the CLG fails to maintain a qualified historic preservation review commission membership; e) the CLG fails to enforce the provisions of the local preservation ordinance; f) the CLG fails to enforce its CEQA and Section 106 responsibilities; g) the CLG fails to adequately survey historical resources in its jurisdiction; and h) the CLG fails to comply adequately with proper fiscal management of HPF grants in accordance with the National Register Programs Guideline, OMB Circular A-128, and 43 CFR 12.

3. Decertification Appeal:

If the state recommends decertification, the local government may appeal to the NPS. The NPS has 45 days to respond to the appeal.

4. Decertification Without Prejudice:

CLGs may petition the OHP to be decertified voluntarily and without prejudice.

5. Financial Assistance Close-out:

The state shall conduct financial assistance close-out procedures pursuant to the National Register Program Guideline when a local government is decertified.

VI The CLG shall assume certain responsibilities for reviewing and recommending properties within its jurisdiction to the National Register of Historic Places.

A. The SHPO shall have the sole responsibility of nominating National Register properties directly to the Secretary of the Interior (Secretary).

B. The CLG shall establish local procedures for the National Register nomination process consistent with the requirements in the NHPA, Section 101(c)(2).

1. Before a property within the jurisdiction of a CLG may be considered by the state to be nominated to the National Register, the state shall notify the owner, the applicable chief elected local official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty (60) days of notice from the state, the chief elected local official shall transmit the report of the commission and his/her recommendation to the state. After receipt of such report and recommendation, or if no such report and recommendation are received within sixty (60) days, the state

