



City of Pomona

# ZONING ADMINISTRATOR STAFF REPORT

DEVELOPMENT SERVICES | URBAN DESIGN DIVISION

June 18, 2025

**FILE NO:** DPR-022373-2023

Development Plan Review. A request for 10-unit housing development project on a +/- 0.72-acre property with three, two-story structures featuring parking garages, common open spaces, and guest parking.

**ADDRESS:** 1438 W. 11<sup>th</sup> Street [APN: 8349026059]

**APPLICANT:** Eleventh And Buena Vista LLC, Jorge Gutierrez

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

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

**RECOMMENDATION:** Approve DPR-022373-2023 and adopt ZA Reso. No. 25-002 (Attachment 1).

---

## Project Information:

<b>GENERAL PLAN DISTRICT:</b>	Residential Neighborhood	<b>ZONING DISTRICT:</b>	Residential Neighborhood District 1 (RND1)
<b>TRANSECT:</b>	T3, 2.5 floors max.	<b>SPECIFIC PLAN DISTRICT:</b>	N/A
<b>GENERAL PLAN DENSITY:</b>	20 DU/AC		
<b>NEW HOUSING UNITS:</b>	10	<b>DENSITY BONUS:</b>	No
<b>HOUSING UNITS LOSS:</b>	2	<b>CONCESSIONS:</b>	None
<b>AFFORDABLE UNITS:</b>		<b>WAIVERS:</b>	None
MODERATE:	2 Required 0 Proposed*	<b>SB 330:</b>	Yes
LOW:	0		
VERY-LOW:	0		

*\* Per Sec. 74-357(b)(3), the project applicant will not be providing affordable units and instead will be paying the applicable in-lieu fee which is permitted for rental residential development of 30 or fewer units.*

**Important Dates:**

Date Submitted: February 2, 2021  
Date Determined Complete: February 2, 2021  
Deadline to make a Decision: September 16, 2025 (90 days)

**Critical Issues:**

- Per Ordinance No. 4311, the SB330 Overlay Ordinance, the project is grandfathered under the development standards in place at the time the original entitlement application was deemed complete. In this case the applicable development standards are from the R-2 Low-Density Multi-Family Zone District (previous zoning code).
- The proposed development originally contemplated the integration of the existing two units on the project site and did propose the demolition of any existing structures. Following corrections from the Los Angeles County Fire Department – Land Development Unit, the existing 14’ access was not sufficient for development of the site. The project plans were revised to include sufficient access and revised to include demolition of the existing residential structures.

**Project Background:**

The applicant is proposing to develop a 0.72 acre property with three, two-story structures totaling 10 attached townhouses featuring two-car parking garages, two central open spaces, and guest parking (Attachment 2).

The project site, highlighted in red in Fig.1.1., is located along W. Eleventh Street, south of Ninth Street and west of Ralph Welch Park. The site is surrounded by multi-family and single residential to the north, south, east, and west. The project site is located within the Residential Neighborhood District 1 (RND1) in alignment with its the general plan designation, Residential Neighborhood. The project site is located within the T3 Transect which allows up to 20 dwelling units per acre and does not have a minimum number of units per acre requirement for new development. The 2014 Pomona General Plan identifies the Residential Neighborhood primarily dependent on the character of the existing neighborhood, citing character differences between new development, hillside development, prewar tracts, and postwar tracts.

Fig.1.1. Site Aerial Image 2024



The site is currently developed with two detached single-family dwelling units and two

accessory structures (Attachment 3) and at the March 5, 2025 Historic Preservation Commission meeting, the Commission reviewed a Determination of Historic Significance (DHS-000111-2025) application and determined that the property and structures on-site are not historic.

