

PC RESOLUTION NO. 20-042

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 70570 (TRACTMAP 10327-2018) FOR CONDOMINIUM PURPOSES TO SUBDIVIDE 36 RESIDENTIAL AIRSPACE UNITS, INCLUDING 7 UNITS RESERVED FOR MODERATE INCOME HOUSEHOLDS ON AN APPROXIMATELY 1.46 ACRE SITE LOCATED AT 675 E. MISSION BOULEVARD (APN NOS. 8335-014-908, 909, 911, 912, 913, 914, 917).

WHEREAS, the applicant, Mission and Linden, LLC, has filed an application for Tentative Tract Map No. 70570 (TRACTMAP 10327-2018) for condominium purposes to subdivide 36 residential airspace units, including 7 units reserved for moderate income households on an approximately 1.46 acre site located at 675 E. Mission Boulevard (APN Nos. 8335-014-908, 909, 911, 912, 913, 914, 917);

WHEREAS, the applicant has concurrently filed an application for Development Plan Review (DPR) for the development of a three-story, residential development consisting of 36 unit residential development, including 7 units reserved for moderate income households, as well as associated on-site and off-site improvements on an approximately 1.46 acre site located at 675 E. Mission Boulevard (APN Nos. 8335-014-908, 909, 911, 912, 913, 914, 917);

WHEREAS, the subject site is currently zoned within the Pomona Corridors Specific Plan (PCSP) “Midtown Segment” and designated “Transit Oriented District: Neighborhood” as well as “T5 Typical” by the City’s General Plan;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on December 9, 2020, concerning the requested Tentative Tract Map No. 70570 (TRACTMAP 10327-2018); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. In compliance with the California Environmental Quality Act (CEQA) guidelines, staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA. The proposed project is consistent with the City's General Plan and Zoning Ordinance; the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. Therefore, no further environmental review is required.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. Pursuant to Section 66474 of the California Government Code (Subdivision Map Act) and the City's Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Tentative Tract Map No. 70570 (TRACTMAP 10327-2018). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *The proposed tentative tract map is consistent with the general plan and applicable specific plan.*

The granting of the Tentative Tract Map as conditioned is consistent with the Pomona General Plan and all applicable requirements of the PCSP. The project site has a General Plan Place Type designation of Transit Oriented District: Neighborhood which is, among other things, intended for "the City's widest range of contemporary housing types, and a wide mixture of uses that are compatible with the district's housing, all concentrated within walking distance of the Downtown Core's theater, shops, restaurants, cafes, nightlife, and amenities." Additionally, the project site has a General Plan Transect Zone designation of T5 which allows a maximum density of 80 dwelling units per acre and a maximum of six (6) floors. The project is consistent with the intended concept of this designation as the project will provide a multi-family residential development at a density of 24 dwelling units per acre at a height of three (3) floors.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The design and improvements of the proposed subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

3. *The site is physically suitable for the type of development.*

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the

site, at approximately 1.46 acres in size, the subdivision design accommodates adequate land for 36 dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

4. *The site is physically suitable for the proposed density of development.*

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes 36 dwelling units on a 1.46 acre property, which results in a density of approximately 24 units per acre. This density is consistent with the City's General Plan Transect Zone of T5 which allows a maximum density of 80 dwelling units per acre and a maximum of six (6) floors.

5. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed project will comply with the policies and regulations of the Pomona City Code and General Plan and with all local or regional plans, policies, regulations, and any requirements by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision and the type of improvements are not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all City standards. The adopted City standards relating to the Uniform Building Code and Grading Code are designed to protect the public health and welfare and have been approved by the City.

7. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map No. 70570 (TRACTMAP 10327-2018) subject to compliance with all applicable

laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the tentative tract map or any portion thereof:

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on December 9, 2020, and as illustrated in the stamped approved plans dated December 9, 2020. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval or December 9, 2022, in accordance with Pomona Subdivision Ordinance section 29-49, et seq. The Planning Commission may extend this period not to exceed an aggregate of three years upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a

court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. In case of a violation of any of the conditions of approval and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Tentative Tract Map.
6. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1,4,5, of this Tentative Tract Map and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits. The Applicant shall pay for full cost recovery of City Attorney review of CC&R documents.
7. The applicant shall make a reduction of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal.

