

Poursanae, Miroslava

From: roxannemerlinomiller <>
Sent: Friday, July 11, 2025 11:11 AM
To: DevServicesComments
Cc: CSi Inc.
Subject: FW: ZA Public Comment 7-29-25

Follow Up Flag: Follow up
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To Whom It May Concern,

We are unable to attend the public hearing on 7/29/25, that covers impacts of a multi family residential development being built in proximity to nearby homes.

As long time residents of Lincoln Park, in particular Jefferson Avenue, we are concerned about potential additional parking in front of our house. We currently have issues with backyard rentals that cause more cars on our street than we want. This could be infinitely worse with the new proposed development.

We have no problem with the housing itself, but the developers need to ensure all parking is maintained on their property. That may include limiting the # of cars per unit, and providing parking for those cars, per unit. Also, this includes providing ample guest parking on that property, so no overflow finds its way to our neighborhood.

Nice new, clean condos/apartments can help to clean up that piece of land, but not at the price of a sea of cars parked down our street. Please make this development self-contained, ensuring all parking is maintained on that property.

Sincerely,

Roxanne Merlino Miller & Ben Miller



Jul 29, 2025

**City of Pomona
505 S. Garey Ave.
Pomona, CA 91766**

Re: Proposed Housing Development Project at 1377 N. Garey Ave.

To: PlanningCounter@pomonaca.gov; Betty.Donavanik@pomonaca.gov

**Cc: cityclerk@pomonaca.gov; sonia.carvalho@bbklaw.com;
alina.barron@pomonaca.gov; Anita.Scott@pomonaca.gov**

Dear Pomona Zoning Administrator,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 35-unit, 100% affordable housing development project at N. Garey Avenue. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), AB 130, and California Environmental Quality Act (“CEQA”) guidelines.

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subs. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id.* at subd. (d)) or reduce the project’s density (*id.* at subd. (j)) unless, again, such written findings are made. As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. The City must not deny the project the proposed waivers and concessions with respect to minimum unit size, public open space and open space type, side yard setback with windows, required parking, building height, building massing, and frontage coverage. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

Furthermore, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to section 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Furthermore, the project is eligible for a statutory exemption from CEQA pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state’s homelessness crisis; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the

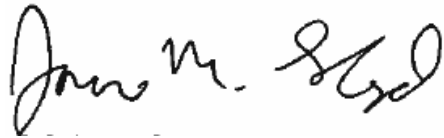
proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal flourish extending to the right.

Dylan Casey
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a long horizontal flourish extending to the right.

James M. Lloyd
CalHDF Director of Planning and Investigations



Sep 24, 2025

City of Pomona
505 S. Garey Ave
Pomona, CA 91766

Re: Proposed Housing Development Project at 1377 North Garey Ave

To: PlanningCounter@pomonaca.gov; Betty.Donavanik@pomonaca.gov

**Cc: cityclerk@pomonaca.gov; sonia.carvalho@bbklaw.com;
alina.barron@pomonaca.gov; Anita.Scott@pomonaca.gov;
geoffrey.starns@pomonaca.gov**

Dear Pomona Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed 35-unit, 100% affordable housing development project at 1377 North Garey Avenue. These laws include the Housing Accountability Act (“HAA”), the Density Bonus Law (“DBL”), AB 130, California Environmental Quality Act (“CEQA”) guidelines, SB 330, and California’s fair housing laws.

The Project is Protected by the Housing Accountability Act

The HAA provides the project legal protections. It requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards. (Gov. Code, § 65589.5, subs. (d), (j).) The HAA also bars cities from imposing conditions on the approval of such projects that would render the project infeasible (*id.* at subd. (d)) or reduce the project’s density (*id.* at subd. (j)) unless, again, such written findings are made. As a development with at least two-thirds of its area devoted to residential uses, the project falls within the HAA’s ambit, and it complies with local zoning code and the City’s general plan. Increased density, concessions, and waivers that a project is entitled to under the DBL (Gov. Code, § 65915) do not render the project noncompliant with the zoning code or general plan, for purposes of the HAA (Gov. Code, § 65589.5, subd. (j)(3)). The HAA’s protections therefore apply, and the City may not reject the project except based on health and safety standards, as outlined above. Furthermore, if the City rejects the project or impairs its feasibility, it must conduct “a

thorough analysis of the economic, social, and environmental effects of the action.” (*Id.* at subd. (b).)

