

Information presented to the Commission during  
the JULY 17, 2024 LAFCO hearing.

**OFFICE  
OF THE  
CITY COUNCIL**  
City Hall, Pomona,  
California 91766



**NORA GARCIA**  
Councilmember, District Number Three

July 16, 2024

**RE: Public Comment for the East End Annexation Project**

Honorable Members of the Local Agency Formation Commission for San Bernardino County (LAFCO):

My name is Nora Garcia. I am a Councilmember for the City of Pomona representing District 3, which directly borders the parcels in question as well as a resident living within the sphere of influence. For years, I have expressed deep concern for the uses of the properties that straddle and neighbor the boundaries of my community. In March of 2023, I communicated with Pomona City Staff my specific concerns with the proposed project at 2300 Mills Avenue, which has land both in Pomona and Chino.

At the time, Pomona was undergoing a Zoning Code update and was in the middle of a moratorium for expansion or creation of projects like warehousing to do the best job possible in updating the zoning code for our residents and businesses. Pomona's new zoning code is set to take effect August 1, 2024, and my concerns have not changed when it comes to properties in two cities.

In short, my opposition to the proposed uses of these properties is that they are a financial and infrastructure burden to the City of Pomona but a financial gain for Chino and San Bernardino County. The heavy traffic of these businesses will use the streets of Pomona, specifically Reservoir Street which is lined with residential homes, to access the freeway as it is the closest on-ramp/off-ramp to the properties. If the properties were exclusively in Pomona, they would be subject to different regulations than currently proposed and the City would reap both the burden and the gains.

My constituents have historically been overburdened by traffic, pollution, noise, and other health hazards, as measured by the CalEnviroScreen, a public policy tool offered by the Office of

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Environmental Health and Hazard Assessment. The new zoning code implemented by the City of Pomona seeks to mitigate these toxic effects, which is why I am here both as a council member and resident.

I am speaking for the approximately 300 non-conforming homes in this industrial area in addition to the large communities, in which I reside, neighboring the industrial area who already feel the burden of the many warehouses and trucking activity in the area. I make this statement confidently as in November of 2022 I was reelected with 73% of the vote.

I understand the need for these properties to receive services as well as the issue of the creation of "an island". As a remedy, I support a "County Boundary Change" which would not only remedy the creation of the island but will also remove the split jurisdiction between the two counties. This would also ease my concerns as the properties in question would fall completely under the City of Pomona's jurisdiction and therefore Pomona's zoning code. The Cities of Chino, Pomona, and San Bernardino County also agree that the county boundary change option is the preferred route; however, the process is cumbersome and so, then I strongly urge the City of Chino and San Bernardino County to create a good neighbor policy and require the properties to adhere to the zoning rules of the City of Pomona. These businesses are partially housed in Pomona and they should follow the zoning codes of the City of Pomona as the City of Pomona will end up footing the bill and will not be reimbursed. I will add something else, as elected officials and board members you will not hear from the constituency most affected by this decision: I will. I will hear about every pothole, every traffic jam, every shaken window as an overburdened semi drives by.

One resident has already threatened to file a claim against the City of Pomona over the damage to their home which they believed was caused by heavy truck traffic on Reservoir. In a January 2024 email the constituent states: "My house shakes and rattles uncontrollably and has worsened over the years each and every time a big rig drives through. The shaking and rattling are felt throughout the house and are now affecting my sleep. The house shakes so badly, it feels like an earthquake. I have cracks in the ceiling that begin at the front of the house and run all the way through to the back. The foundation/ground to my garage has also been affected and there is a

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crack that is growing wider and runs across from the garage door to the back of the garage causing the cement to now be uneven as well due to the instability of the street. I know I am not the only resident with this issue as I have spoken to other neighbors who also are experiencing this problem.”

