

RECEIVED**Shelley Desautels**

From: Moni Law [REDACTED]
Sent: Monday, August 03, 2020 3:34 PM
To: Shelley Desautels; Carol Painter; moody law; Marcia LaPierre; Maria Abrolat; Irene Hehnke Meadows; Doug Law
Subject: Appeal of Planning Commission Approval of Intracorp Tract Map/Colby Circle
Attachments: AppealofDecisions.pdf

AUG 03 2020

CITY CLERK
CITY OF CLAREMONT

Dear City Clerk:

I was told that today is the deadline for the appeal for the planning commission's recent approval of the Tract Map for Colby Circle's 96 proposed townhomes. However, I was also told that Brad said that these concerns can be raised before the Council next month. I have been told that there are distinct disadvantages to not filing this official appeal, and therefore we will file officially today. We will also testify at the public hearing before the Council in September.

Co-Appellant Carol Painter will sign the official form and submit the payment of \$210. Thank you for providing her with a conformed copy (stamped as received timely). I know that City Hall closed down suddenly today due to COVID, so hopefully this is possible. See blank form attached: she should check box "Planning Commission", Decision dated July 21, 2020, Tract Map #82123. At the bottom check box "other" persons.

Appellants are Moody T. Law and Family, Carol Painter and Irene Meadows.

Please find attached appeal of the decision challenged as arbitrary, capricious and erroneous in violation of the General and Special Plan for the City of Claremont, CEQA and other laws that apply. See attachments.

I assume that you will forward a copy to the applicant of the appeal when processed today, or they request it on their own. If I need to forward to Mr. Rick Puffer, please advise.

The three page Appeal statement is not attaching, so will do so under separate email cover. Sorry for delay.

Sincerely,

Moni T. Law



APPEAL OF DECISIONS

CITY OF CLAREMONT
DEPARTMENT OF COMMUNITY DEVELOPMENT
207 HARVARD AVENUE, P. O. BOX 880
CLAREMONT, CA 91711-0880
(909) 399-5470

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AUG 03 2020

CITY CLERK
CITY OF CLAREMONT

APPELLANT INFORMATION

MOODY T. LAW AND FAMILY,
Name of Appellant: *CAROL PAINTER AND IRENE MEXIQUIS*
Address: *N. OXFORD AVE., CLAREMONT, CA 91711*
Phone Number: _____ Date: *8-3-2020*

APPEAL INFORMATION

Application Number: *TEXT TRACK #82123* Appeal of: ☐ Staff Decision
☒ Planning Commission
Decision Date: *7-21-2020* ☐ Architectural Commission

Please describe the specific decision being appealed and state the reasons for this appeal. Appeals shall set forth alleged inconsistency or non-conformity with procedures or criteria set forth in City codes. If additional sheets are necessary, please attach them to this form.

SEE ATTACHED LETTER.

Appellant's Signature

Carol A. Painter

FEES



Project Proponent

Fixed Fee Projects

Hourly Fee Projects

1/2 of the application fee

Continuation of hourly fee (appeal deposit required)



Other Interested Persons

\$210.00

Received By:

Shelly Disantola
\$210

Date:

August 3, 2020

Fixed Fee:

Hourly Deposit:

August 3, 2020 via EMAIL to the CITY CLERK

Appeal of Planning Commission Decision on Intracorp's 96 Town Homes on Colby Circle

(payment of \$210 submitted by check today by Carol Painter)

Dear Honorable City of Claremont Mayor and Council:

Please incorporate by reference my written comments on the record that were submitted for the July 21st Planning Commission meeting. I am writing on behalf of the Law Family, and my neighbors Carol Painter and Irene Hehnke Meadows who have testified on numerous occasions

to the deficiencies in the Intracorp Tract Map. The commission also failed to explain why persons within the area of impact were not notified or included in the process. The Planning Commission disregarded the testimony of a Town Ranch neighbor that 300 impacted neighbors were not noticed of the meeting, a violation of the Brown Act.

1.

I would ask that at least the environmental impacts should be reviewed before approval of the project –why?

Because, only an MND was done originally and there have been some major changes to the project as well as changes to State Laws in terms of development requirements etc. Here are a few...

2.