The Project is Protected by the Density Bonus Law

CalHDF also writes to emphasize that the DBL offers the proposed development certain protections. The City must respect these protections. The City must not deny the project the proposed waivers and concessions with respect to minimum unit size, public open space and open space type, side yard setback with windows, required parking, building height, building massing, and frontage coverage. If the City wishes to deny requested waivers, Government Code section 65915, subdivision (e)(1) requires findings that the waivers would have a specific, adverse impact upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. If the City wishes to deny requested concessions, Government Code section 65915, subdivision (d)(1) requires findings that the concessions would not result in identifiable and actual cost reductions, that the concessions would have a specific, adverse impact on public health or safety, or that the concessions are contrary to state or federal law. The City, if it makes any such findings, bears the burden of proof. (Gov. Code, § 65915, subd. (d)(4).) Additionally, the California Court of Appeal has ruled that when an applicant has requested one or more waivers and/or concessions pursuant to the DBL, the City “may not apply any development standard that would physically preclude construction of that project as designed, even if the building includes ‘amenities’ beyond the bare minimum of building components.” (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 775.)

The Project is Protected by the CEQA Guidelines and AB 130

Furthermore, the project is exempt from state environmental review under the Class 32 CEQA categorical exemption (In-Fill Development Projects) pursuant to section 15332 of the CEQA Guidelines, as the project is consistent with the applicable general plan designation and all applicable general plan policies as well as the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. Furthermore, the project is eligible for a statutory exemption from CEQA pursuant to AB 130 (Pub. Res. Code, § 21080.66), which was signed into law on June 30, 2025 and effective immediately (Assembly Bill No. 130, 2025-2026 Regular Session, Sec. 74, available [here](#)). Caselaw from the California Court of Appeal affirms that local governments err, and may be sued, when they improperly refuse to grant a project a CEQA exemption or streamlined CEQA review to which it is entitled. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 911.)

The Conditions of Approval are Unlawful and Shameful

The City is proposing two new conditions of approval that should not be imposed on an affordable housing development. First, the City proposes an exaction equal to 1 percent of the project value to be spent on a public art installation. Second, the City is proposing to prohibit car ownership for tenants without onsite parking. Both of these conditions impose significant costs on the project. The City is prohibited from imposing any conditions that would negatively affect the feasibility of the project. (Gov. Code, § 65589.5, subd. (d).) The burden of establishing that a condition does not affect the feasibility of the project is placed on the City. (*id.* at subd. (i).) It does not appear that the City has carefully weighed whether either of these conditions would violate this prohibition.

Given California's homelessness crisis and the finite amount of funding available for affordable housing, the imposition of costly conditions of approval on a 100% affordable building is shocking. Public art fees on private development are legally suspect under state law given SB 330's objectivity requirements as well as under constitutional law given that there is no nexus between public art and a proposed development. (See *Sheetz v. Cnty. of El Dorado* (2024) 144 S.Ct. 893.) Beyond this, however, it is simply shameful that the City persists in imposing this fee on a 100% affordable development.

Further, the condition placed on car ownership is a shocking attack on the residents of affordable housing. How does the City expect lower-income residents to commute to jobs given that the Los Angeles region is highly car-dependent?

Under Government Code section 8899.50, all public agencies must affirmatively further fair housing through their housing and community development programs. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. Public agencies are required to take meaningful actions to affirmatively further fair housing and take no action that is materially inconsistent with its obligation to affirmatively further fair housing. (Gov. Code, § 8899.50, subd. (b).) For purposes of state fair housing law (See Gov. Code, § 8899.50, *inter alia*), low-income residents are a protected class. (Gov. Code, § 65008, subs. (a)(3), (b)(1)(C), and (b)(2)(B).) The City is obligated by state law (Gov. Code, § 8899.50) not to discriminate against such residents based on protected characteristics. Prohibiting lower-income residents from owning cars is disparate treatment based on a protected characteristic. State law forbids the City from such discrimination.



As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit: by providing affordable housing, it will mitigate the state's homelessness crisis; it will bring new customers to local businesses; and it will reduce displacement of existing residents by reducing competition for existing

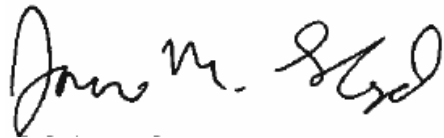
housing. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed development is a step in the right direction. CalHDF urges the City to approve it, consistent with its obligations under state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations

Subject: ZA Public Comment 7-29-25 1377 N Garey Ave

Hello, my name is Hank Fung and I live about a half mile from the project on the other side of Lincoln Park. Please include my comments for the record. I also reserve the right to testify in person, based on my schedule. Thank you.