It is only just that if the burden of these businesses falls on Pomona taxpayers, who will pay for road repairs and suffer the environmental and health effects as well as the potential property damage, that concessions be made by the proposed businesses, City of Chino, and LAFCO to mitigate the impact. It is unjust that all the benefits of this project go to Chino. All the costs, human, environmental, and financial, go to Pomona. I am asking for a “good neighbor” policy. I am asking emphatically that the uses of these properties be such that they complement the 2024 Pomona Zoning Code as well as the 2014 Pomona General Plan to mitigate the impacts on my community and constituents.

Thank you for your time and attention.

Sincerely,



Nora Garcia  
District 3 Councilmember  
City of Pomona

CC: Anita D. Gutierrez, City Manager, City of Pomona  
Ata Khan, Deputy Director of Development Services, City of Pomona

THE CITY OF  
**POMONA**

Planning Division

Development  
Services Department

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July 17, 2024

Michael Tuerpe  
Local Area Formation Commission for San Bernardino County  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490

**Re: Official Comment from City of Pomona for the East End Annexation Project**

Mr. Tuerpe:

On behalf of the City of Pomona ("**Pomona**"), I write to submit this formal public comment letter on the proposed East End Annexation Project ("**Annexation**").

The City of Chino ("**Chino**") should be applauded for voluntarily partnering with the City of Pomona and raising potential concerns that Pomona may have regarding industrial operations that are along the western Chino border. In fact, it should be noted that the East End Annexation Project was brought to the City of Pomona's attention specifically because Chino's staff proactively reached out. Moreover, we appreciate LAFCO San Bernardino County ("**LAFCO**") staff for openly communicating with us about the Annexation and being forthcoming with information as its available.

As LAFCO is considering this reorganization, Pomona seeks to raise two points formally through the public comment process:

1. Pomona agrees with LAFCO's Staff Report that the most logical approach to resolving the island parcels concern is to pursue a boundary adjustment between the counties and cities. We are prepared to engage in this effort.
2. Pomona is concerned that the parcels being considered in the Annexation, which border Pomona, may increase the establishment of industrial uses that are incompatible with Pomona's General Plan and Zoning and that it would increase negative impacts to Pomona public streets and cumulative environmental burdens on both Chino and Pomona residents. Specifically, the annexation into

Chino's M-1 or M-2 industrial zoning, while potentially being more restrictive than the County's existing zoning, still falls short in adequately regulating nuisance and problematic industrial activities such as fulfillment, trucking, and outdoor storage.

In the spirit of good neighbor policymaking that we have pursued with Chino in the past, we ask that LAFCO and Chino consider the following to address our second concern:

**1. Chino adds the following three definitions as "prohibited" in the entitlement Resolutions that approve the industrial development proposed on East End:**

***Production Fulfillment***

*Any use that is primarily storage and direct distribution of products to end users within the supply chain ("business to business" or "business to consumer"), sorted, picked, and/or packed either manually or with automation, in either a traditional or a high-cube format. Includes receiving and processing of bulk goods and individual order processing. Excludes Retail and Large Format Retail. Includes e-commerce, third party logistics, on-demand transportation, and freight forwarding.*

***Production Transportation***

*Any facility that is involved in product fulfillment or product distribution of bulk goods primarily through the use of truck trailers and truck tractors for truckload services within the supply chain ("business to business" or "business to consumer"). Includes full truckload, less than truckload, trans-loading, consolidations, de-consolidations, cross-dock, and other on-demand transportation services.*

***Outdoor Storage***

***a. Workplace*** *The primary open outdoor storage of non-hazardous equipment and machinery for use in the production of goods or for the construction of development projects. Includes infrastructure-related storage, contractor's storage, machinery rental, lumber storage. Excludes pallet yards.*

***b. Container*** *The primary open outdoor storage of containers that are either empty or contain goods or materials. This includes standardized shipping containers, including twenty-foot equivalent units (TEUs).*

***c. Vehicle*** *The primary open outdoor storage of passenger vehicles, commercial sized vehicles, heavyduty trucks, boats, recreation vehicles, chassis, trailers, and other oversized vehicles. Includes draying and freight.*

