

DAVID YORK, ARCHITECT

(949)887-8034

OSTIA LOFTS APARTMENTS:
416 GAREY AVE., POMONA, CA.
DPR 00238-2024

DATE: 3-20-25
REVISED: 7-5-25, 9-5-25

CONCESSION, WAIVERS AND DEVIATIONS

CONCESSION

1. Public Open Space. PCSP 2.6.4, and 2.6.5; Private open space PCSP 2.6.3.
We are requesting a concession on this zoning requirement per the California Gov. Code Section 65915-65918 Density Bonuses.
We wish to change the classification of Public Open Space to Private Common Space.

Justification

Prior submittals proposed locating Open Space at the corner of Garey and Center. Open space at this location is in conflict with PCSP 2.4.9 (BUILD TO CORNER). Other location where considers but have conflicts with other code sections such as PCSP 2.4.7 FRONTAGE COVERAGE >70% plus and Fire Access requirements. Total project site area is 21,687 sf. and the required public open space is 9313 sf that is 43% of the total site area. That would not allow for the project to be built at its allowable density of 76 units or the proposed density of 61 units. Per the California bonus density laws. If any other city or county development standards would physically prevent the project from being built at the permitted density the developer may propose to have the standard waived or reduced.

The only location that would provide open space in the required dimension is at the second floor courtyard and roof top decks.

We are requesting a concession to revise the location, type and access of the public open space and a Deviation of 20% reduction in size per PCSP SECT. 2.0.5(F)

Open Space required, 61 units X 150 sf = 9150 sf, and commercial space = 163 sf
Total 9313 sf. with 20% reduction per PCSP SECT. 2.0.5(F). = 7450 SF

The project will provide Common open space at the following locations

Courtyard on second floor	3218 sf
View Deck on Fourth floor (viewing downtown Pomona).	827 sf
Roof Deck with Barbeque and Pickle ball court	3458 sf
TOTAL	7503 sf > 7450 sf.

Private Open Space required 61 units x 60sf	= 3660 sf
Private Decks	1972 sf
Level 4 DOG RUN/ BBQ (roof deck)	996 sf
BALCONY SETTING area	278 sf
GYM (private shared space)	446 sf
TOTAL	3692sf > 3660 sf

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WAIVERS

2. PUBLIC OPEN SPACE: 2.6.4. COURT YARDS

Waiver to modify the required dimension of courtyards in the E-W direction from 30' to 20' which coincides with the minimum width of 20 feet in the N-S direction.

Justification:

Courtyard is an "L" shaped configuration with the larger portion being 115.5' E-W and 21.25' N-S. Total area of courtyard will be 3218 sf. Strick adherence to the 30 feet dimension would eliminate 3 units 210,310 and 410. This additional area of court yard is necessary to meet the open space requirements. Per the California bonus density laws. If any other city or county development standards would physically prevent the project from being built at the permitted density the developer may propose to have the standard waived or reduced.

3. Special Building Height: PCSP 2.3.2/ Garey AVE. 65' set back for fourth floor.

We are requesting the reduction of this building setback. The proposed setback would be 12 feet for majority of the fourth floor and 8 feet at the center architectural detail and 40 feet to the stair/elevator tower. Adjacent and similar developments at Garey and Monterey is a four story apartment building that does follow this building standard. Noted that this project was approved prior to the PCSP being adopted but there are no other structures along Garey following this requirement.

Justification:

This setback would be a 30% reduction in the buildable area on the fourth floor thus reducing the number of units in the project by 4 units plus the reduction is size of two units. Per the California Bonus Density Laws. If any other city or county development standards would physically prevent the project from being built at the permitted density and with the Granted concessions/incentives, the developer may propose to have those standards waived or reduced.

Economically multi story structures need to be stacked to keep construction simple and cost effective. This setback would require offsetting the arrangement of units requiring additional beams and complicated lateral resisting components in order to construct the project thus adding substantial construction cost.

4. Special Building Height Limits 2.3.2(C).

Project proponents request a waiver from the zoning requirement.

Project meets the requirements for neighbor set back of one story above adjacent residence with 45 degree projected plane for the front 79' of the building site. See cross section K sheet A-17.

In the rear portion of the project adjacent to the converted carport a portion of Unit 321 encroaches into the projected 45 degree setback plane. See section M sheet A-18.

Justification

Adhering to this standard would restrict the project from building Unit 321. Reducing the number of units in the project. Bonus Density Laws allows the waiver of development standards that would physically preclude the development at the density permitted.

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5. SETBACK AREA LANDSCAPING: 2.6.6.B.3

Waiver for required landscaping along North PL.

Justification:

Fire Department restricts trees being planted in the fire access path along the North Pl.

The required trees along North Pl would be $212/30 = 7$ trees.

Current landscaping along Garey provides 5 trees with $131/40 = 3.2$ trees required and Center St. provides 8 trees with $184/40 = 4.6$ trees required. A total of 5 extra trees have been provided along the street frontage.

Trees are placed in front of solid walls. Additional trees will block the required store front windows per PCSP 2.4.2.C requiring 70% of the shop front to be glass with unobstructed views into the establishment.

Deviation

6. SIDE YARD SETBACK: (NORTH PL)

Project proponents are requesting a deviation in the side yard setback from 10 Feet to 8 feet. This is a 20% reduction. PCSP SECTION 2.0.5(F) (1-4) allows the Community Development Director to grant a 20 % reduction. The reduction is necessary to facilitate the quantity of units proposed.

Justification:

Unit layouts are close to the code allowable min sizes: one bedroom 24'x29' (605 sf) , two bed room 30'x34(830 sf), studio 16'x30' (440 sf), Courtyard depth is just above min. depth at 21'-3" and provides just under the required open space. With the units, halls and courtyard stacked from front to back the overall length is 118.33' add the setbacks 5' + 8' this will equal the lot depth of the site 131.3'.

We have squeezed the units down from the prior submittal and feel that we are now at the minimum depth necessary to provide comfortable and marketable living and open space for the future tenants. While the rear setback to bedroom windows is 8 feet the living rooms have decks which will increase the setback to patio doors to 11'-7". We believe these offsets will provide greater aesthetic to the rear elevation and additional privacy than a flush rear wall.

7. FRONT YARD SET BACK: Project proponents are requesting a deviation from the front yard setback of 5 Feet to 4 feet a 20% reduction for Architectural projections.

Justification: Project wishes to create architectural recesses and columns at the commercial and Building entrances

PCSP SECTION 2.0(F)(1-4) allows the community development director to grant a 20% reduction.

Sincerely,

