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# CITY OF POMONA COUNCIL REPORT

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September 9, 2019

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, Development Services Director

**SUBJECT: APPEAL OF APPROVED MAJOR CERTIFICATE OF  
APPROPRIATENESS NO. 5107-2016, HPC RESOLUTION 19-014**

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## **RECOMMENDATION:**

It is recommended that the City Council adopt the following resolution (Attachment No. 1):

**RESOLUTION NO. 2019-148 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 5107-2016) TO LEGALIZE THE INSTALLATION OF NINE (9) VINYL WINDOWS WITH SHUTTERS, NEW VINYL FRENCH DOORS, NEW EXTERIOR LIGHTING FIXTURES, A NEW TRELLIS AND BLOCK RAILING, AND A NEW BLOCK WALL, SUBJECT TO CONDITIONS OF APPROVAL, ON AN EXISTING NONCONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 402 RANDOLPH STREET (APN: 8340-012-031) IN THE WILTON HEIGHTS HISTORIC DISTRICT**

## **EXECUTIVE SUMMARY:**

The matter before the City Council is an appeal by the owner of the property located 402 Randolph Street for a Major Certificate of Appropriateness (MAJCOA 5107-2016), which was approved on July 3, 2019, by the Historic Preservation Commission. The MAJCOA was to legalize the installation of nine (9) vinyl windows with shutters, new vinyl French doors, new exterior lighting fixtures, a new trellis and block railing, and a new block wall, subject to conditions of approval, on an existing noncontributing single-family residence in the Wilton Heights Historic District. On July 23, 2019, the applicant filed an appeal letter, specifically appealing two conditions of approval: a requirement for the removal of a vinyl fence in the front yard, and a requirement to stucco a block wall along the side yard (Attachment No. 2).

## **FISCAL IMPACT:**

There will be no impact to the General Fund.

## **PUBLIC NOTICING REQUIREMENTS:**

Pursuant to Section .5809-13, of the City of Pomona Zoning Ordinance (Historic Preservation), a notice of public hearing is required to be sent to the applicant and mailed to all owners of property located directly adjacent to and directly across the street from the subject site, at least ten days prior to the date of the public hearing. A notice was sent to the applicant and adjoining property owners on August 29, 2019 (Attachment No. 3).

## **PREVIOUS RELATED ACTION:**

On July 3, 2019, the Historic Preservation Commission considered Major Certificate of Appropriateness No. 5107-2016 and approved the item with a 4-3-0-0 vote, with staff-recommended conditions of approval, which included conditions to remove the vinyl fence and stucco the newly added block wall. After discussion on the matter, Commission entertained a motion to approve the proposed project with a modified condition to retain the vinyl fence but reduce the support posts to match the height of the fence, and require the block wall to be stuccoed; the motion failed to pass. Ultimately, the Commission adopted staff recommendation to legalize the installation of nine (9) vinyl windows with shutters, new vinyl French doors, new exterior lighting fixtures, a new trellis and block railing, and a new block wall, with the conditions to remove the vinyl fence and stucco the newly added block wall (Attachment No.4).

## **DISCUSSION:**

The Historic Preservation Commission evaluated the potential impact of the proposed series of legalizing actions to the property on the surrounding character of the Wilton Heights Historic District, and the testimony given from both the applicant (owner) and tenant of the property. The applicant and tenant raised security concerns to the Commission and reported that the three (3) foot vinyl fence along the front yard helped reduce trespassing on the property. Additionally, the applicant and tenant also raised concerns with stuccoing the newly added block wall because of their corner lot location and susceptibility to graffiti, and because of the existing similar block walls on the property and in the neighborhood.

Staff recommended the conditions of approval for the removal of the front yard vinyl fence and the requirement to stucco the newly installed portion of the block wall based on Pomona Zoning Ordinance (PZO) Section .5809-13 Historic Preservation, Section .503-I Fences, Hedges and Walls, and the Historic Design Guidelines. Pursuant to Section .503-I “if fencing did not exist historically in the front yard setbacks, new fencing in these locations shall not be installed except in the matters of public safety,” and “new vinyl fencing shall not be installed in any front yard setback for properties located in historic districts,” if it is installed it is “subject to the review and approval by the Historic Preservation Commission.” Furthermore, the Design Guidelines states that maintaining an open front yard contributes directly to the historic appearance of the neighborhood and that the acceptability of the new fence depends on the existence of fences in the immediate neighborhood. Therefore, staff recommended as a condition of approval the removal of the front yard vinyl fence that was uncharacteristic of the immediate surrounding properties that have front yards along Randolph Street. It is important to recognize that the home is situated on a corner lot on the cross-streets of Randolph Street and Wisconsin Street, but the

home's front yard is along Randolph Street. Thus, the historic streetscape evaluated only pertains to Randolph Street, and not Wisconsin Street where it is common to see front yard fencing.