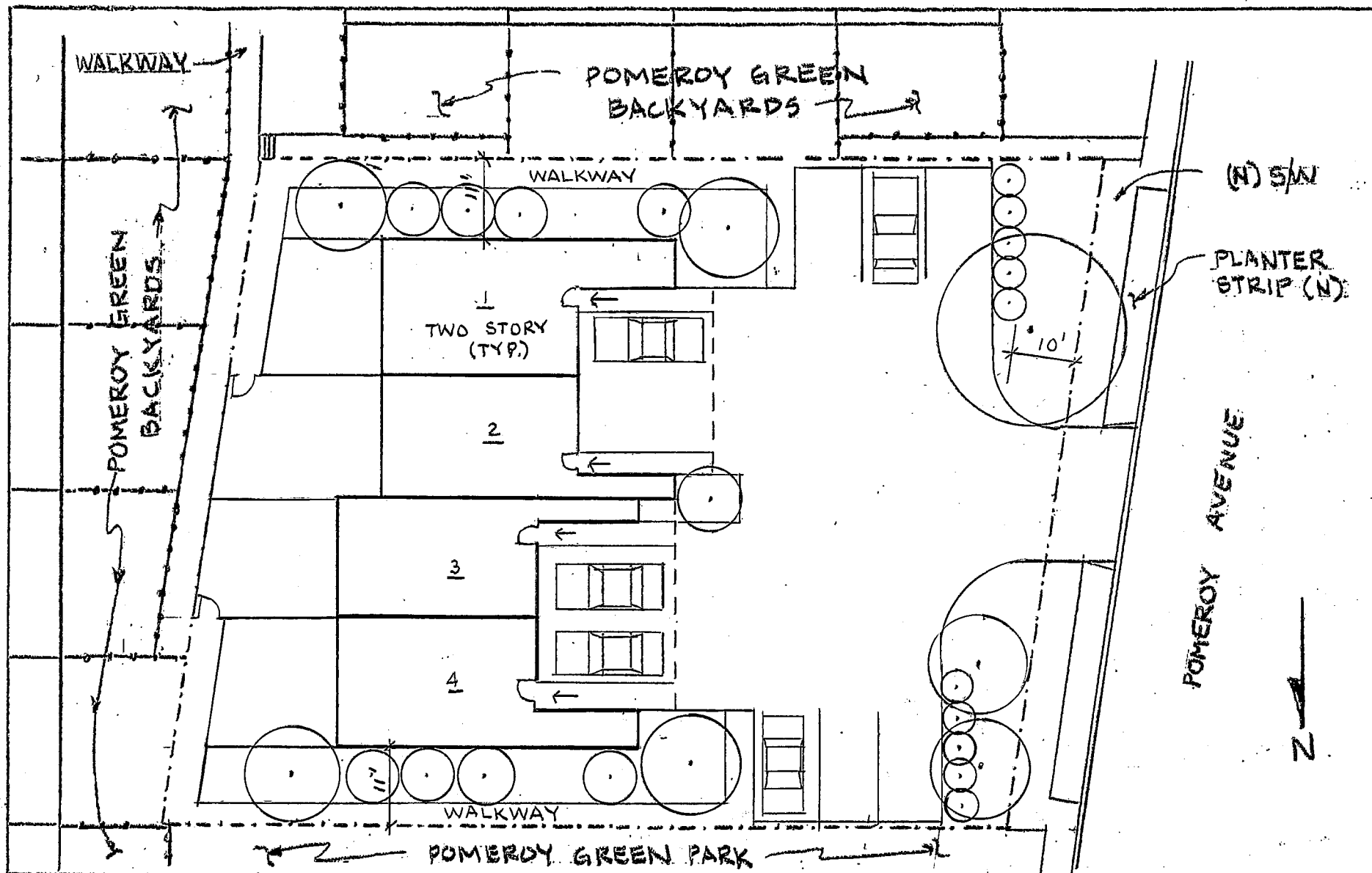


shall process the National Register nomination. The state may expedite such process with the concurrence of the CLG.

2. If both the commission and the chief elected local official recommend that a property not be nominated to the National Register, the state shall take no further action, unless within thirty (30) days of the receipt of such recommendation by the state, an appeal is filed with the state. If such an appeal is filed, the state shall follow the procedure for making a nomination pursuant to Section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the state to the Secretary.

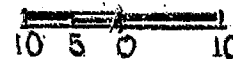
VII By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG. Local governments may be certified to participate in specific program activities under Programmatic Agreements.

- A. The CLG may develop educational programs promoting historic preservation at the local level such as, but not limited to, sponsorship of preservation workshops, publication of preservation information, organizing preservation fairs, conducting walking tours, preparing preservation curricula for schools, etc.
- B. Commission members may act in an advisory capacity to other officials and departments within the local government and act as a liaison on behalf of the CLG to individuals and organizations concerned with historic preservation issues at the local level.
- C. The CLG may participate in the Mills Act program or other economic incentive programs to provide property-tax relief for owners of historic properties.
- D. The CLG may participate in the Marks Historical Rehabilitation Act for issuance of tax-exempt industrial development bonds, providing that the commission shall serve as a part of the required citizen advisory board.
- E. The CLG may assume certain responsibilities of recommending National Register of Historic Places properties, identified in the CLG jurisdiction, directly to the State Historical Resources Commission.
- F. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.