Dear Development Services Director Donavanik,

As a multi-decade resident of the Lincoln Park neighborhood, I wish to give my full support for this project, which will add 100% affordable housing to Pomona along a high quality transit corridor, thus helping Pomona meet its state mandated RHNA goals and live up to its commitment of being Pro-Housing.

In response to concerns from other neighbors, there is no evidence that transit service is being reduced. Indeed, if this project was 400 feet south, it would be in an AB 2097 zone where no parking would be required at all (major transit stop as defined by state law is at Holt and Garey, which is a future SBX BRT stop as well as the intersection of more than two frequent bus routes). Garey Avenue currently has 15 minute peak transit service. The site location is approximately a 15 minute walk to the Pomona Transit Center and 20 minutes to the future A Line Pomona-North station. The project is a short walk from Stater Brothers and the Pomona Valley Hospital, allowing for basic needs to be met without using cars.

Specifically,

"The following issues must be addressed before this project moves forward:

- Inadequate Parking: Only 19 spaces for 35 units is far below what is typically required. This does not align with Pomona's municipal code or actual vehicle ownership trends in the area."

This complies with current state laws regarding parking availability, especially for affordable housing projects.

: • **Lack of Transit Access:** The site is not within walking distance of a major transit hub. Current bus service is infrequent and expected to decline, making it unreasonable to assume residents will rely solely on public transportation."

This appears to be AI generated as there is zero evidence bus service is infrequent or expected to decline. Foothill Transit's budget has increased every year, there is stable funding through LA County's sales taxes, and Line 291 has operated 15 minute service along Garey Avenue since 1996. It is within a 10 minute walk of Holt and Garey where Omnitrans is expected to open its SBX Bus Rapid Transit to Ontario Airport and Rancho Cucamonga by 2026, in addition to the frequent transit service to Los Angeles at the Pomona Transit Center on the Silver Streak.

"• **Spillover Parking Impacts:** Overflow parking from the development will impact adjacent residential streets and likely obstruct the protected bike lane on Garey Avenue, compromising cyclist safety and mobility."

Again, this appears to be AI generated as there is no evidence that is the case. The bike lane is not a protected bike path, and Pomona police do a good job of enforcing no parking requirements.

"• **Incompatible Architecture:** The proposed design is out of character with the surrounding Lincoln Park and Wilton Heights Historic Districts. This continues a pattern of development that neglects Pomona's unique architectural heritage."

The project has compatible architecture to the Tri-City Mental Health building adjacent and former Valley Medical Center at Garfield and Garey. The historic architecture referred to is further east in the neighborhood.

"• Lack of Planning Accountability: The approval of projects like this-along with recent examples

like the poorly integrated Starbucks on Garey-shows a disconnect between the Planning Division and the community's vision for thoughtful, contextual development."

Again this appears to be AI generated, there is no evidence provided this is the case. The Starbucks on Garey replaced a decrepit gas station and it has only been an improvement to the neighborhood.

Eliminating parking helps reduce vehicle miles traveled and helps Pomona meet its requirements under AB 32 to eliminate greenhouse gas emissions. The balconies are not directly overlooking anyone's yard and the project is not in the historic district. The project will provide badly needed affordable housing for families and residents transitioning away from homelessness. It also provide wheelchair accessible units, something sorely missing in this market.

As part of this project, the developer should be conditioned to inform all residents of the parking situation for all rental units. The developer should charge a separate rate for the parking, as is consistent with best planning practices (see Donald Shoup - The High Cost of Free Parking), and not bundle parking with the cost of the rent. This will allow the units to remain affordable for the long term with less taxpayer subsidy. The developer shall also present residents information about existing non-auto transportation, such as the SGVCOG's e-bike program (\$75 a year for all affordable housing residents), Metro LIFE program (20 free transit rides a month), and other options.

Separately, the city should allow for the surrounding streets the opportunity to request residential permit parking, such as restrictions to only residents in the area for either daytime or overnight parking. This would be reasonable to address the parking concerns of the neighbors.

