



## Agenda Report

21-1034

Agenda Date: 1/12/2021

### REPORT TO COUNCIL

#### SUBJECT

Action on the Consideration of the Nomination of the Pomeroy Green Townhouses at the Northeast Corner of Pomeroy Avenue and Benton Street to the National Register of Historic Places

#### COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

#### BACKGROUND

Pomeroy Green is a 6.5-acre multi-family townhome development project located on the northeast corner of Pomeroy Avenue and Benton Street. The site consists of 78 attached townhouses that are configured in 17 buildings, including a separate clubhouse building. The architectural design style of the project is classified as "mid-century modern" and the project was constructed by well-known merchant-builder Joseph Eichler. Construction was completed in 1963.

The site was nominated to the National Register of Historic Places as a Historic District by Kenneth Kratz, a homeowner in the development. The process for registration on the National Register relies upon a decision made by the State Historical Resources Commission (SHRC). The SHRC review process provides an opportunity for input from the local jurisdiction and considers that input when the SHRC reviews the nomination and takes action at an SHRC meeting (see Attachment 1). The SHRC meeting for this nomination was originally scheduled for November 6; however, the meeting was postponed to January 29, 2021 at the City's request to allow sufficient time for review and response by the City.

As a Certified Local Government (CLG) the City's Historical and Landmarks Commission (HLC) may prepare a report as to whether or not the subject property, in the Commission's opinion, meets the criteria for listing on the National Register. Per the City Code, the HLC is a recommending body to the City Council. However, per the SHRC process, the SHRC will consider both the report from the HLC as well as any report forwarded by the City Council in making their determination. The HLC considered the request at their October 1, 2020 meeting and made a recommendation to support the nomination.

#### DISCUSSION

The National Register is the nation's inventory of historic places which have national cultural importance of a historical nature. The National Register Criteria for Evaluation (Attachment 3) identifies the range of resources and kinds of significance that qualify historic and prehistoric properties for listing in the National Register. To qualify, at least one of the following four criteria must be met:

- A. The property is associated with events that have made a significant contribution to the broad

- patterns of our history; or
- B. The property is associated with the lives of persons significant in our past; or
- C. The property embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. The property has yielded, or may be likely to yield, information important in prehistory or history.

The National Register includes buildings, sites, districts, structures, or objects. Pomeroy Green was nominated as a Historic District. Per the National Register Criteria for Evaluation, a district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations.

The application submitted by Mr. Kratz to the State Office of Historic Preservation indicates that Pomeroy Green is eligible for listing as a Historic District on the National Register of Historic Places under Criterion A in the area of Community Planning and Development for its use of cluster development and Criterion C in the areas of Architecture and Landscape Architecture.

Approval of a National Register Historic District would not change or affect the General Plan land use designations of the property or any of the adjacent sites. However, If the SHRC determines that that the property is eligible for listing on the National Register, any future modifications of the property would be required to conform to the Secretary of the Interior standards for modifications to historic structures and future development projects on nearby properties would be required to consider potential effects on the historic significance of Pomeroy Green as part of the California Environmental Quality Act (CEQA) review process required for all discretionary land use entitlements.

Different criteria and procedures are used for the identification of historic resources at the local, state and national listings. Listing of a property at one level does not automatically result in the listing of the property at other levels. The subject site is not currently listed on the City's Historic Resources Inventory (HRI) and a separate application and approval by the City Council would be required in order for the City to add the site to the City's HRI. Should the State approve the site's nomination to the National Register, the City's Historic Preservation Ordinance would not apply to the property unless it was nominated and approved for inclusion on the City's HRI.

The nomination was considered by the HLC at its meeting on October 1, 2020. Approximately 10 public comment letters were received in advance of the HLC meeting in support of the nomination. In addition, five community members spoke in support of the nomination at the meeting. The HLC reviewed the pending National Register application prepared by the applicant (Attachment 2) and recommended that the City Council recommend approval of Pomeroy Green to the National Register of Historic Places as a Historic District to the State Historical Resources Commission. In making their recommendation the HLC relied upon the application materials submitted by Mr. Kratz and a separate report, prepared by a qualified historic expert, was not prepared or considered as part of this process. A copy of the HLC staff report and public correspondence are included as Attachments 4 and 5.

During the HLC hearing a question was raised about the possibility of obtaining a Mills Act contract for the entire 78-unit property. Enrolling the property in a Mills Act contract would require a separate application and hearing process by the City, including listing of the property on the City's HRI.

The City has not previously concluded that a mid-century modern type development warranted listing on the City's HRI. While the applicant has provided a significant amount of information as part of the nomination form, the historic merit of the property has not yet been evaluated by a qualified historian as normally required by the City's process. The City would also need to consider the fiscal implications for the City and residents should the property be placed in a Mills Act contract.

While the HLC did not prepare a formal report in support of their recommendation, as described in the SHRC review process, the City Council may forward their recommendation to the SHRC or may forward a separate recommendation based upon the Council's consideration of the nomination materials. The City Council must take action at the January 12 meeting in order to meet the SHRC review timeline.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense.

### **COORDINATION**

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

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>. The notice of public meeting for this item was posted at three locations within 300 feet of the project site and was mailed to property owners within 300 feet of the project site. Several public comment letters were received in support of the nomination and are included as Attachment 5.

### **ALTERNATIVES**

1. Recommend approval of Pomeroy Green to the National Register of Historic Places as a Historic District to the State Historical Resources Commission.
2. Recommend denial of Pomeroy Green to the National Register of Historic Places as a Historic District to the State Historical Resources Commission.

### **RECOMMENDATION**

No staff recommendation

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

**ATTACHMENTS**

1. State Historical Resources Commission Notification Letter
2. National Register of Historic Places Registration Form
3. National Register Criteria for Evaluation
4. Historical and Landmarks Commission Staff Report of October 1, 2020
5. Correspondence