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Lincoln Park Historic District

November 10, 2020

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Subject: Appeal of Minor Certificate of Appropriateness 14419-2020 Decision

Dear Mr. Molina,

Before beginning the landscaping of our yard, we read through the City of Pomona's website and came to the determination that we would likely require a permit for electrical connection to a fountain and a certificate of appropriateness for a low-lying wall. Our contactor arrived at the planning counter at City Hall to submit the application and was informed by a city representative that we only required a certificate of appropriateness for these items. We subsequently submitted Minor Certificate of Appropriateness (MINCOA) 14419-2020 for "electrical for a fountain and a low decorative garden wall."

When notified of the necessity for a MINCOA, we began to research city documentation available on the City of Pomona website. From our research, the "primary purpose and intent" of Pomona Zoning Ordinance, Section .5809-13 - Historic Preservation is to "encourage complementary contemporary development to inspire a more livable urban environment," "to enhance property values and increase economic and financial benefits to the city," and to "enhance the city of Pomona for residents, tourists, and visitors." We believe our landscaping design is in line with all these goals.

In our conversations with neighbors and visitors to our community we have gained an understanding that people are attracted to historic districts for the unique and individual charms of each home and garden. In contrast to this sentiment is the example of numerous planned communities and developments that present limited variety in architecture and landscape design. Therefore, it stands to reason that the homeowners in the Lincoln Park Historic District should not be limited solely to landscape designs that are identical to their neighbors'.

We do acknowledge that landscape design in a historic community should fit in with its general aesthetics and characteristics. Therefore, we made careful choices in the design elements of our

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landscape plan such that they are directly inspired by existing gardens in the neighborhood and are appropriate for the general community.

After we complied with the process of applying for a MINCOA and requests for additional plans and information we received a denial for a walkway, low-lying wall, and fountain with concrete pad.

We wish to appeal all aspects of this denial. In subsequent sections we have outlined the city's reasons for denial in blue and our comments of appeal below each reason. We request that this document of appeal be submitted to the Pomona Historic Preservation Commission for their review. Additionally, we request to be notified of the date of review so that we may attend the Historic Preservation Commission meeting in which our appeal will be discussed.

I. DELAYED DENIAL

MINCOA 14419-2020 was dated August 24, 2020 and the Planning Division's review was received via email on October 21, 2020.

Appeal Comments

- It is written in Section .5809-13 - Historic Preservation (F) Certificate of Appropriateness (4) Procedure that "[f]or minor projects, the planning and development services manager shall review the application for certificate of appropriateness and **determine within fifteen (15) days** from the date of receipt of a completed application whether to approve or deny the request, and shall make the appropriate findings."
- It took **nearly 58 days** to receive the Planning Division's review of MINCOA 14419-2020.
- As it was beyond 15 days, would the MINCOA 14419-2020 not be "deemed" approved?

II. INCORRECT APPEAL PERIOD

The Planning Division's review of MINCOA 14419-2020 was received via email on October 21, 2020. It is written in the Planning Division's review of MINCOA 14419-2020 that, "[t]he decision will become final on **November 3, 2020, unless an appeal is filed with the Planning Division by this date.**"

Appeal Comments

- It is written in Section .5809-13 - Historic Preservation (G) Appeal Procedure that, "[i]n accordance with the following provisions, any applicant or other interested person dissatisfied with any decision on the application for a certificate of appropriateness may appeal such decision. Decisions of the planning and development services manager or designee may be appealed to the commission. Decisions of the commission may be appealed to the city council. Unless otherwise

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indicated, all appeals shall be made in writing stating the reason(s) for appeal. Such appeals shall be filed with the planning division **within twenty (20) days of the decision** on the application for a certificate of appropriateness.”

- November 3, 2020 is only **14 days** from October 21, 2020.
- **20 days** from the would be by **November 10, 2020**.
- We appreciate that the city did reach out on November 3 to notify us that we had until November 10 to provide an appeal.

III. REGULATIONS

Pomona Zoning Ordinance, Section .5809-13-Historic Preservation (“PZO”) Guidelines for Alterations to Pomona’s Historic Properties, 1999 (“Guidelines”)

Appeal Comment

- Section .503 - Property Development Standards was not listed in the “regulations” section as a basis for the decision.

