



# Staff Report

City of Pomona Planning Commission

May 14, 2024

**FILE NO:** DPR-000439-2024, TRACTMAP-001503-2024

A request for a Development Plan Review and Tentative Tract Map to develop and subdivide the subject .54 acre property with three, three-story structures totaling 17 attached townhouses featuring podium parking, rear yard open space, and guest parking for condominium purposes.

**ADDRESS:** 857 W. Monterey Avenue

**APPLICANT:** Frank Gallo

**PROJECT PLANNER:** Alina Barron, Senior Planner *AB*

**ENVIRONMENTAL REVIEW:** This project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the California CEQA Guidelines.

**RECOMMENDATION:** Approve DPR-000439-2024, TRACTMAP-001503-2024 and adopt PC Resolution No. 25-005 and PC Resolution No. 25-006 (Attachment 1 & 2)

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## Project Information:

<b>GENERAL PLAN DESIGNATION:</b>	Urban Neighborhood	<b>ZONING DISTRICT:</b>	Urban Neighborhood District 1 (UND1)
<b>TRANSECT:</b>	T4-A – 4 Floors Maximum	<b>SPECIFIC PLAN DISTRICT:</b>	N/A
<b>GENERAL PLAN DENSITY:</b>	70 DU/AC		
<b>NEW HOUSING UNITS:</b>	17	<b>DENSITY BONUS:</b>	Yes
<b>HOUSING UNITS LOSS:</b>	2	<b>CONCNESSIONS:</b>	Yes
<b>AFFORDABLE UNITS:</b>	4	<b>WAIVERS:</b>	Yes
Moderate:	4	<b>SB 330 APPLICATION</b>	Yes
Low:	0		
Very-Low:	0		

## Important Dates:

**DATE SUBMITTED:** March 21, 2024  
**DATE DETERMINED COMPLETE:** March 21, 2024

## Project Request:

The applicant is proposing to develop and subdivide the subject .54 acre property with three, three-story structures totaling 17 attached townhouses featuring 1<sup>st</sup> floor parking, rear yard open space, and guest parking (Attachment 3). The applicant is proposing to utilize California State Density Bonus by dedicating 20% of the units for moderate-income. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods.

## Project Background:

The project site, highlighted in red in *Fig. 1.1.*, is located along Monterey Avenue, south of Holt Avenue and west of Hamilton Park. The site is surrounded by multi-family and single residential to the south, east, and west with both and commercial to the north. The project site is located within the Urban Neighborhood District 1 (UND1) in alignment with its the general plan designation, Urban Neighborhood. The project site is located within the T4-A Transect which allows up to 70 dwelling units per acre and does not have a minimum of units per acre requirement for new development. The 2014 Pomona General Plan identifies the Urban Neighborhood as a mixed-use placetype and notes that future development scale will be generally dependent on the existing neighborhood character and includes the following description:

*Fig.1.1. Project Site Map & Aerial View*



*"Urban neighborhoods are moderately intense clusters of development that contain a mix of uses. The specific character of any individual urban neighborhood will build upon the existing development within or adjacent to it. Smaller clusters that are currently housing-only and surrounded by single family homes will continue to be characterized by lower density residential development."*

The site is currently developed with two detached single-family dwelling units (Attachment 4) and in June of 2024, a Determination of Historic Significance (DHS-000441-2024) was completed and concluded that the property and structures on-site are not historic.

## Community Input and Noticing:

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on May 2, 2025 and was sent to all property owners and occupants of properties within a 400-foot radius of the subject site on May 1, 2025 (Attachment 4). As of the date of this report, Staff has not received any public comment.

## Project Review:

On February 7, 2024, the applicant submitted a SB 330 preliminary application (MISC-00189-2024) for the subject project and was deemed complete by Planning Division Staff within the 30-day time-period, thus vesting the project on the date of submittal. This vesting process was created by Senate Bill 330 (SB 330) which vests deemed complete projects for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application is submitted.

### **POMONA ZONING ORDINANCE (pre-July 31, 2024):**

The proposed project application was deemed complete prior to the updated Pomona Zoning & Development Code that became effective on July 31, 2024, thus is eligible for review under the previous Pomona Zoning Code. Per Ordinance No. 4311, SB-330 Overlay, the following project has been reviewed for compliance under the previous with the R-4 High Density Multi-Family Residential Zone which supports the development of 30 to 70 units per acre.



*Fig.2.1. Street View Rendering (Monterey Avenue)*

The proposed project complies with the standards listed in R-4 High Density Multi-Family Residential Zone at 32 dwelling units per acre. The development complies with all architectural standards and is the same development pattern seen in residential neighborhoods throughout the City and features 1<sup>st</sup> floor parking, rear yard open space, private open space for each unit, and guest parking.