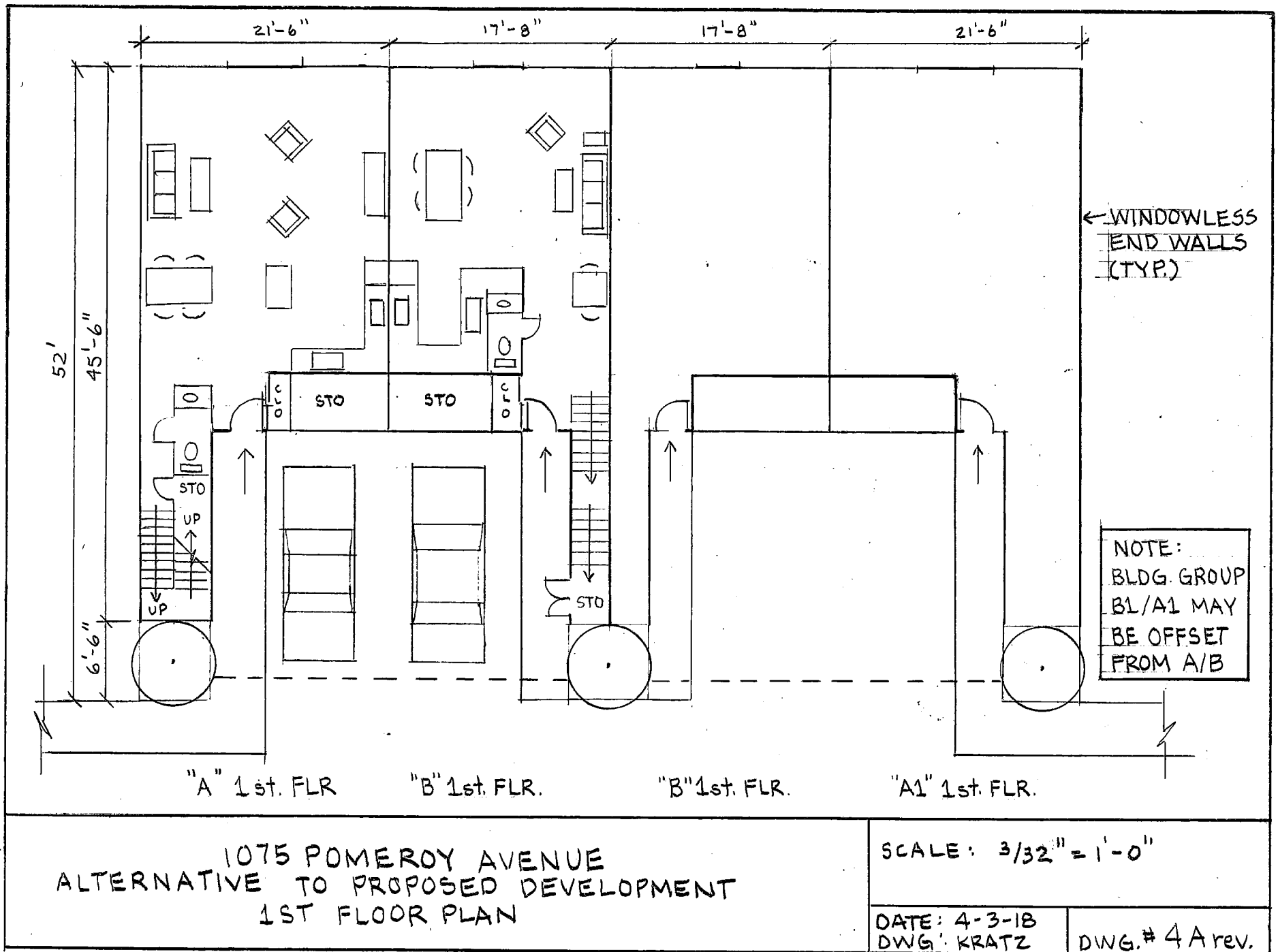
1075 POMEROY AVENUE  
 ALTERNATIVES TO PROPOSED DEVELOPMENT  
 SITE PLAN

SCALE:

