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1196 S. San Antonio Avenue  
Pomona, CA 91766

January 04, 2017

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City of Pomona Planning Commission  
505 Garey Avenue  
Pomona, CA 91766

**Re: 1198-1236 S. San Antonio Avenue, Case Nos. CUP-4067-2016,  
TMM-4947-2016.**

Dear Honorable Commissioners:

I am writing to you on behalf of myself, and several neighbors and community members who are concerned with and opposed to the proposed Caspian Condos development project ("Project") which requests a conditional use permit from the City of Pomona to construct fourteen new townhome style condominium units on the property located at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue. Each unit will be two-stories tall with an attached two-car garage.

This proposed development will negatively affect our neighborhood, and we want to make our oppositions clear to the City Council, the Planning Commission, and Mayor Sandoval. Below, we have outlined our concerns regarding this development.

**I. The Conditional Use Permit Must be Denied Because the Caspian Condos Project Fails to Satisfy the Requirements of the Pomona Zoning Code.**

Pursuant to Pomona Zoning Code § .58011, a conditional use permit is required any time ten or more dwelling units are proposed to be constructed. Before a conditional use permit may be granted, the City of Pomona Planning Commission ("Commission") must find that "[t]he building height, size, scale, location and relationship of the proposed development [is] compatible with and not detrimental to both the existing or proposed surrounding development[.]" Pomona Zoning Code § .58011.

For the reasons described below, including but not limited to the substantial impact of the proposed Project on adjacent agricultural practices, the building height, size, scale and location of the Project is not compatible with and will detrimentally impact the existing adjacent and surrounding low-density residential and agricultural development.

Furthermore, pursuant to Pomona Zoning Code § 580, a conditional use permit cannot be granted unless (1) “the proposed use at the particular location will contribute to the general well-being of the neighborhood or community;” and (2) the proposed use “will not ... be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity[.]”

The developer fails to show, and indeed cannot show, that these conditions have been satisfied. The Commission must find that the proposed development does not satisfy the requirements of the Pomona Zoning Code because of the serious, deleterious, and adverse impacts on the community from the proposed project as described below.

## **II. The Project Will Have Significant Adverse Environmental Impacts:**

**The proposed development does not serve the general well-being of the neighborhood or community.** South Pomona is in desperate need of public services and affordable housing which would serve the interests of the historically-oppressed and middle to lower-income community that resides in the area. The park across the street from the development is continually occupied by people without homes and limited access to food. This proposed development, which will occupy a large area of land in a central area of South Pomona, will not serve the interests of our community and will instead serve the interest of a private developer with a strictly financial interest in Pomona and its residents. The developer, Tork Inc., is based in Tustin, CA and has no history or roots in the vibrant City of Pomona. The proposed development does not include any affordable housing which could serve the well-being of the local community, but instead proposes to develop top-dollar townhomes which will change the character of and gentrify the neighborhood.

This top-dollar development will continue a trend which is pushing existing, low-income communities out of Pomona. An increase in modern townhomes is already driving up rents and decreasing availability of affordable housing within Pomona. Profit-driven developments such as the Project do not take into account the well-being of our community, and instead only account for the well-being of the developer advocating for them.



**The construction of the Project will negatively impact the health of neighbors.**

Construction projects create a variety of toxic and hazardous dusts that will negatively affect the organic fruits, vegetables, and herbs grown on the adjacent properties at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. These crops provide the sustenance for residents at both properties and their contamination will negatively affect the health of these residents. No analysis has been completed regarding these potentially significant environmental impacts.

**Gentrification caused by the development will negatively affect the safety and general welfare of nearby low-income and homeless residents.** The neighborhood is currently home to a large number of low-income, working class families. In addition, a substantial number of homeless residents live at Washington Park across the street from the proposed development. Gentrification caused by this development may negatively affect these existing residents, who may become increasingly harassed and intimidated by new, foreign, wealthier neighbors.

**The quiet and peace of the neighborhood will be disturbed by the densified development of condos, which will increase traffic congestion in a low-density residential neighborhood.** The increased traffic will make safe and accessible parking for existing neighborhood residents scarce. In addition, this congestion will negatively affect community access to Washington Park.