PUBLIC WORKS DEPARTMENT

Tract Map Requirements

8. The development's tentative tract map shall be recorded as one final map and developed as one tract. Financial security for all public improvements shall be posted prior to the approval of the final map, to guarantee the construction of all public improvements for the proposed subdivision.
9. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
10. The final map shall include the dedication to the City of Pomona of a strip of land, 5 foot wide, along the Eleanor Street property frontage, for ADA pedestrian path of travel.

11. All existing and proposed easements for water/storm drain/sewer lines, ingress/egress, footings and traveled ways must be clearly shown on the final map; the completion of any/all proposed easement vacations, including the vacation of the existing public alley located north of Mission Boulevard between Linden and Eleanor Streets, needs to be performed as part of the final map. Prior to recordation, the Applicant/Developer shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the final map to be resubmitted for further consideration.
12. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Public Works Engineering Department.
13. All subdivisions must have centerline ties and survey property monuments set by a licensed Professional Civil Engineer or Land Surveyor as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the final map recordation; adequate monumentation bond is required prior to the final map approval.
14. Prior to the issuance of the first building permit, the final map shall be recorded to reflect the lot lines, easements and Fire Department access. Mylar copies of the final map with the Los Angeles County Recorder's Office official stamp must be submitted to the Public Works Engineering Department.
15. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting District and Landscaping Maintenance District. The due assessment levy will be adjusted based on the proposed subdivision. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
16. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's water and sewer connection fees, impact fees for traffic signals and control devices, road and highway improvements, public safety improvements and park and recreation improvements, and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
17. Applicant/Developer shall ensure that a condominium association is established for the purpose of maintaining all driveways, common areas, private utilities and joint use of parking and access for the benefit of all individual condominium units. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&Rs) shall be approved by the City Attorney and recorded on the grant deed prior to approval of the first Certificate of Occupancy.

Public Works Improvements Permit

18. Prior to the approval of the final map, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: water, sewer, storm drains, street paving and striping, driveway approaches, curb and gutter, sidewalk, corner ramps, parkway landscaping and street lighting.
19. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a) Commercial General Liability;
 - b) Automobile Liability;
 - c) Worker's Compensation as required by the State of California;
 - d) The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
20. Permittee shall pay fees associated with and possess the City of Pomona Business License.
21. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the Applicant/Developer.

LOS ANGELES COUNTY FIRE DEPARTMENT

22. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
23. Fire hydrant improvement plans for the new required public fire hydrant shall be submitted to the Land Development unit for review and approval prior to the Final Map clearance.
24. The Final Map shall be submitted to the Land Development Unit for review and approval prior recordation.

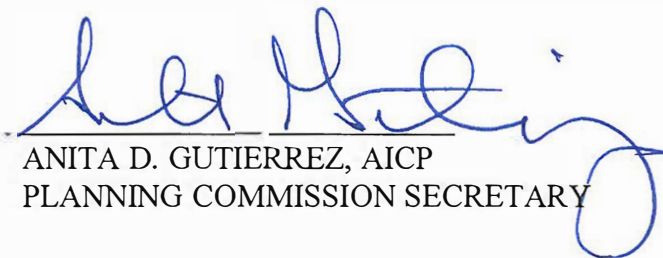
SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED AND APPROVED THIS 9TH DAY OF DECEMBER, 2020



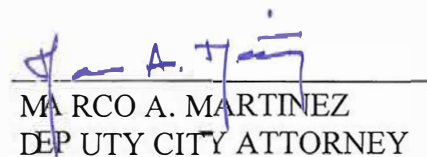
ALFREDO CAMACHO
PLANNING COMMISSION CHAIRPERSON

ATTEST:



ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Camacho, Urey, Gomez, VanderMolen, Kercheval.

NOES: None.

ABSTAIN: None.

ABSENT: Brown.

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.