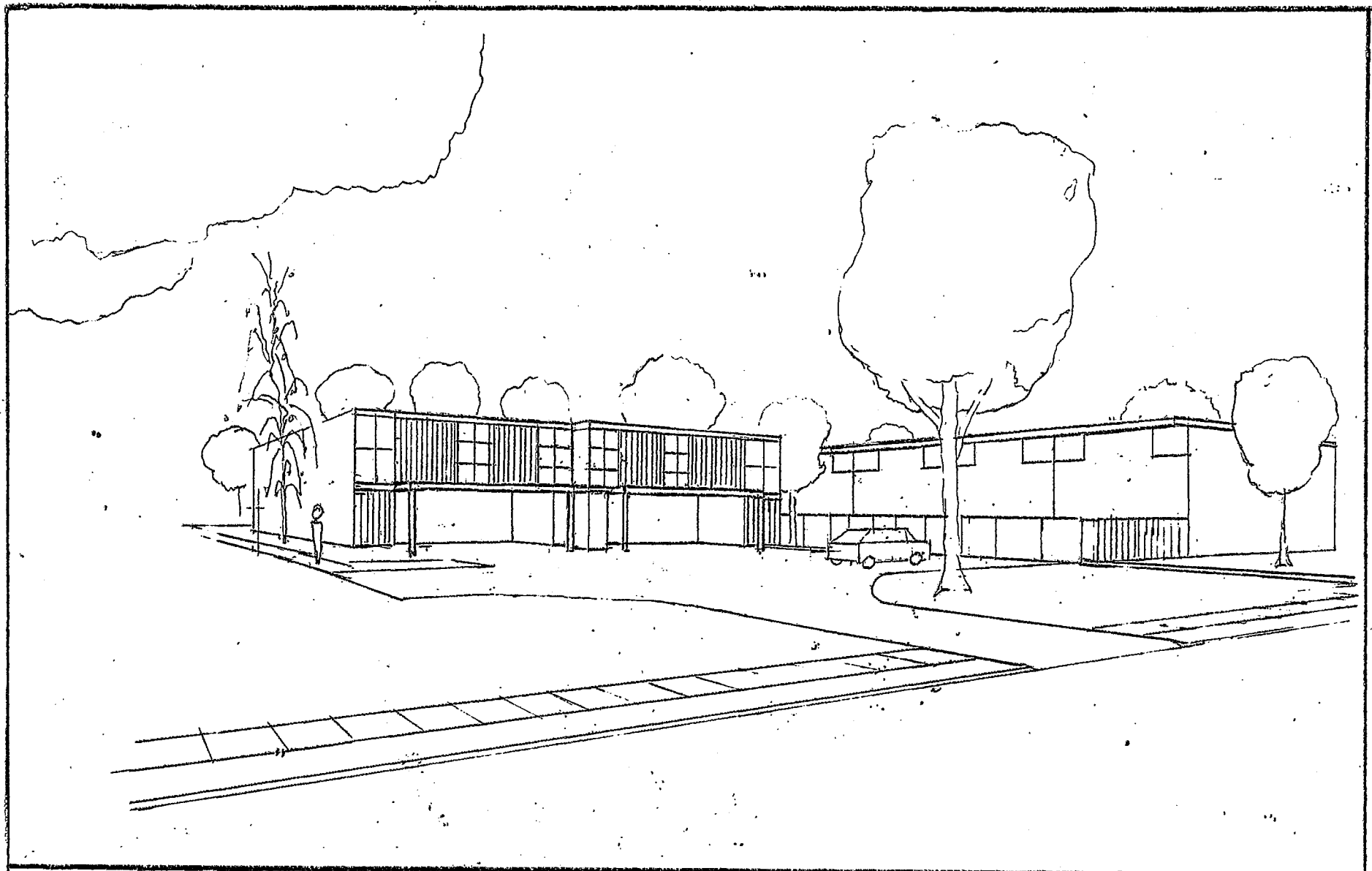


DATE: 4-3-18  
 DWG: KRATZ

DWG. # 4 rev





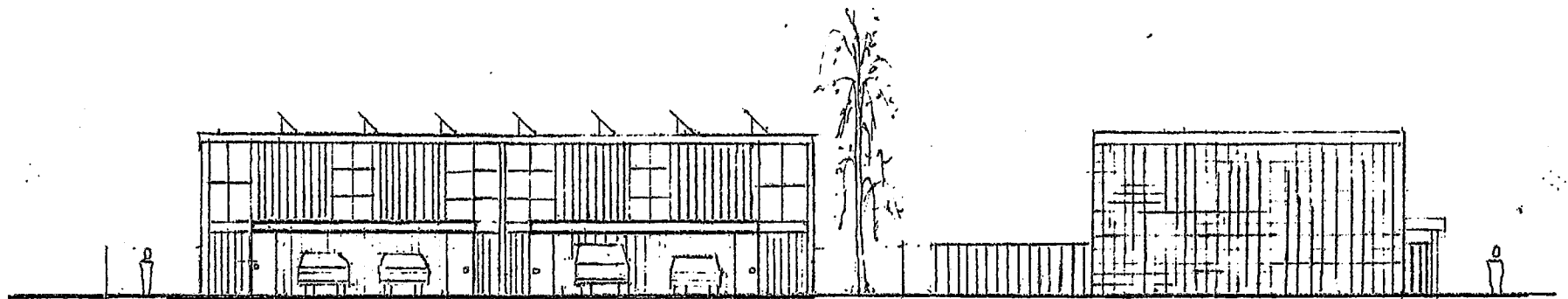


1075 POMEROY AVENUE "  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
PERSPECTIVE

SCALE:

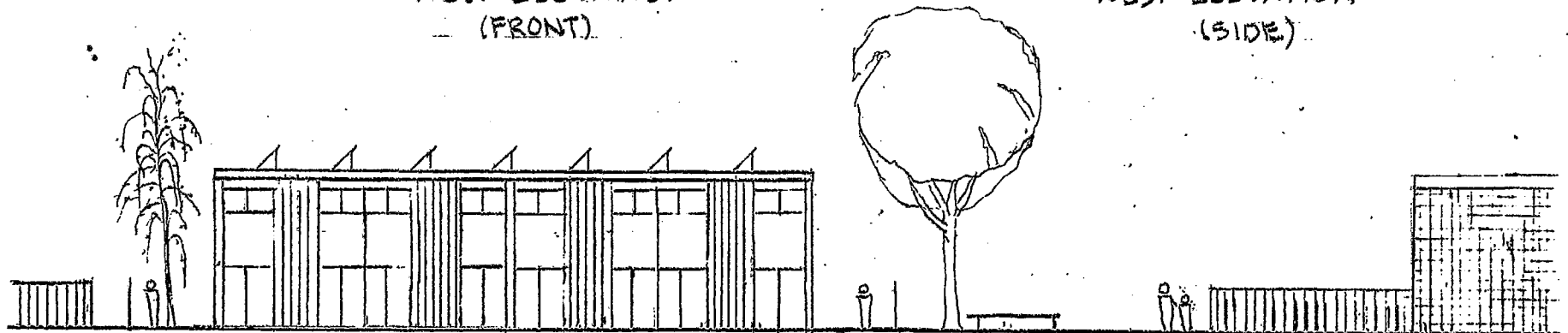
DATE: 12-30-17  
DWG: KRAT2

DWG. # 4 - P



ALTERNATIVE  
WEST ELEVATION  
(FRONT)

PG. BLDG. "Q"  
WEST ELEVATION  
(SIDE)



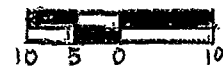
ALTERNATIVE  
EAST ELEVATION  
(REAR)

SML. PG. PARK

PG BLDG "F"  
EAST ELEV.  
(SIDE)