**The construction of this large Project will be detrimental to the use, valuation and enjoyment of property and improvements of adjacent neighbors.** The adjacent neighbors at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue both conduct organic farming on their respective properties. If the construction process and the resulting effluents and toxic dusts are not carefully monitored and managed, the construction process will lead to contamination of the organic fruits, vegetables, and herbs grown by these neighboring residents. The current developments plans do not show any special considerations for these concerns or their negative impact on the adjacent neighbors' use and enjoyment of their respective properties.

The construction project will also negatively affect the historic tree that is situated on the border of 1196 S. San Antonio Avenue and 1198 S. San Antonio Avenue. This tree is of historic importance, improves local air quality, and provides beauty and precious shade to the community. The tree is also of economic importance to the residents of 1196 S. San Antonio Avenue, as it provides cooling shade to the residence throughout the warm Pomona summers. The residents of 1196 S. San Antonio Avenue save hundreds of dollars annually due to this tree, because they have no need to use air conditioning because of it.

Damage to the tree would therefore lead to an economic loss for the residents of 1196 S. San Antonio Avenue. Damage to the tree due to construction, or as a result of pruning, could lead to loss of life and/or property, as the tree could fall directly on the residence at 1196 S. San Antonio Avenue. The value of this tree must be thoroughly examined before any construction takes place so near to it or any pruning takes place.

**The physical structure and management of the proposed development will devalue and materially impact existing agricultural uses at adjacent properties by creating significant shade and thereby adversely impacting aesthetic views.** The developer of the proposed development is seeking a Conditional Use Permit to build two-story townhomes adjacent to 1196 S. San Antonio Avenue and 1059 E. Grand Avenue, where agricultural activity is the existing and established use. These two-story structures would cast physical shade onto both properties, negatively impacting both the light and temperature essential to healthy plant growth and thus limiting the agricultural activities which have been taking place on both properties for over 5 years.

Below are three diagrams showing an estimate of how the proposed development would cast shade onto the growing fruits, vegetables, and herbs at 1196 S. San Antonio Avenue, and 1059 E. Grand Avenue. The diagrams show that the proposed development would severely affect the ability for both properties to continue their agricultural activities by casting significant shade over existing crop-growing areas. Please note that the satellite image is outdated, and does not show the current crop-growing areas on either property, which now cover the entirety of both properties.

The image below shows an estimate of the shadow cast by the proposed 26.5 foot tall building situated at the northeast corner of 1198 S. San Antonio Avenue. After 3 p.m. every day, on days near the Winter Solstice, the building would cast a shadow completely across the eastern crop-growing areas of 1196 S. San Antonio Avenue.





The image below shows an estimate of the shadow cast by the proposed 26.5 foot tall building situated at the northwest corner of 1198 S. San Antonio Ave. After 3 p.m. every day, on days near the Winter Solstice, the building would cast a shadow completely across the western crop-growing areas of 1196 S. San Antonio Avenue.



As the two diagrams above show, significant shade would be cast over crop-growing areas at 1196 S. San Antonio Avenue by the three northern buildings of the proposed development, especially during the months when the sun's path is low in the sky (November, December, January).

The image below shows an estimate of the shadow cast by the two proposed 26.5 foot tall buildings situated at the east edge of 1236 S. San Antonio Avenue. After 5 p.m. every day, on days near the Spring and Fall Equinox, the buildings would cast a shadow completely across the central and northern crop-growing areas of 1059 E. Grand Avenue.





As the diagram above shows, significant shade would be cast over the crop-growing areas at 1059 E. Grand Avenue, by the two easternmost buildings of the proposed development, especially during the months when the sun's path is most directly overhead (late February, March, early April, late August, September, and early October,).

Additionally, management of the landscape at the proposed development will likely include the use of toxic pesticides, herbicides, and fertilizers which would contaminate the fruits, vegetables, and herbs being grown on both adjacent properties.

**The proposed development does not fit the existing character of the neighborhood.** "Protecting the character of neighborhoods while ensuring safety and sufficient parks, public services, and access is an important part of the community's vision." (City of Pomona (2014) General Plan at 76, [http://www.ci.pomona.ca.us/mm/comdev/plan/pdf/General\\_Plan.pdf](http://www.ci.pomona.ca.us/mm/comdev/plan/pdf/General_Plan.pdf).) The existing homes on the block of San Antonio Avenue, north of Grand Avenue and south of Mission Boulevard are exclusively single-story, single-family homes.