IV. RELEVANT EXCERPT 1

1. “If **fencing** or **retaining walls** did not exist historically in the front yard setbacks, new fencing and walls in these locations shall not be installed except in matters of public safety” (Section 503-1.11(d) of the PZO)

Appeal Comments

- Section .503 - Property Development Standards was not listed in the “regulations” section as a basis for the decision.
- The MINCOA 14419-2020 is **not** for a fence or a **retaining wall**. The application is for a **low decorative garden wall**.
- New walls are allowed through a COA. It is written in Section .503 - Property Development Standards (11) Fencing and Wall Design Standards for Properties Located in Designated Historic Districts or on Designated Historic Landmark Properties (Applicability) that “[i]n addition to all other provisions contained in this Section, the following provisions apply to all properties located in designated historic districts and properties containing designated historic landmarks. **All new fences and walls constructed where there are no existing fences** or walls and those fences and walls where an existing fence or wall is rebuilt or replaced more than 50 percent of the length of the original fence or wall **that are to be located in a front yard**, street facing side or rear yard where visible from a public street **require approval of a Minor Certificate of Appropriateness** (COA) pursuant to Sec. .5809-13 of the Zoning Ordinance and shall adhere to these design standards where applicable. Exceptions to the Design Standards for fences and walls in historic districts and on historic landmark properties may be allowed by the Historic Preservation Commission

with the approval of a Major COA if the Commission determines the exceptions to be beneficial to the overall appropriateness of the fence or wall.”

- In the Guidelines for Alterations to Pomona Historic Properties section titled Format of the Guidelines it is written that, “[t]he guidelines consist of a set of individual brochures providing general background on historic preservation in Pomona as well as specific information regarding various types of alterations to historic properties.” The document consists of general guidelines, and not code, to allow for flexibility.

IV. RELEVANT EXCERPT 2

2. “The acceptability of a new fence or wall installation will depend on the existence of fences and walls in the immediate neighborhood. Whenever possible, avoid installing a new front yard fence or wall in neighborhoods with open front yards” (Guidelines).

Appeal Comments

- Similar walls do exist in the neighborhood as evidenced by Attachment 1 Neighborhood Garden Images. The wall design was inspired by the existing gardens in the neighborhood. The wall is also designed similarly to the wall in the front-yard garden of the neighbor two doors west.
- The wall is low and does not enclose any area of the front yard. As it will not block access to any section of the yard, the front yard will continue to be open.
- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Fence/Wall Alterations and Installations on Historic Properties it is written that, “[i]f a new fence or wall is to be installed, it should be **compatible in material and design** with the period and style or the primary historic structure.” We have done significant research to design a historically compatible design as evidenced by Attachment 2 Neighborhood Gardens with Similar Home Style and Attachment 3 Walls with Similar Home Style.
- In the Guidelines for Alterations to Pomona Historic Properties section titled Format of the Guidelines it is written that, “[t]he guidelines consist of a set of individual brochures providing general background on historic preservation in Pomona as well as specific information regarding various types of alterations to historic properties.” The document consists of general guidelines, and not code, to allow for flexibility.

V. RELEVANT EXCERPT 3

3. “In historic districts, front and side yard **landscaping** visible from the street should be compatible with the theme of the surrounding neighborhood” (Guidelines).

Appeal Comments

- In the Guidelines for Alterations to Pomona Historic Properties section titled Alterations **Not Requiring a Certificate of Appropriateness** it is written that,

“[s]ome alteration projects may be undertaken without a Certificate of Appropriateness (COA), for example, **landscaping** or painting projects.”

- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Landscaping Alterations and Installations on Historic Properties it is written that, “[l]andscape maintenance and **installation projects do not require a Certificate of Appropriateness (COA).**”
- The landscaping design was inspired by existing gardens in the neighborhood as evidenced by Attachment 1 Neighborhood Garden Images. Also, many elements are designed similarly to the front-yard garden of the neighbor two doors west.

VI. RELEVANT EXCERPT 4

4. “Avoid covering large areas that were historically grass with groundcovers, pavers, concrete, rock, wood chips, or other unhistoric materials” (Guidelines).

Appeal Comments

- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Driveway and Walkway Alterations and Installations on Historic Properties it is written that, “[t]he repair, extension, replacement, or **installation of new driveways or walkways does not require a Certificate of Appropriateness (COA).**”
- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Miscellaneous Installations on Historic Properties it is written that, “[t]he installation of raised masonry work, **patios**, patio covers, decks, porches, carports, and awnings **does not require a Certificate of Appropriateness (COA).**”
- When the home was purchased, a majority of the yard was covered in wood chips with the remainder a mix of grasses and weeds.