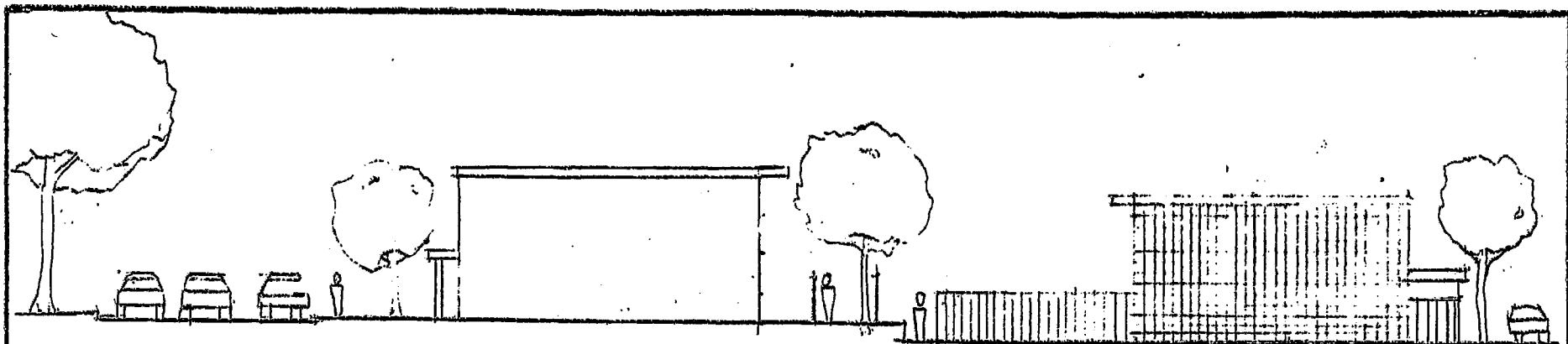
1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
ELEVATIONS

SCALE:



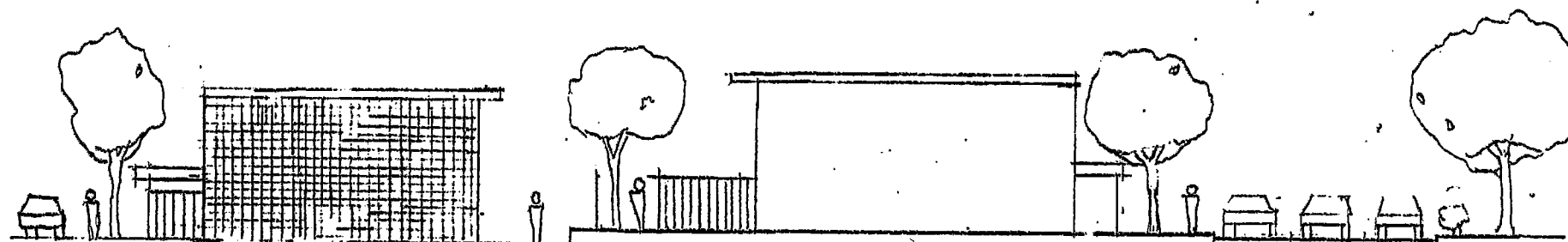
DATE: 12-30-17  
DWG: KRATZ

DWG.# 4-E1



ALTERNATIVE  
SOUTH ELEVATION  
(SIDE)

PG BLDG "O"  
SOUTH ELEVATION  
(SIDE)

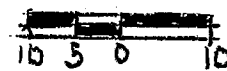


PG BLDG "O"  
NORTH ELEVATION  
(SIDE)

ALTERNATIVE  
NORTH ELEVATION  
(SIDE)

1075 POMEROY AVENUE  
ALTERNATIVE TO PROPOSED DEVELOPMENT  
ELEVATIONS

SCALE:

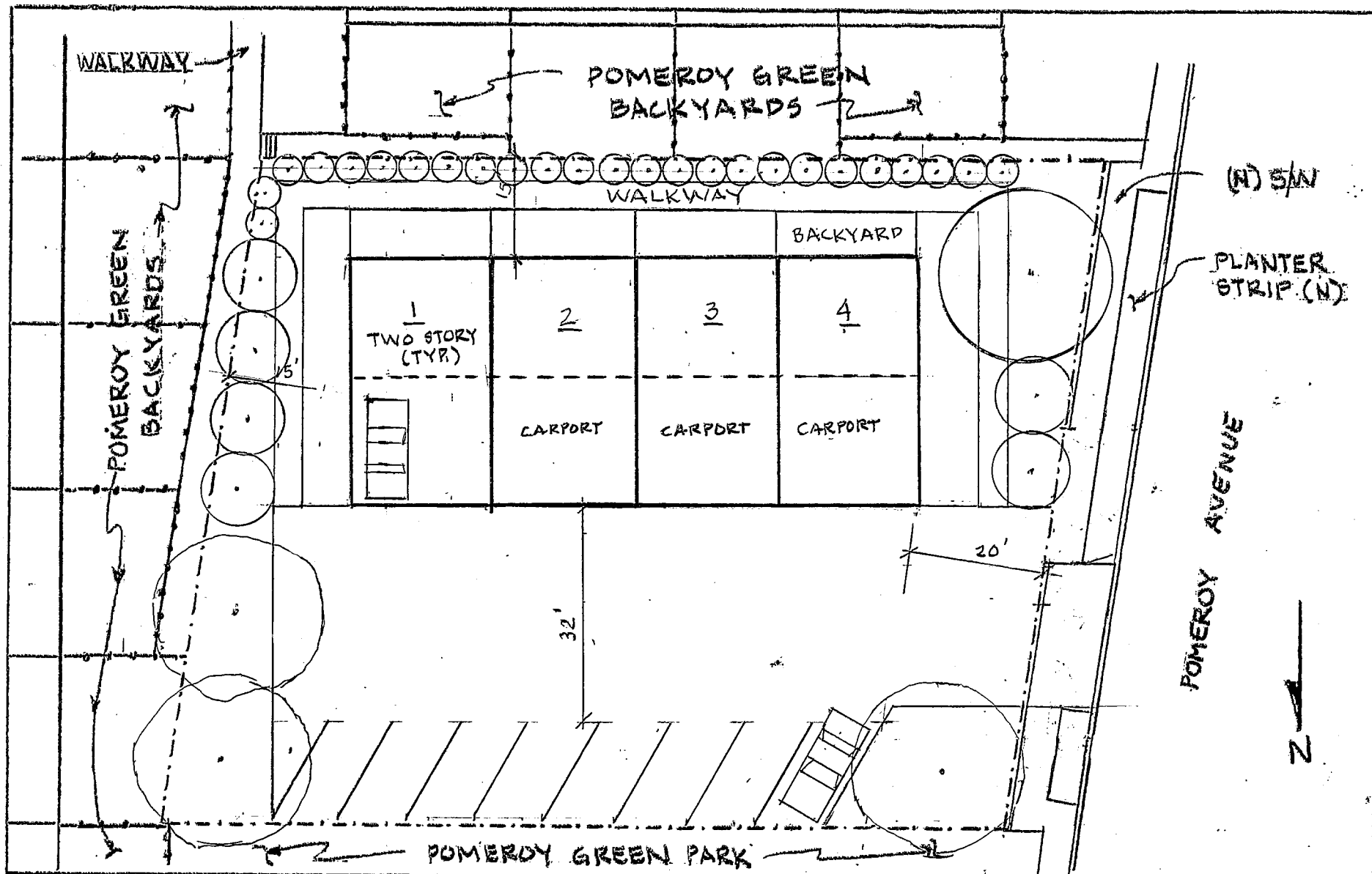


DATE: 12-30-17

REVISED LABEL

DWG: KRATZ

DWG.# 4-E2r



1075 POMEROY AVENUE  
 ALTERNATIVES TO PROPOSED DEVELOPMENT  
 SITE PLAN

SCALE:

10 5 0 10

DATE: 12-18-17

DWG: KRATZ

DWG. # 6



March 12, 2018

City of Santa Clara  
Architecture Committee  
Re: 1075 Pomeroy Avenue Rezoning and Proposed Development

Dear Architectural Committee:

The proposed development at 1075 Pomeroy Ave. seeks to turn a lot where there is currently one single-family home into one with four single-family homes. To do this, the developer has requested a rezone in order to get around responsible residential restrictions for height, setbacks, and open space to the detriment of the existing homes surrounding the property.

The documents available from your web page, the “*City of Santa Clara Single-Family and Duplex Residential Design Guidelines*” and the “*City of Santa Clara Architectural Committee Policies Community Design Guidelines*,” Section 1-B, “*Multi Family Residential*,” detail the design requirements for infill construction in residential neighborhoods from which he seeks exemption. Specific relevant provisions from those documents are referenced and attached at the end of this letter.

Our communities, Pomeroy Green, which surrounds the 1075 property on three sides, and Pomeroy West directly across the street, were built by Joseph Eichler, a visionary mid-century real estate developer. Eichler utilized highly-respected and progressive architectural firms to create well-designed, yet affordable, modern homes for the masses. In building his homes, he sought to bring homeowners closer to nature by creating easily accessible outdoor spaces and incorporating large windows and walls of glass, providing light and expansive outdoor views.

As property values were increasing in our area even then, here in Santa Clara Eichler commissioned designs for higher density living without sacrificing his ideals of livability, and he planned our communities featuring integrated parks and community centers. 78 homes were built in Pomeroy Green and 138 in the companion development of Pomeroy West in the 1960s. Our homes here were designed by Claude Oakland & Associates and our open spaces by renowned landscape designer Robert Royston. I urge you to please seek out more information about their work if you are not familiar with them.

Most Eichler homes have surpassed their 50th anniversary, but they're popular with homebuyers today looking for good modern design that is both practical and livable. The property values of those homes, especially those that have been cared for, preserving their architectural integrity as well as the integrity of their neighborhoods, have soared.