The homes north of Grand Avenue and south of 9th Street are not just single-story, single-family homes, but also historical homes which define the character of the neighborhood. "Policies for neighborhood design establish a basis for neighborhood configuration, architectural treatments, and standards for a high quality of environment as essential elements of new residential neighborhood development." (City of Pomona (2014) General Plan at 76.) In addition, these homes sit primarily on large, open properties--a unique and distinct characteristic of the neighborhood.

Nearby homes on S. San Antonio Avenue:

1188 S. San Antonio Avenue - Built 1927 - .67 acres  
1196 S. San Antonio Avenue - Built 1927 - .6 acres  
1164 S. San Antonio Avenue - Built 1928 - .53 acres  
1140 S. San Antonio Avenue - Built 1928 - .68 acres  
1116 S. San Antonio Avenue - Built 1922 - .45 acres  
1108 S. San Antonio Avenue - Built 1928 - .46 acres  
1096 S. San Antonio Avenue - Built 1930 - Condo  
1098 S. San Antonio Avenue - Built 1997 - Condo  
1074 S. San Antonio Avenue - Built 1924 - .64 acres  
1072 S. San Antonio Avenue - Built 1977 - 9482 sq. ft. (0.22 acres)  
1070 S. San Antonio Avenue - Built 1962 - 800 sq. ft. (0.02 acres)

The Project proposes a strip-mall type sprawl development lacking in character, consisting of six multi-family, multi-story buildings tightly packed into a small area, which is completely at odds with the existing character of the neighborhood. A project can have a potentially significant impact under the California Environmental Quality Act (CEQA) if "[t]he project would cause or contribute to a change in the overall character of the area (e.g., from ... single-family to multi-family, etc.) and/or new development would contrast with existing architectural styles or themes[.]" City of Los Angeles (2006) L.A. CEQA Thresholds Guide, at A.I-5. The Project will be an eyesore in our neighborhood.

**III. The Project Does not Qualify for an Exemption from CEQA Because of Potentially Significant Environmental Impacts and Further Environmental Review is Required.**

The developer asserts that the Project qualifies for a Class 32 exemption, from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15332, which exempts infill development project. Exemptions from CEQA must be narrowly construed and may not be expanded or broadened beyond the reasonable scope of their



statutory language. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 792.) The Project is not exempt pursuant to § 15332 for the following reasons:

- Section 15332 (a) requires that “[t]he project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.”
  - **Argument:** The Project is not consistent with the Pomona Zoning Code, as described supra in Part I & II. Furthermore, the Project is not consistent with the City of Pomona General Plan which requires that new development match the character and density of surrounding properties. (*See City of Pomona (2014) General Plan at 76.*) The General Plan also requires that “‘streetscapes’ of residential streets serve as attractive green places and settings for homes and are consequently an important component of residential open space; residential streetscapes also play a part in providing buffering (and supporting livability and value) to both individual homes and neighborhoods facing onto larger streets.” (*City of Pomona (2014) General Plan at 28.*) Converting an existing open space into densely concentrated condominium units in a single-family home neighborhood consisting primarily of historic homes, and which will shade out existing agricultural land uses, fails to comply with this important policy described in the General Plan. The General Plan also discourages development of “placeless sprawl” but rather to concentrate new development in places of activity, like Downtown Pomona, while maintaining “more openness and greenery where neighborhoods border on natural open spaces.” (*City of Pomona (2014) General Plan at 146.*)
- Section 15332 (b) applies to projects when: “[t]he proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.”
  - **Argument:** The proposed development is NOT substantially surrounded by urban uses. Two of the adjacent properties, 1196 South San Antonio Avenue and 1059 East Grand Avenue, are currently under agricultural use and have been for several years. These two properties represent 445 ft. out of 730 ft. of contiguous boundary, or 60%, of the perimeter properties to the proposed development. The proposed development is therefore not substantially surrounded by urban uses, and these agricultural activities will be substantially and adversely impacted by shade from the project.