VII. ANALYSIS GENERAL 1

“PZO requires a Minor Certificate of Appropriateness for the installation of new walkways, walls, and additional elements that are not historically a part of the site.”

Appeal Comments

- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Driveway and Walkway Alterations and Installations on Historic Properties it is written that, “[t]he repair, extension, replacement, or **installation of new driveways or walkways does not require a Certificate of Appropriateness (COA).**”
- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for Miscellaneous Installations on Historic Properties it is written that, “[t]he installation of raised masonry work, **patios**, patio covers, decks, porches,

carports, and awnings **does not require a Certificate of Appropriateness (COA).**”

- Walkways and walls are common landscaping design elements that are historically appropriate to many homes in the community as evidenced by Attachment 1 Neighborhood Garden Images, Attachment 2 Neighborhood Gardens with Similar Home Style, and Attachment 3 Walls with Similar Home Style.

VIII. ANALYSIS GENERAL 2

“Both the PZO and Guidelines do not recommend installing elements that have a potential to negatively affect the “historic character” of the neighborhood.”

Appeal Comments

- The current condition of the yard is not positively affecting the neighborhood and landscaping a garden will not negatively affect the “historic character” of the neighborhood.
- We have spent a tremendous amount of time researching and designing a garden that fits with the character of the home and the neighborhood as evidenced by Attachment 1 Neighborhood Garden Images and Attachment 2 Neighborhood Gardens with Similar Home Style.

IX. ANALYSIS WALL

“[B]ased on staff’s research of the surrounding neighborhood, the residential block between Gibbs Street and Bradford Street within the Lincoln Park Historic District is characterized by open front yards without walls.

Appeal Comments

- The neighbor two doors west and the neighbor directly southwest have walls in their landscaping.
- Similar walls do exist in the neighborhood as evidenced by Attachment 1 Neighborhood Garden Images and the wall design was inspired by the existing gardens in the neighborhood. The wall is also designed similarly to the wall in the front-yard garden of the neighbor two doors west.
- As shown in Attachment 2 Neighborhood Gardens with Similar Home Style, walls are a common landscaping feature of this architectural style of home.
- The wall is low and does not enclose any area of the front yard. As it will not block access to any section of the yard, the front yard will continue to be open.

X. ANALYSIS WALKWAY

“The few existing walkways in the immediate neighborhood lead directly to the front entrances of homes.”

Appeal Comments

- The neighboring homes' paths one and two doors directly west do not and the first neighboring home directly east does not.
- In the Lincoln Park Historic District, many of the home of this style do not have a direct path. Please see Attachment 4 Neighborhood Front Yard Pathways.
- As shown in Attachment 2 Neighborhood Gardens with Similar Home Style, walkways, paved areas, and walls are a common landscaping feature of this architectural style of home.

XI. ANALYSIS FOUNTAIN

“[F]ountains are not a common landscaping feature of the immediate surrounding neighborhood.”

Appeal Comments

- In the Guidelines for Alterations to Pomona Historic Properties section titled Guidelines for **Miscellaneous Installations** on Historic Properties it is written that, “[t]he installation of raised masonry work, patios, patio covers, decks, porches, carports, and awnings does not require a Certificate of Appropriateness (COA).”
- There is no City of Pomona code that requires a COA for a fountain.
- Fountains are a common landscaping feature in the immediate surrounding neighborhood. On the three-block street of Garfield, 10 homes have fountains in their front yards. We have included an attachment of 19 homes (including those on Garfield Avenue) in the community with fountains in their front yards. Please view Attachment 5 Neighborhood Front Yard Fountains.
- Fountains are a common landscaping feature in gardens of homes with a similar architectural style as evidenced by Attachment 6 Fountains with Similar Home Style.

Thank you in advance for reviewing our appeal. Please contact us with any questions or requests for clarification. In an effort to further clarify our design elements, we have included for additional review the attachments titled, Attachment 7 Garden Inspiration Images, Attachment 8 Fountain, and Attachment 9 Wall Design. We appreciate the time and effort required to process our request to submit this document and our appeal to the Pomona Historic Preservation Commission.

Cordially,

Britney Gallivan and William Crisafi

Attachments:

1. Neighborhood Garden Images
2. Neighborhood Gardens with Similar Home Style
3. Walls with Similar Home Style
4. Neighborhood Front Yard Pathways

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5. Neighborhood Front Yard Fountains
6. Fountains with Similar Home Style
7. Garden Inspiration Images
8. Fountain
9. Wall Design