We're also seeing a resurgence of young tech buyers who enjoy mid-century modern. People like me, born and raised in the Bay Area, grew up with a love of these thoughtfully designed modern homes, but it is a subtle style and, especially from the outside, easily over-looked, misunderstood, or dismissed. Some of us find a joy in those subtleties, an antidote to the "bigger, louder, faster" of our modern life.

This developer's design proposal for 1075 Pomeroy incorporates quantities of bedrooms (16 in all) ostensibly for families, yet does not provide associated open spaces in which those children can play and, perhaps most egregiously, does not care that he robs that very peace and beauty from his neighbors, where such modest shared open space *was* designed in. His proposal for screening trees for privacy misses the point; the sunlight into and views from this small shared park would be lost.

Studies have shown that proximity to, views of, and daily exposure to natural settings increases children's ability to focus and enhances cognitive abilities. Access to green spaces has been shown to enhance peace, self-control, and self-discipline within inner city youth, particularly in girls. It improves academic performance, reduces ADD symptoms, and reduces stress.

*Psychology Today* says that "A growing body of . . . evidence suggests that, even in the densest urban neighborhoods, negative stress, obesity and other health problems are reduced and psychological and physical health improved when children and adults experience more nature in their everyday lives." These basic concepts were understood with the residential design guidelines incorporated into our City's General Plan. To disregard them is a disservice to our community. And to cut corners for a perceived short-term gain will only erode our long-term real and property values.

The decisions we make today shape our future. My hope is that our elected and appointed officials will take that responsibility seriously and actively seek out the kind of development that will allow the residents of our City to thrive. There is a place for well-designed but modestly-scaled multi-family dwellings that encourage community, incorporate natural elements, and utilize new techniques for efficiency and sustainability. Meanwhile, it is short-sighted not to preserve those things that define our character and bring value to our community, as they cannot be recreated once they are lost.

Thank you for your consideration.

Sincerely,

Cindy Alderson  
Pomeroy West Homeowner & Former HOA Board Member

Attachments

cc: Mayor Lisa M. Gillmor and the Santa Clara City Council

## **SUPPORTING DOCUMENTATION**

### **I. City of Santa Clara Single-Family and Duplex Residential Design Guidelines, Chapter 4 Site Planning and Streetscape Issues, 2014** (<http://santaclaraca.gov/home/showdocument?id=12171>)

#### **4a. Site Planning**, page 24:

3. Proposed designs should minimize, to the extent possible, shading of adjacent homes and private yards. Impacts of scale, shade, views, air, and light and other consequences of development upon nearby properties may require use of greater setbacks to provide less shading. (Figure 4.2)

4. Building massing and orientation will subject to special consideration to weight potential shadow impacts on neighboring properties.

7. Second-story additions should be located away from the side and rear yards of neighboring residential properties as much as possible.

#### **4c. Driveways, Paving, Carports & Garages**

##### *Important Considerations*

1. Excessive paving is discouraged on all properties so that the stormwater runoff and heat reflection/absorption is minimized.

#### **4i. Yards & Landscaping**

- Hardscape and driveways shall not occupy more than one-third of each front or street side yard. (Figure 4.14)

- Open and usable rear yard recreational areas should be approximately 20 by 36 feet on single family lots. Open and usable rear yard recreational areas should be approximately 15 feet by 30 feet for each unit on duplex lots.

## **II. City of Santa Clara Architectural Committee Policies Community Design Guidelines** (<http://santaclaraca.gov/home/showdocument?id=46963>)

### **Section 1-B, Multi Family Residential**

- The majority of new multi family development in the City will be infill development. As such development takes place in already established neighborhoods, it is important that the project design is sensitive to the character and scale of neighboring properties.

- New developments should be in scale with the neighborhood; nearby single family residences should be protected from impact of multi family projects, including parking traffic, noise, lighting, shadows and loss of privacy due to second story construction. Setbacks should be sufficient to minimize views into neighboring properties.

#### **Building Setbacks:** page 2-B

- Front and street side yard setbacks should be appropriate for the block and for the scale of the proposed building.

- Interior side yard setback should be adequate to minimize impacts upon adjacent properties.

- Second story window and balcony locations should be sensitive to nearby residences and private yards.

- Proposed setbacks should minimize shadows and other impacts on surrounding properties and streets.

#### **Architecture:** page 3-B

- The architectural style should be suitable for the immediate neighborhood.

#### **Yards and Landscaping:** page 4-B

- Hardscape and driveways should occupy not more than one-third (1/3) of each front or street side yard.

- Private yard recreational areas should not be less than approximately 10 feet by 15 feet (150 square feet).

- Common yard recreational areas should not be less than 20 feet by 50 feet (1000 square feet) for each building or cluster where private yards are not provided for every unit in the cluster.

- Recreational yard areas should be immediately accessible to the common living space of each residence to the greatest extent possible.