**Design Review:**

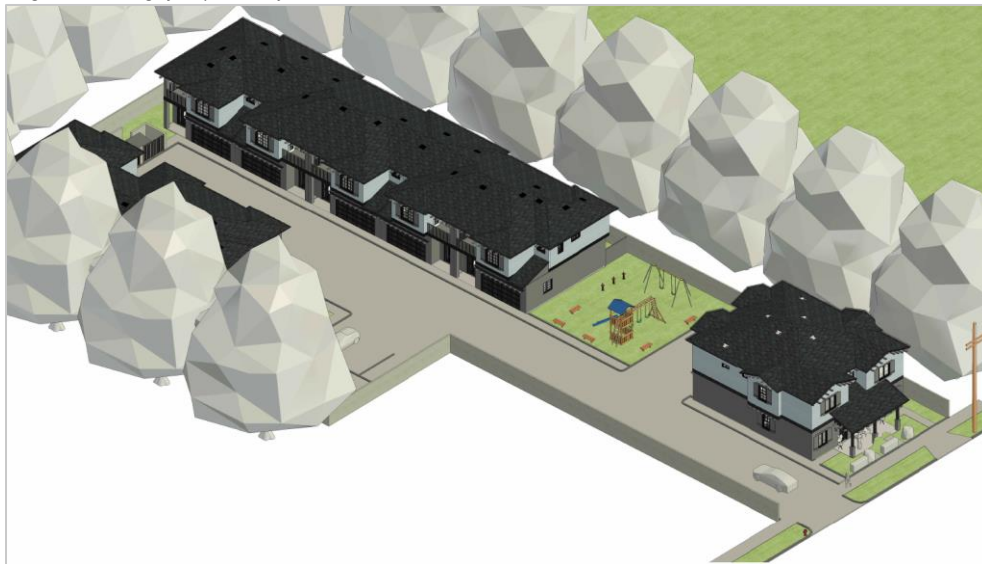
On February 2, 2021, the applicant submitted a Conditional Use Permit application for the subject project, per Pomona Zoning Ordinance Section .580, which required Conditional Use Permits for residential housing developments of 10 units or more, upon submittal this application was deemed complete. On August 2, 2021, Urgency Ordinance No. 4306 – Senate Bill 330 (SB 330) Overlay was adopted exempting Any Housing Development Project that has been deemed complete by the City pursuant to California Government Code Section 65589.5 or 65943 as of the effective date of ordinance adoption, thus vesting the subject project on the date of submittal. The proposed project application type was updated from a Conditional Use Permit to a Development Plan Review project in February of 2023 by the applicant for application review purposes.

The following is a summary of compliance with design standards from the R-2 Low-Density Multi-Family Zone as well the standards for Residential Neighborhood District 1 (RND-1).

#### **A. Site Plan**

The project consists of ten, 1,500 square feet, two-story dwelling units with associated on-site improvements including utilities, open space amenities, landscaping, garage parking, trash enclosure and lighting. Though the proposed project is eligible for review underneath previous Zoning Code R-2 Zoning District standard, the applicant is implementing elements of the new Zoning & Development with a reduced front yard setback, incorporation of transparency and entrance type, dedicated pedestrian access, and two front-facing units on 11<sup>th</sup> Street. With exception to the above forementioned elements, the project complies with all R-2 Low Density Multi-Family Zone development standards including architectural requirements, rear and side yard setbacks, building separation, private open space, and common open space.

*Fig.1.2. Rendering of Proposed Project – Southwest View*



#### **B. Architecture & Materials**

The proposed design takes inspiration from the California craftsman style. The design elements include multiple pitched roof lines, exposed detailed rafter tails, and notches which break up the massing of the building. The primary materials consist of sand finished stucco, horizontal wood siding, and composition shingles with earth toned colors.

#### **C. Open Space**

Common Open space is provided in the form of three areas within the development. The proposed areas include a +/- 2,000 square foot recreation and playground area, a +/- 1,600 square foot cornhole court, and a +/- 1,300 linear garden. The proposed amenities within these spaces include shaded seating areas, benches, tables, barbeques, trash cans, and a large play area. Private open space has been provided in the form of private patios and balconies.

Fig. 1.3 Conceptual Landscape Plan



#### Applicable Code Sections:

##### A. Development Plan Review – R-2 Low Density Multi-Family Zone

Per City of Pomona Ordinance No. 4311, Section .460(B)(2)(b), any new construction of five (5) or more units proposed to establish a Housing Development Project on any property located in the SB 330 Overlay District and an underlying residential zone district shall be subject to the provisions of this section and shall be required to obtain approval of a Development Plan Review.