### **SUBDIVISIONS ORDINANCE NO. 2279 (pre-July 31, 2024):**

The proposed project application was deemed complete prior to the updated Pomona Zoning & Development Code that became effective on July 31, 2024, thus is eligible for review under the previous Subdivisions Ordinance. In accordance with the Subdivision Map Act and City of Pomona Subdivisions Ordinance No. 2779, the Planning Commission shall be the advisory agency for tentative maps and shall make seven findings in order

to approve a tentative map. The required findings have been incorporated into the attached PC Resolution. The proposed map is consistent with the General Plan, is physically suitable for type of development proposed and is not likely to cause negative impacts to the surrounding neighborhood in that the subdivision is for residential development purposes only.

#### **CALIFORNIA STATE DENSITY BONUS:**

The State Density Bonus is a state mandate (Government Code Sec. 65915-65918). Any applicant who meets the requirements of the state law is entitled to receive a density bonus and other benefits as a matter of right, these benefits include, incentives/concessions, waiver or reduction of standards, and special parking standards.

Though the project is proposing to develop the site at less than the permitted dwelling units per acre, California Density Bonus Law dictates that any development that meets the requirements of the law and is not required to execute density bonus unit to receive the benefits affordable housing projects are entitled to.

The applicant is proposing to utilize State Density Bonus law by allocating 20% of the maximum number of units permitted under the General Plan for moderate income residents (Attachment 5). To satisfy this requirement, 4 of the 17 units are to be set aside for moderate income residents.

#### ***PARKING***

The applicant is requesting the reduced parking ratio guaranteed by the state density bonus law. The project is proposing the following ratios in line with the government code (inclusive of parking for persons with disabilities):

BEDROOM COUNT	PARKING REQUIREMENT
Studio	1 space
1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces
4 Bedroom	2.5 spaces

With the granting of the above referenced parking ratio, the proposed project exceeds the required number of spaces. The project break down of parking per State Density Bonus Law is as follows:

UNIT TYPE	UNIT COUNT	PARKING REQUIREMENT
2 Bedroom	2	3
3 Bedroom	15	23
	<b>TOTAL REQUIRED</b>	<b>26</b>
	<b>TOTAL PROVIDED</b>	<b>34</b>

### **CONCESSIONS REQUESTED**

State Density Bonus law dictates that a City shall grant one or more incentives or concessions to each project which qualifies for density bonus. A concession or incentive is defined as:

- A reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements;
- Approval of mixed use zoning;
- Other regulatory incentives or concessions, which result in identifiable and actual cost reductions.

The number of required incentives or concessions is based on the percentage of affordable units in the project. Based on the level of affordability proposed by the applicant, the project is eligible to receive two incentives/concessions. The applicant is requesting the following concessions:

#	DEVELOPMENT STANDARD	CONCESSION REQUEST
1	Minimum front yard setback.	Request to reduce the minimum front yard setback from 25 feet to 10 feet.
2	Minimum side yard setback.	Request to reduce the minimum side yard setback from 10 feet to 6.5 feet.

Staff's analysis of the project concluded that the proposed development would provide needed homeownership opportunities in the City. In addition, it will further enhance the neighborhood by providing additional for-sale housing choices. The for-sale units at the proposed density are a significantly greater benefit to the community that could not be achieved if the minimum requirements for the front and side yard setbacks were satisfied.

### **WAIVERS REQUESTED**

Should any development standards have the potential to physically prevent the development from being built, the City may waive or reduce said standards to accommodate the development at the request of applicant. Waivers (or the reduction in a development standards) do not count as incentives or concessions. In addition, there is no limit for the available number of waivers or reductions that may be requested or granted. The applicant is not seeking any waivers for the proposed development.

### **SENATE BILL 330 (SB 330):**

On October 9, 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 also known as SB 330. SB 330 creates new state laws regarding the production, preservation and planning for housing. It amends the State Housing Accountability Act, Permit Streamlining Act and Planning and Zoning Law all under Title 7 of the California Government Code. The bill establishes a statewide housing emergency for five (5) years from January 1, 2020 to January 1, 2025.

- A. On August 2, 2021, the City adopted an SB 330 Overlay District, to establish a discretionary basis to enable development at General Plan densities.
1. SB 330 aims to increase certainty in the development process, speeding the review of new Housing Development Projects, preserving existing affordable housing and preventing certain zoning actions that reduce the availability of housing. Specifically, SB 330 does the following (emphasis added): Vesting. Creates a new vesting process for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application is submitted, with limitations;
  2. Historic Properties. Requires that the historic status or designation of any site be determined at the time an application for a discretionary action is deemed complete;
  3. Design Standards. Prohibits imposing or enforcing non-objective design review standards established after January 1, 2020;
  4. Time Limits. Shortens required permit review timeframes and limits the number of public hearings for housing projects that meet all applicable objective zoning standards;
  5. Downzoning Restrictions. Prohibits legislative actions that reduce total zoned capacity for housing (i.e. "downzoning") in the City and clarifies the circumstances under which Housing Development Projects may have their density reduced under the Housing Accountability Act;
  6. Housing Loss. Prohibits approval of a Housing Development Project that results in a net loss of housing units; and
  7. Protected Units and Tenant Protections. Creates new housing replacements, eviction protections, relocation assistance, and right-of-return requirements.
  8. Rezoning Prohibition. Local agencies are prohibited from requiring an applicant to rezone a site if the housing development project is consistent with objective general plan standards and criteria.