## Steve Le

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**From:** lrs\_pwhoa [REDACTED]  
**Sent:** Sunday, March 11, 2018 10:33 AM  
**To:** Steve Le; Mayor and Council  
**Subject:** 1075 Pomeroy Avenue Rezoning and Proposed Development

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**(Mr. Le, Can you please direct this email in its entirety to both the members of the Architectural Committee and the Mayor and members of the City Council. Thank You)**

Dear Architectural Committee, Mayor and City Council Members,

This is submitted for informational purposes as background for our planned presentations at the March 21<sup>st</sup> Architectural Committee (AC) meeting and the subsequent City Council meeting (date TBD) where the recommendations of the AC will be heard.

One of our concerns has been the two car garages and that those garages will **NOT** be used for parking, but for other purposes such as storage, or hobbies, or as living spaces. Those garages feature sliding glass doors at the back and are directly facing the neighbors in Pomeroy Green, and we feel that these sliding glass doors are especially conducive to using the garage for other than parking, therefore possibly creating a noise issue for the surrounding neighbors, as well as on-street parking issues.

The developer has responded to our concerns by stating there will be CC&Rs prohibiting using the garages for any purpose other than parking.

However, our research has determined that unless any CC&Rs are drafted under the umbrella of a formal HOA (Home Owners Association) the only recourse for enforcement would be a lawsuit.

(Google “enforce CC&Rs if there is no HOA”. One informative found link is:  
<https://www.dailyrepublic.com/wires/business/homeowners-association-has-no-board-to-enforce-ccrs/>)

Thus, to make the CC&Rs meaningful the developer would have to additionally create an formal HOA. This is not a trivial process. To create an HOA would require:

- Establishing a business structure by forming an LLC or nonprofit corporation
- Obtaining A Tax ID
- Establishing Nonprofit Tax Status
- Filing Annual Registration (In California, incorporated homeowners associations must file two forms each year to register and perpetuate its existence.
- Creating covenants, conditions and restrictions (CC&Rs) that describe how the HOA will operate and what rules homeowners must abide by
- Establishing Collection Procedures and Fines/Penalties Establishing a procedure for future modification of the CC&Rs
- Writing rules and regulations that put the CC&Rs into easy-to-understand language for community residents

- Drawing up governing documents, such as articles of incorporation and bylaws (which outline meeting frequency, voting guidelines, election of HOA leaders and other operating procedures) and insure that those documents as well as the CC&Rs comply with all relevant California laws related to HOAs
- Obtaining and confirming Association Insurance including liability, casualty, and Board of Directors insurance and indemnity
- Opening appropriate bank accounts
- Electing qualified officers/board members (the treasurer needs to understand how to keep books and manage money, for example)
- Adopting an Operating Budget, Maintenance Reserves, and Assessments
- Holding regular homeowner meetings including annual elections.

This will obviously necessitate hiring a qualified attorney and be costly. But doing all the above to establish an HOA when there are only four individually owned homes would (in our opinion) not make sense.

So hopefully you can see and appreciate our concerns about the garages and realistic enforcement of any CC&Rs.

The developer should also be aware that many buyers are averse to buying a home in a community where a HOA is in existence (Google “HOA vs. No HOA”).

Thank You,

Roy Shenfield

Resident of Pomeroy West

## Steve Le

---

**From:** Rosa Avalos  
**Sent:** Tuesday, May 08, 2018 8:08 AM  
**To:** Steve Le  
**Cc:** Andrew Crabtree  
**Subject:** FW: 1075 Pomeroy Ave Project

Steve - FYI.

-----Original Message-----

From: Mayor and Council  
Sent: Tuesday, May 08, 2018 7:51 AM  
To: Andrew Crabtree; Manuel Pineda; Walter Rossmann  
Cc: Rosa Avalos; Elizabeth Elliott; Genevieve Yip; Jose Armas  
Subject: FW: 1075 Pomeroy Ave Project

Hello,

Please see the correspondence below regarding 1075 Pomeroy. This email has also been forwarded to the full City Council for their reference.

Thank you,  
Lynn

—

-----Original Message-----

From: Comcast [REDACTED]  
Sent: Monday, May 07, 2018 10:49 PM  
To: Mayor and Council  
Subject: 1075 Pomeroy Ave Project

Dear Mayor and Council members,

As a resident of Pomeroy Green for the last 29 years, I would first like to thank you for allowing us to raise our concerns about the development at 1075 Pomeroy Ave over the last several years.

Friends that I have talked to that do not live in Santa Clara are amazed that you have even listened to us. For this, my neighbors and I are grateful.

As you have heard a lot of facts and opinions over the years regarding the project, please keep in mind that the only 2 townhouse developments (not housing tracts) that Eichler designed are here in Santa Clara, across the street from each other on Pomeroy Ave, I believe the look, the feel, and the character of our neighborhood would change if the developer is allowed to rezone the 1075 property.

Please don't allow the rezoning.

Thank you,  
David Fatland  
[REDACTED]