Major changes to project:

1. When the 30-unit condo project was changed from a renovation of the existing building to new construction – additional environmental review should have been required – why? Because the impacts to the environment are substantially more for demolition and new construction in terms of impact on environment from diesel trucks and machinery, trips to landfill, abatement of environmentally damaging materials such as lead and asbestos, etc. Also, the new construction adds much more in terms of negative impacts due to emissions and noise...

2.a

2. When the original project was approved over 12 years ago, Trader Joe's and other retail tenants did not exist... a new traffic study was never performed based on the current situation, as well as cumulative impacts to other General Plan goals that relate to safety etc.

2.b

Changes to State Law:

1. The original MND did not evaluate the MS4 requirements for water capture – does the current plan? Shouldn't there be a study done to evaluate this?

2.c

2. Emissions should be evaluated based on current standards, not those of 12-13 years ago

2.d

We are not asking that the project be stopped, only that proper CEQA procedures are followed by the City as Lead Agency, so that they do not leave themselves open to potential litigation (like what happened with the Water Co. Takeover debacle) that could tie up the project for years. Reviewing the various environmental issues will take substantially less time and will ensure that citizens of Claremont are heard in their concerns.

2. (cont'd)

The Planning Commission also violated their duty under CEQA, and the City's General and Specific Plans. These arguments will be elaborated upon during public hearing, but it should be noted for the record, and seriously reviewed by the Council, that the tract map as approved over a decade ago fails to have received the necessary scrutiny under today's standards- which have of course changed over the years. The Planning Commission had the opportunity and the obligation to review today's standards and cumulative effect of this development.

Most notably lacking are considerations of the increased density and the cumulative effect of traffic from Trader Joe's, thirty new condos, the OSH complex and theater, and 96 town homes in a dense corner of Foothill Blvd and Indian Hill, surrounded by residential single- family homes.

2.e

We are not opposing development, and indeed have pleaded for housing that includes sufficient affordable housing be included in the space to meet the state's requirements under our Housing Element. Teachers, college professors, nurses and working class families should be able to be included in the development, not only millionaires. Claremont was once a comfortable town for families of varied income backgrounds.

3.

We prefer a nice home behind our house than the dilapidated OSH storage trailer that looks like it could fall down any time. We met with the developer at our invitation to our house, and showed them reasonable steps to remove the towering duplex over our backyard by simply including a single family home that would also be more conducive to an elderly or disabled homeowner who cannot navigate the steps of these two and three story townhomes.

4.

We are confident that Intracorp will make significant ROI on this development, and our few suggestions should have been adopted. But more importantly, the duty to the entire city has been neglected. We have pleaded for the Specific Plan to be followed which requires that the development is 'compatible' with neighbors. It is not compatible for safety concerns with the traffic impacting high school students to the north, neighboring streets on the west and east, or homeowners privacy invasion on the west edge of the property. We have requested adequate open space to remain consistent with the neighborhood of oxygen producing trees, with quality

5.

of life as outlined in the Zoning ordinance and procedures required for the Planning Commission. The traffic created by the densely drawn map is an accident waiting to happen. At a minimum, the city's residents are owed the proper study and analysis of the anticipated car traffic and overflow parking from the entire development.

5. (cont'd)

The Tract Map as set forth fails to consider a comprehensive and current-day study of proper traffic flow, parking, and an accommodation for persons with mobility impairments. The Tract Map fails on these areas.

On the anniversary week of the historic ADA, the map as described during the Planning Commission meeting, clearly fails the community of anyone with a mobility impairment. A person with disabilities, as stated by the applicant, would have the insult and potential injury of having to wheel themselves completely around the area, down Indian Hill and rolling west with their walker or wheelchair west to the small green area reserved for the limited segregated area with a disability parking spot. Segregation was made illegal by race in 1968, and the ADA was passed a few years later with the intent of incorporating the inclusion of all persons in housing, employment and public accommodations without regard to physical ability or medical condition.

6.

Common spaces for members of the public visiting the development should be accessible. They are not.

For these and other reasons to be stated at Claremont City Council in September, we respectfully request that you remand this matter back to the Planning Commission for proper review or reject the Planning Commission's recommendation.

Respectfully,
//Moody T. Law
By Moni T. Law, J.D. (POA)
For Moody T. Law and Family

Claremont, CA 91711

Joined by Irene Meadows
Claremont CA 91711

and Carol Painter