- 2. LAFCO require Chino to commit to Request #1 (stated above) prior to authorizing the reorganization, or as a condition of approval.**
- 3. Chino commits to amending the Chino General Plan and subsequently update the zoning of all remaining parcels in the East End Annexation**



**Project area to prohibit Production Fulfillment and Production Transportation, and Outdoor Storage yards, as defined above.**

There are **four reasons** for Pomona's request:

1. Pomona's General Plan designates the parcels adjacent to the proposed annexation as "Workplace District," which, among other provisions, calls for the phase out of nuisance and polluting land uses.
2. Pomona recently approved a new Pomona Zoning Ordinance which implements this Workplace District by permanently prohibiting the establishment of new Fulfillment-Oriented uses in the City, including Production Transportation and Production Fulfillment.
3. The most likely freeway on and off ramp that East End parcels would rely upon for industrial operations is Reservoir Street, which is within the City of Pomona jurisdiction. It is unlikely that East End parcels would travel east to rely upon Ramona Avenue for 60 freeway access. This can potentially increase the total number of heavy-duty truck trips on Pomona's streets, which impacts the maintenance of these roads, without mitigation. Furthermore, the Reservoir on/off ramp has not been evaluated for sufficient capacity to handle such trips.
4. The entirety of Pomona census tracts bordering the proposed project, as well as all of the census tracts located within the East End Annexation Project are identified as a disadvantaged community as defined by the CalEPA and SB 535. This means that these areas are already among the most environmentally burdened in the State, with cumulative air, noise, toxic substances, water quality, and other impacts.

We encourage Chino to collaborate with Pomona on pursuing entitlement restrictions and future General Plan and Zoning efforts that reduce the cumulative environmental burden of our shared boundaries to benefit all of the residents in the region.

Sincerely,



Ata Khan  
Deputy Director  
Development Services  
City of Pomona

CC: Anita D. Gutierrez, City Manager, City of Pomona  
Sonia Carvalho, City Attorney, City of Pomona  
Kirk Pelsler, Economic Development Director, City of Pomona

Geoffrey Starns, Planning Manager, City of Pomona  
Vinny Tam, Supervising Planner, City of Pomona  
Paul Novak, LAFCO Los Angeles County  
Michael Hitz, City of Chino  
Warren Morelion, City of Chino



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Local Area Formation Commission

**Re: Public Comment for the East End Annexation Project**

Honorable LAFCO Commissioners:

Clean and Green Pomona has been a leading advocate for health, environmental justice, and quality of life issues in the City of Pomona since 2012, with a particular focus on the Southeast industrial zone between East End and Reservoir, and from below Holt Boulevard to the city limit with the City of Chino. As such, Clean and Green Pomona's input was integral in the development of the 2024 Pomona Zoning Code Update, so that it prioritizes the health, safety and quality of life of Pomona residents. Pomona residents were burdened for years by an antiquated zoning code, which had not been updated since 1949. We are confident that our contributions to the 2024 update, along with the excellent work of the Pomona city staff, promise a better future for the people of Pomona for many years.

We are here, therefore, to express our concern that the East End Annexation Project under consideration today, as well as the nearby unincorporated areas of San Bernardino County and the City of Chino's Sphere of Influence, have the potential to establish industrial uses that are detrimental to Pomona residents and are incompatible with the 2014 Pomona General Plan and the 2024 Pomona Zoning Code update. Furthermore, these uses have the potential to add to the cumulative environmental impacts for the local neighborhoods in both the City of Pomona and the City of Chino. Additionally, the increased traffic between the proposed site to the 60 freeway affects the quality of life of Pomona residents.