In closing, it should be noted that as stated in the staff report, SB 330, the Housing Accountability Act, has strict standards for denial of housing development projects. Those standards cannot be met. Should the Development Services Director, or the Planning Commission, reject this project, pro-housing groups will sue the city and cause the project to be approved anyway, but with additional legal expenses that will reduce funding to police, parks, the library, and other community services.

I therefore urge the Development Services Director, and the Planning Commission if this is appealed, to approve the project with the mitigations above to charge for parking per unit and inform residents of non-automotive mobility options.

Sincerely,

Hank Fung

Poursanae, Miroslava

From: Raul Perfecto <>
Sent: Monday, July 7, 2025 12:26 PM
To: DevServicesComments; Barron, Alina
Subject: ZA Public Comment 7-16-25

Follow Up Flag: Follow up
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As a 25 year resident of Pomona, I'm deeply concerned and disappointed by the Planning Division's consideration of the proposed 35-unit development at 1377 N Garey Avenue, which includes only 19 parking spaces. This is a significant under-provision that does **not meet current parking requirements** under the Pomona Municipal Code, and the site **does not qualify** for reduced parking under state guidelines, as it is not located near a major transit stop. In fact, the closest bus service is limited and anticipated to be reduced further due to rising operational costs.

The following issues must be addressed before this project moves forward:

- **Inadequate Parking:** Only 19 spaces for 35 units is far below what is typically required. This does not align with Pomona's municipal code or actual vehicle ownership trends in the area.
- **Lack of Transit Access:** The site is not within walking distance of a major transit hub. Current bus service is infrequent and expected to decline, making it unreasonable to assume residents will rely solely on public transportation.
- **Spillover Parking Impacts:** Overflow parking from the development will impact adjacent residential streets and likely obstruct the **protected bike lane** on Garey Avenue, compromising cyclist safety and mobility.
- **Incompatible Architecture:** The proposed design is out of character with the surrounding **Lincoln Park and Wilton Heights Historic Districts**. This continues a pattern of development that neglects Pomona's unique architectural heritage.
- **Lack of Planning Accountability:** The approval of projects like this—along with recent examples like the poorly integrated Starbucks on Garey—shows a disconnect between the Planning Division and the community's vision for thoughtful, contextual development.

It's frustrating to see historic preservation, livability, and mobility efforts undermined by short-sighted approvals. We need development—but it must be done responsibly.

I strongly urge the Commission to deny this project as currently proposed and require substantial revisions to address these concerns.

Sincerely,

Poursanae, Miroslava

From: roxannemerlinomiller <>
Sent: Monday, July 7, 2025 10:13 AM
To: DevServicesComments
Cc: CSi Inc.
Subject: ZA Public Comment 7 16 25

Follow Up Flag: Follow up
Flag Status: Completed

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To Whom It May Concern,

We are unable to attend the public hearing on 7/16/25, that covers impacts of a multi family residential development being built in proximity to nearby homes.

As long time residents of Lincoln Park, in particular Jefferson Avenue, we are concerned about potential additional parking in front of our house. We currently have issues with backyard rentals that cause more cars on our street than we want. This could be infinitely worse with the new proposed development.

We have no problem with the housing itself, but the developers need to ensure all parking is maintained on their property. That may include limiting the # of cars per unit, and providing parking for those cars, per unit. Also, this includes providing ample guest parking on that property, so no overflow finds its way to our neighborhood.

Nice new, clean condos/apartments can help to clean up that piece of land, but not at the price of a sea of cars parked down our street. Please make this development self-contained, ensuring all parking is maintained on that property.

Sincerely,

Roxanne Merlino Miller & Ben Miller

From: [Scott Thomas](#)
To: [planningcounter](#); [Scott Thomas](#)
Subject: 1377 N Garey Project snd Garey Av Median
Date: Monday, August 4, 2025 9:36:41 AM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention: Ata Khan, Planning Manager

Hello,

It has come to our attention that a center median barrier is being considered near the 1377 N Garey project to prevent residents of the new development from crossing Garey on foot and parking in the historical neighborhood. I can see that not having sufficient parking in the development could cause this issue. Our concern is that the barrier should look appropriate for the historic district as well as for the long awaited median on Garey. A suggestion that I have would be to install wrought iron fencing with river rock columns at 42"- 48" height that matches the new vintage style fencing at Nell Soto park on Park Avenue. A vine could also be added for beauty. Thank you for your consideration.

Scott Thomas
Lincoln Park Historic District