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# CITY OF POMONA COUNCIL REPORT

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February 24, 2020

To: Honorable Mayor and Members of the City Council

From: James W. Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, Development Services Director

**SUBJECT: APPEAL OF MAJOR CERTIFICATE OF APPROPRIATENESS NO.  
11397-2019**

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## **RECOMMENDATION:**

Staff recommends that the City Council deny the appeal and adopt the following resolution (Attachment No. 1):

**RESOLUTION NO. 2020-26 – A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF POMONA, CALIFORNIA, DENYING MAJOR  
CERTIFICATE OF APPROPRIATENESS (MAJCOA 11397-2019) FOR  
THE DEMOLITION OF FOUR PRE-1945 SINGLE FAMILY RESIDENCES  
BUT ALLOWING THE RELOCATION OF EXISTING HOMES TO THE  
PROJECT SITE TO FACILITATE ADDITIONAL DENSITY/UNITS ON  
THE PROPERTY LOCATED AT 961 EAST PHILLIPS BOULEVARD**

## **EXECUTIVE SUMMARY:**

The matter before the City Council is an appeal of Major Certificate of Appropriateness (MAJCOA 11397-2019) by the project applicant. On January 15, 2020, the Historic Preservation Commission (HPC) denied the applicant's request for demolition of four (4) pre-1945 single-family residences located on a single lot. On January 30, 2020, the applicant filed an application to appeal the decision of the HPC (Attachment No. 2). A denial of the appeal would uphold the Commission decision.

## **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, adjoining property owners, and the local newspaper on February 11, 2020 (Attachment No. 3).

### **PREVIOUS RELATED ACTION:**

On April 3, 2019, the HPC conducted the first of three public hearings where the HPC considered the request to allow the demolition of the four (4) pre-1945 single-family residences built between 1910 and 1925. At this hearing, staff brought forward a recommendation to allow the demolition of all four (4) structures; however, the Commission found all four structures to have historical significance. The Commission closed the public hearing and continued the item with a request that staff return with findings to deny the applicant's request at a future HPC meeting. Subsequent to the April 3 public hearing, the applicant submitted a third party historical review report to evaluate the historical significance of the four single-family residences. The report concluded that the four subject residences should not be considered historical resources pursuant to Section 15064.5(a) of the CEQA Guidelines.

At the June 5, 2019 HPC meeting, staff presented findings for denial of the applicant's request to demolish the four residences, along with a request for additional input from the HPC on the findings to deny the request. The third party historical review report submitted by the applicant could not be considered at this meeting because the public hearing had been closed at the April 3<sup>rd</sup> meeting. The HPC indicated their interest in considering this new information and moved to take the item off calendar to allow the item to be re-noticed for a new public hearing at a future date.

Staff was prepared to bring the item back to HPC at its August 7, 2019 meeting; however, on July 01, 2019, the project contractor provided staff with an email requesting that the item be taken off the August meeting agenda, stating that the applicants were not prepared to move forward at that point in time. On November 24, 2019 the property owner, provided staff with an email requesting that the project be scheduled for the next available HPC meeting without changes to the project, and on November 29, 2019, the owner submitted a revised historical review report with additional information regarding the historical significance of the four homes. Subsequently, staff scheduled the project for the next available HPC meeting.

On January 15, 2020, the HPC conducted a new public hearing on this project and denied the applicant's request to demolish the four subject residences on a 7-0-0-0 vote.

### **DISCUSSION:**

The City of Pomona's Historic Resources Inventory completed in 1993 identified two of the subject residences (949 and 961 E. Phillips Blvd.) as being in poor condition and non-contributors to the historic streetscape. Further, the residences are not identified as eligible for local landmark status, and not eligible for listing in the California Register of Historic Resources nor the National Register of Historic Places.

The other two residences (955 and 953 E. Phillips Blvd.) are not identified in the City of Pomona's Historic Resources Inventory. In addition, staff reviewed the City Directory, City resources and books available at the Pomona Public Library to identify any persons associated with the

residences who made significant contribution to local, state, or national history and determined that they are not identified with person or events significant in local history. Furthermore, staff determined that the residences did not possess special characteristics that distinguish it from other structures of the period and would not meet the landmark designation criteria.

Nonetheless, the Historic Preservation Commission found all four residences to have historical significance and value due to their demonstration of original material, distinct interior and exterior architectural qualities. Furthermore, additional findings were provided by the HPC stating that the residences hold historical significance based on the fact that the four residences are located on one lot and the movement of these residences in 1956 hold historical geographical settlement significance. Please see Attachment No. 4 for a full analysis and discussion on the findings of significance by the HPC from the first two public hearings.

During discussion at the January 15<sup>th</sup> HPC hearing, the Commission expressed the opinion that there was historical significance in these buildings in that the movement of the three homes to this one site says something about the socioeconomic history at that point in time. The Commission further stated that the movement of these homes indicated that people valued and showed more respect for existing buildings, rather than just demolishing them. It was further stated that they had seen other buildings moved from one site to another but have not seen this sort of congregation on a single lot. It was also stated that few building permits were pulled since the relocation in 1956, which implied that the home was kept in original condition and therefore, historically significant. One Commissioner stated that they believed the role of the Commission was to figure out what is significant to Pomona's local history and to not evaluate only grand and elite buildings.

It was stated that the moving of these homes to this property was a precursor to developers building multiple properties on one lot, and that it was a precursor of the movement of developers increasing density and value on land. Commissioner Kercheval motioned to approve the demolition of 961 E. Phillips Blvd. while denying the demolition of the remaining three homes. However, the motion failed to pass, and the Commission proceeded to deny the request to demolish all four properties on a 7-0-0-0 vote based on the Commission findings (Attachment 5).

After the January 15th hearing, the applicant submitted a letter appealing the HPC decision.

#### **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), no environmental determination is required for projects that will be rejected or disapproved by a public agency. . However, should the proposed project be approved for demolition by the City Council, the project meets the criteria for a Categorical Exemption under Article 19 Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines in that the project involves the demolition and removal of duplex or similar multifamily residential structure.

**ALTERNATIVE(S):**

The City Council has the following alternative:

- 1) Amend the draft resolution to approve Major Certificate of Appropriateness (MAJCOA 11397-2019) allowing the demolition of all four single-family residences.
- 2) Amend the draft resolution to approve Major Certificate of Appropriateness (MAJCOA 11397-2019) allowing the demolition of any number and/or combination of the four single-family residences but not all four residences.

Prepared by:

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Anita D. Gutierrez, AICP  
Development Services Director

**ATTACHMENTS:**

Attachment No. 1 – Draft City Council Resolution No. 2020-26

Attachment No. 2 – Appeal Application and Letter Submitted by Applicant dated January 30, 2020

Attachment No. 3 – Public Hearing Notice

Attachment No. 4 – Historic Preservation Commission Public Hearing Report (with attachments) and Resolution 20-002 dated January 15, 2020

Attachment No. 5 – Historic Preservation Commission minutes for January 15, 2020