We ask, therefore, that:

1. This project should not be approved by Chino in this location.
2. The City of Chino and Unincorporated San Bernardino County should add definitions for the following uses and prohibit them in the entitlement resolutions for this project:
  - "Production fulfillment"
  - "Production transportation"
  - "Outdoor storage"
3. The City of Chino and Unincorporated San Bernardino County should prohibit "Production Fulfillment", "Production Transportation" and "Outdoor Storage" in all parcels in the East End Annexation Project area, and in the unincorporated land near



Pomona. The City of Chino should amend its General Plan and update the zoning of all remaining parcels to prohibit these heavy industrial uses, as Pomona has done in the 2024 Pomona Zoning Code.

The closest freeway onramp and offramp to these parcels is through Reservoir Street to the 60 freeway. The local neighborhood is already overburdened by heavy traffic. Houses shake eighteen hours a day. The heavy truck traffic on Reservoir brings air, water and noise pollution, and many other impacts. These census tracts of our city are low-income areas, which are among the most polluted in our city, where residents live very close to industrial activity and suffer as a result. People develop asthma, cancer, and other severe health issues; pedestrian accidents and fatalities are frequent; some residents have to put plastic over their windows and cannot sit outside. Additionally, the residents are affected by the stress of heavy traffic as they commute to work or school. Finally, the taxpayers of Pomona are being asked to take on the financial costs of maintaining streets for another city's project.

In the past, when this industrial area was established, the effects of pollution on people's health were not widely known. However, we are now aware of the impacts of pollution on our health, and especially on the health of our children and elderly family members and neighbors. The warehouse/goods movement sector is the most polluting sector in our region according to the South Coast AQMD.<sup>1</sup> To decide in 2024 to place heavy industry, like warehouses, across the street from homes in Chino, and a couple of blocks from homes in Pomona is unconscionable.

Sincerely,

Damiana Aldana

Lisa Engdahl

*Clean and Green Pomona Board Members*

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<sup>1</sup> "The trucks, cars and cargo-handling equipment associated with warehouses release more smog-forming pollution than any other sector, accounting for more than 12% of nitrogen oxides emitted in the South Coast basin, which spans Los Angeles, Orange, Riverside and San Bernardino counties, according to the air district."(Los Angeles Times, Southern California Warehouse Boom a Huge Source of Pollution. Regulators are Fighting Back, May 5, 2021.)

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To the Local Agency Formation Commission (LAFCO) and the City of Chino:

My name is Javier Rodriguez-Rivera, and I have been a Pomona resident for the past 12 years.

My family and I resided on Reservoir Street in a condominium a few hundred feet away from the area in question. As a working-class family, we were economically challenged and could not afford to live in a quieter, more serene area—a reality for many residents. Our condominium was situated so that we shared a five-lane street with an industrial zone close to the 60 freeway.

Our daily life was marked by incessant trucking noise. I vividly recall the countless times the windows shook aggressively due to the speed and mass of traffic on Reservoir Street at all hours. The shaking was so intense that I often experienced sleepless nights due to the noise pollution. These disturbances severely affected my academic performance, as I would attend school sleep-deprived and exhausted.

Additionally, I served my community as the City of Pomona Parks & Recreation Commissioner (Pomona District 3) for two years. My role involved outreach, surveying, and door-to-door conversations with District 3 residents. Through my interactions with youth, parents, and elders, I learned that noise, light, and smoke pollution significantly contribute to decreased quality of life. Residents living near establishments, highways, and industrial zones reported that their peace, sleep, and rest were significantly affected compared to those in less hectic areas. This information is crucial in the context of the LAFCO 3268 proposition because it is essential that the City of Chino respect and take into account the new City of Pomona zoning code regulations, which attempt to reduce the harm the industrial zones cause to Reservoir Street residents.

Based on my long-standing involvement in the Pomona community, I firmly believe that the best way to support the needs of current residents and landlords is to ask the City of Chino and the LAFCO to adhere to the new City of Pomona Zoning Code when making decisions about businesses in dual jurisdictions.

With the deepest levels of respect and sincerity,



Javier Rodriguez