Moreover, the condition of approval requiring the newly installed block wall to be stuccoed, derives from compliance with Section .503-I Fences, Hedges and Walls of the PZO, where "any walls constructed within front yard setbacks and along street facing side and rear yard setbacks shall be decorative masonry and have a decorative cap." The regulations pertaining to fences and walls are city-wide requirements that were established through Ordinance 4118 that was adopted in 2009. The block wall in question was constructed after the adopted ordinance, therefore staff found it appropriate to require the newly installed portion to be stuccoed to match the home and meet the requirement of decorative masonry.

The subject property, and surrounding walls in the immediate vicinity, have existing cinder block walls along the same side yard that were built prior to the adoption of Ordinance 4118, not requiring to be built of decorative masonry material. The design standards intent for walls constructed in visible street facing front, rear, or side yards, is to enhance the visual appearance of fences and walls one at a time, as they come in for replacement or new proposals. In any other similar case, staff would be unable to approve of a new block wall that does not meet the definition of decorative masonry. However exceptions to these design standards may be allowed by the applicable review body other than staff, if the review body views the exceptions to be beneficial to the overall appropriateness of the fence or wall. The condition to stucco the newly installed block wall was included, based on the already stuccoed front facing portion of the block wall, the existing style of the home, the location of the residence within the Wilton Heights Historic District, and the decorative masonry material requirements for any new street-facing residential walls in the city.

The HPC discussed security concerns raised from the applicant and tenant, noting that they are well aware of the problems that the district faces, but a majority of the Commission agreed that the single-standing fence along the front yard of Randolph Street was markedly detracting the historic streetscape, which is historically characterized by its open front yards. While discussing the requirement of stuccoing the newly added block wall, the Commission acknowledged that the wall could be graffitied regardless if it was required to be stuccoed or not, therefore not stuccoing the wall would not prevent the possibility. Additionally, the Commission was informed that city-wide any new fences and walls along street-facing side yards in residential zones are supposed to be constructed of decorative materials (split-face block or stuccoed block) and could not consist of plain CMU cinder block according to Section .503-I Fences, Hedges and Walls, of the Pomona Zoning Ordinance. Therefore, the most appropriate option to comply with the Zoning Code was for the newly constructed block wall was to be stuccoed, to match the home. The proposed resolution will contribute to the preservation of the historic streetscape and the compliance with city-wide residential Fence, Hedges, and Wall standards, ultimately avoiding markedly detracting from the special character, historic interest, or aesthetic value of the historic district.

#### **APPLICABLE CODE SECTION:**

Pursuant to Historic Preservation Section .5809-13.G of the Pomona Zoning Ordinance, which establishes appeal procedures for a Major Certificate of Appropriateness, decisions of the Commission may be appealed to the City Council.

## **ENVIRONMENTAL IMPACT:**

Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed project meets the criteria for a Categorical Exemption under Article 19 Section 15301 (Class 1 – Minor Alteration of Existing Facilities) of the CEQA Guidelines in that the proposed project consists of minor alterations to a private structure. The proposed project is consistent with the categorical exemption; therefore, no further environmental review is required.

## **COUNCIL PRIORITIES & GOALS:**

This item is not connected to Council adopted priorities or goals.

## **ALTERNATIVE(S):**

The City Council has the following alternatives:

- 1) Adopt the recommended Resolution No. 2019-148
- 2) Amend the conditions of approval to allow the vinyl fence to remain and not require the newly added block wall to be stuccoed and adopt the project as amended.

Prepared by:

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Anita D. Gutierrez, AICP  
Development Services Director

## **ATTACHMENTS:**

Attachment No. 1 – Draft City Council Resolution No. 2019-148

Attachment No. 2 – Appeal Letter Submitted by Applicant dated July 23, 2019

Attachment No. 3 – Public Hearing Notice

Attachment No. 4 – Historic Preservation Commission Public Hearing Report (with attachments) and Resolution 19-014 dated July 3, 2019