##### B. Inclusionary Housing

The City of Pomona's Inclusionary Housing Ordinance (Ordinance No. 4295) requires the construction of inclusionary units for residential developments that include three (3) or more dwelling units. The dwelling units designated to meet the requirements set forth in Ordinance No. 4295, must be made available at an affordable housing cost or an affordable rent to eligible moderate-, low or very low-income households, as applicable to the unit.

As an alternative to constructing inclusionary units as required by Ordinance No. 4295, all or a portion of the inclusionary housing requirement may be fulfilled through the payment of an in-lieu fee. In this case the developer has opted to pay the applicable in-lieu fee which they are eligible for per Sec. 74-357(b)(3): "Rental residential developments of thirty (30) or fewer dwelling units may pay in-lieu fees instead of providing inclusionary units Pursuant to this Article."

##### C. Senate Bill 330 (SB330):

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.

- 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):

- a) 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;
- b) 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;
  - c) Design Standards. Prohibits imposing or enforcing non-objective design review standards established after January 1, 2020;
  - d) Time Limits. Shortens required permit review timeframes and limits the number of public hearings for housing projects that meet all applicable objective zoning standards;
  - e) 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;
  - f) Housing Loss. Prohibits approval of a Housing Development Project that results in a net loss of housing units; and
  - g) Protected Units and Tenant Protections. Creates new housing replacements, eviction protections, relocation assistance, and right-of-return requirements.
  - h) 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.

- 2) 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:

- a) 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.

- b) 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.
- c) 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.
- d) 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.
- e) 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.

#### **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 Residential Neighborhood in the T3 General Plan Transect, which allow for a maximum residential development density of 20 dwelling units per acre. The proposed residential use is permitted under the existing General Plan designation and would propose a density of 15 dwelling units per acre. Staff’s analysis of the project concluded that the proposed development will further the following General Plan Goals & Policies:



Goals & Policies	Consistency
<b>6G. G6:</b> Ensure that new residential development is well-integrated into adjacent neighborhood street patterns and provided with pedestrian connections.	<b>Consistent:</b> Surrounding development consists mostly of low density residential. The proposed units would be similar in scale and orientation to surrounding development, and would be compatible with the character and quality of the area.
<b>6G. G9:</b> Ensure continuity in development scale and character with careful transitions between areas of differing use composition and density.	<b>Consistent:</b> The project is an appropriate improvement within the established single- and multi-family residential properties within the surrounding neighborhood.
<b>6G. G8:</b> Ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods.	<b>Consistent:</b> The proposed project would provide pedestrian access throughout the entirety of the development and provide family-oriented common open space amenities including shaded seating and playground equipment.
<b>7F.P8:</b> <ul style="list-style-type: none"> <li>• Ensure that garages do not dominate streetscapes.</li> <li>• Locate parking to the side of or behind buildings and along alleyways to</li> <li>• Maintain an active street edge, especially where pedestrian activity is desired.</li> <li>• Allow for reductions of front yard setbacks</li> <li>• Incorporate design elements on the second level above garages (such as bay windows or balconies) to reduce the scale and visual dominance of the garage.</li> </ul>	<b>Consistent:</b> Garages have been designed not to be visible or fronting the street and have incorporated elements on the second level. All ground floor front facing units have been oriented to the street frontage and include front porches.

- 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 0.72-acre parcel within a developed residential neighborhood. It is immediately surrounded by residential 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 residential 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 199 units are screened out for further analysis of VMT 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 residential area served by existing public utilities and services. A substantial increase in demand for services or utilities would not be anticipated with addition of 8 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 for the proposed project by existing service providers.

**Community Input and Noticing:**

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on June 6, 2025 and was sent to all property owners and occupants of properties within a 400-foot radius of the subject site on June 4, 2025 (Attachment 5). As of the date of this report, Staff has not received any public comment.

**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 rental housing choices for community members.

**Attachments:**



- 1: Draft ZA Resolution No. 25-002
- 2: Project Plans (6-2025)
- 3: Site Photographs
- 4: Notice of Exemption
- 5: Copy of Public Notice