As noted above, Government Code Section 65589.5(j)(4) states, *"a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan."*

Furthermore, Government Code Section 65589.5(j)(4) states, *"If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."* According to State regulations, the City may only apply applicable development standards to the extent that they accommodate the allowed density for the subject site. If the application of an objective development standard would not accommodate the allowed density for the subject site, the City would be limited from applying that standard.

**B. Disapproving Housing Development Projects**

In addition, SB330 establishes specific written findings that must be made in order to disapprove a housing development project:

A local agency shall not disapprove a housing development project ... unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:



1. The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.
2. The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
3. The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
4. The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application

was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

## Required Findings:

The applicable findings required in the previous Pomona Zoning Ordinance for a Development Plan Review and the required findings in the previous Subdivision Ordinance for a Tentative Tract Map are contained in the attached resolutions.

## Environmental Review:

Staff has determined that this project may be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the California CEQA Guidelines (Attachment 6). The proposed project meets the criteria for a Class 32 (In-Fill Development) Categorical Exemption in that 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. Staff recommends that the Planning Commission adopt the Class 32 Categorical Exemption for the proposed project based on the following findings:

- 1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The project site is currently designated as Urban Neighborhood in the T4-A General Plan Transect, which allow for a maximum residential development density of 70 dwelling units per acre. The proposed residential use is permitted under the existing General Plan designation and would propose a density of 32 dwelling units per acre. Staff's analysis of the project concluded that the proposed development will further support General Plan Goal 7B. G12 which serves to, promote housing—especially move-up workforce housing—of various types in diverse settings that serve the needs of Pomona's core household population while also attracting compact, one- and two-person households.

- 2) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The project site is located on a 0.55-acre parcel within a developed urban neighborhood. It is immediately surrounded by urban uses on all sides.

- 3) The project site has no value as habitat for endangered, rare or threatened species.**

The project site is comprised of two detached dwelling units. The project site is not located within the areas identified in the General as special status for species habitat. In addition, the project site has is located within a highly developed urban area surrounded by existing development on all sides; therefore, the site has no value as habitat for endangered, rare or threatened species.

- 4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**



**a. Traffic**

Staff analyzed the project in accordance with CEQA Guidelines for evaluating traffic impacts using the VMT methodology. The City's Transportation Study Guidelines for VMT & LOS provide the methodology for analyzing VMT. Multi-family residential projects that include fewer than 200 units are screened out for further analysis of VMV impact. Therefore, the proposed project would not constitute a VMT CEQA impact.

**b. Noise**

Staff can conclude that the project is not expected to result in a significant long-term increase in traffic noise levels, and that temporary construction noise would be less than significant, based on compliance with the City's time restrictions on construction activities, contained in the City's Municipal Code, and compliance with standard conditions of approval which will include sound blanketing during construction. In addition, Staff can also conclude that the project's operational noise would be similar to noise from other adjacent residences, including noise from nearby residences, and would be less than significant in the context of the existing noise in the surrounding area. Therefore, noise-related impacts resulting from development of the proposed project would be less than significant.

**c. Air Quality**

Staff can conclude that the maximum emissions would occur during site preparation and grading activities; however would last for approximately one month. For construction activities, odors would be temporary in nature and would be subject to SCAQMD Rule 402, Nuisance. Construction activities would be temporary and transitory and associated odors would cease upon construction completion. The project would not result in any significant air quality-related impacts.

**d. Water Quality**

The proposed project is conditioned by the Public Works Department to comply with Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy. With this condition in place, Staff can conclude that the impacts related to water quality would be less than significant.

**5) The site can be adequately served by all required utilities and public services**

The project site is in a developed urban area served by existing public utilities and services. A substantial increase in demand for services or utilities would not be anticipated with addition of 15 residential units to the neighborhood. The City of Pomona provides water, sewer, and solid waste collection services to the existing residential buildings and would continue to provide these services to the proposed project. Other services, including gas and electricity, would also continue to be provided to the proposed project by existing service providers.

Conclusion:

Based on staff's analysis of the project and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Further, the project has been designed in a manner that is consistent with the applicable zoning district and will provide additional for-sale housing choices for community members.

Attachments:

1. Planning Commission Hearing Resolution No. 25-005
2. Planning Commission Hearing Resolution No. 25-006
3. Project Plans
4. Site Photographs (6-2024)
5. Letter from Applicant – Density Bonus Request
6. Notice of Exemption