- *Section 15300.2 (b)* provides that “[a]ll exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.”
  - **Argument:** Infill developments, such as this proposed development, have been and are continuing to be built all around Pomona. The cumulative impact of these developments must therefore be considered. Projects such as these result in open ground being paved over with concrete and asphalt, leading to significant decreases in water infiltration to Pomona’s ground water supply. Since Pomona relies on local groundwater for 75% of its water supply, the cumulative impact of these developments must be studied, such that there is information regarding the effects on local groundwater quantity and quality.
- *Section 15300.2 (d)* states “Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR[.]”
  - **Argument:** The proposed development would negatively impact a very large, historic, and scenic tree located on the Southwest corner of the property at 1196 S. San Antonio Avenue. This tree is approximately 90 years old and was planted by the original resident of 1236 S. San Antonio Avenue. Nearly 50% of the tree’s roots are established in 1198 S. San Antonio Avenue, and would be negatively impacted by any proximate developments. The proposed development would build a 6 foot concrete wall and a residential building within the tree’s root zone. Without adequate study of the tree’s root zone, damaging effects that result from neighboring construction may not be apparent for several years and may lead to the demise of this historic tree.
- *Section 15300.2 (f)* states: “Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”
  - **Argument:** This section also applies to the aforementioned tree. The tree is a historical resource. It was planted by a historical resident of Pomona and remains one of the city’s oldest trees. Furthermore, many of the homes in this neighborhood are historic homes located primarily on large, open properties creating a unique and distinct characteristic of the neighborhood. The impact of the Project on these properties must be analyzed under CEQA.



The above facts show that the proposed development does not qualify for a categorical exemption from CEQA.

Furthermore, even if a categorical exemption may apply, public agencies may not use categorical exemptions when there are “unusual circumstances” and a fair argument can be made that “there is a reasonable possibility of a significant effect on the environment due to unusual circumstances.” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1115, as modified (May 27, 2015) (quoting Cal. Code Regs., tit. 14, § 15300.2, subd. (c)).)

The Project is located unusually close to agricultural land uses and historic homes that will be significantly adversely impacted by the project. Agriculture is a shadow-sensitive use, and sunlight is of importance to the growing crops in the adjacent properties of 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. As depicted above, the Project will shade out substantial portions of crop-growing areas on both properties, and will thereby substantially degrade the existing visual character or quality of surrounding properties. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklist Form, at 4, [https://www.opr.ca.gov/docs/Initial\\_Study\\_Checklist\\_Form.pdf](https://www.opr.ca.gov/docs/Initial_Study_Checklist_Form.pdf); see City of Los Angeles (2006) *L.A. CEQA Thresholds Guide*, at A.3-1, A.3-2, <http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf>.) Furthermore, the Project will have a potentially significant environmental impact “due to [its] location or nature,” because it “could result in conversion of Farmland, to non-agricultural use” by shading out existing agricultural land uses. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklist Form, at 4, [https://www.opr.ca.gov/docs/Initial\\_Study\\_Checklist\\_Form.pdf](https://www.opr.ca.gov/docs/Initial_Study_Checklist_Form.pdf).)

#### **IV. Proposed Alternative**

The existing community of South Pomona is underserved and underprivileged, with few local opportunities and resources for upward mobility. The properties at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue should serve this community. The obvious way to serve this community would be to develop affordable housing, which could house some of the thousands of people who have lost their homes in the Great Recession. And while affordable housing would be beneficial to the community, there are possibilities for even more creative development which could serve the broader community.

The land, which is across the street from a large park frequented by thousands of residents throughout the year, could be converted into a Community Center. A Community Center would provide a variety of health, personal, and educational services to the community.

Given the large land area of the properties, a community garden or farm could be developed to bring fresh and healthy fruits and vegetables to local residents. Such a garden could also educate local residents about growing food at home. This type of education, would encourage local residents who have large properties to use their land to grow healthy fruits and vegetables for their families, neighbors, and the local community, thereby growing a vibrant and unique City of Pomona.

If creative and beneficial developments are not possible, new development should at the bare minimum fit into the existing character of the neighborhood. This character is defined by the surrounding homes, which are single-family, single-story homes.



## Signatories

This letter represent the views of the following signatories, representing local neighbors, Pomona residents, and neighborhood stakeholders.



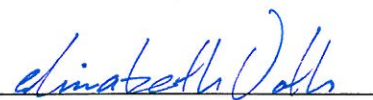
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Elinor Crescenzi  
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Lynn Fang  
Resident  
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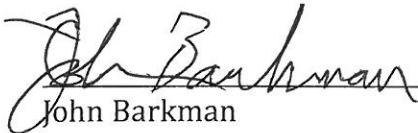
Elizabeth Voth  
Resident  
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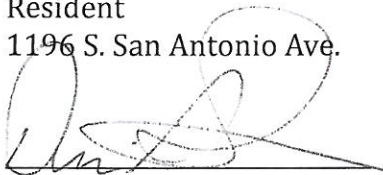
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