



Attachment No. 12

APPEAL OF DEVELOPMENT PLAN REVIEW (DPR-000941-2024)

Applicant: Sarah Johnson, Pathway to Tomorrow

Planner: Alina Barron, Senior Planner



Previous Action

On September 24, 2025, the Planning Commission held a public hearing and upheld Zoning Administrator's approval for a housing development project (DPR-000941-2024), a request to develop two vacant parcels approximately +/- .48 acres into a 4-story residential development with 35 affordable units and on-site amenities, at 1377 N. Garey Avenue (4-2-0-1).

The Commission's approval included additional conditions as recommended by the original approving authority. The proposed project included a request to utilize California State Density Bonus Law (Government Code Sec. 65915-65918.) to increase the density from 40 units per acre to 74 units per acre.



Previous Action

In the approval resolution, the Zoning Administrator included the following conditions of approval:

1. Applicant shall remove all south facing balconies on the development along the property line.
2. The applicant shall submit evidence of leasing agreements which reflect a maximum of 19 occupants with vehicles, subject to the approval of the Development Services Director.
3. The applicant shall remove the existing chain-link along the south property line and erect a 6-foot wall or wrought iron fence to the extent feasible in coordination with the adjacent property owner, subject to the approval of the Development Services Director.



Previous Action

4. Prior to the issuance of the Certificate of Occupancy, Applicant/Developer shall be responsible for the installation of decorative fencing (min 42 inches high) along the Garey Avenue raised landscape median, between Orange Grove Avenue and Jefferson Avenue. Applicant shall work with Planning Division and Public Works Staff on the design of the decorative fence.
5. Placement of an approved Public Art on the Project site.
 - a. The Applicant must place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.



Comments Raised at ZA & PC Hearings

- + There were 15 public comments made at the ZA & PC Hearings, with some comments being made by the same residents and community members at both meetings, with a vast majority of public comments made in opposition (14 out of 15).
- + Residents and Community Members voiced concerns about the following issues:
 - State Law which reduces the parking ratios of the development
 - State law which grants increased building height
 - Vehicular & pedestrian safety
 - Proximity to Lincoln Elementary School
 - Street parking of vehicles for residents in adjacent neighborhoods
- + 7 comment letters submitted via email. These letters were an even mix of opposition and support.



Request

Development Plan Review (DPR-000941-2024)

A request for a Development Plan Review to develop two vacant parcels approximately +/- .48 acres into a 4-story residential development with 35 affordable units and on-site amenities.



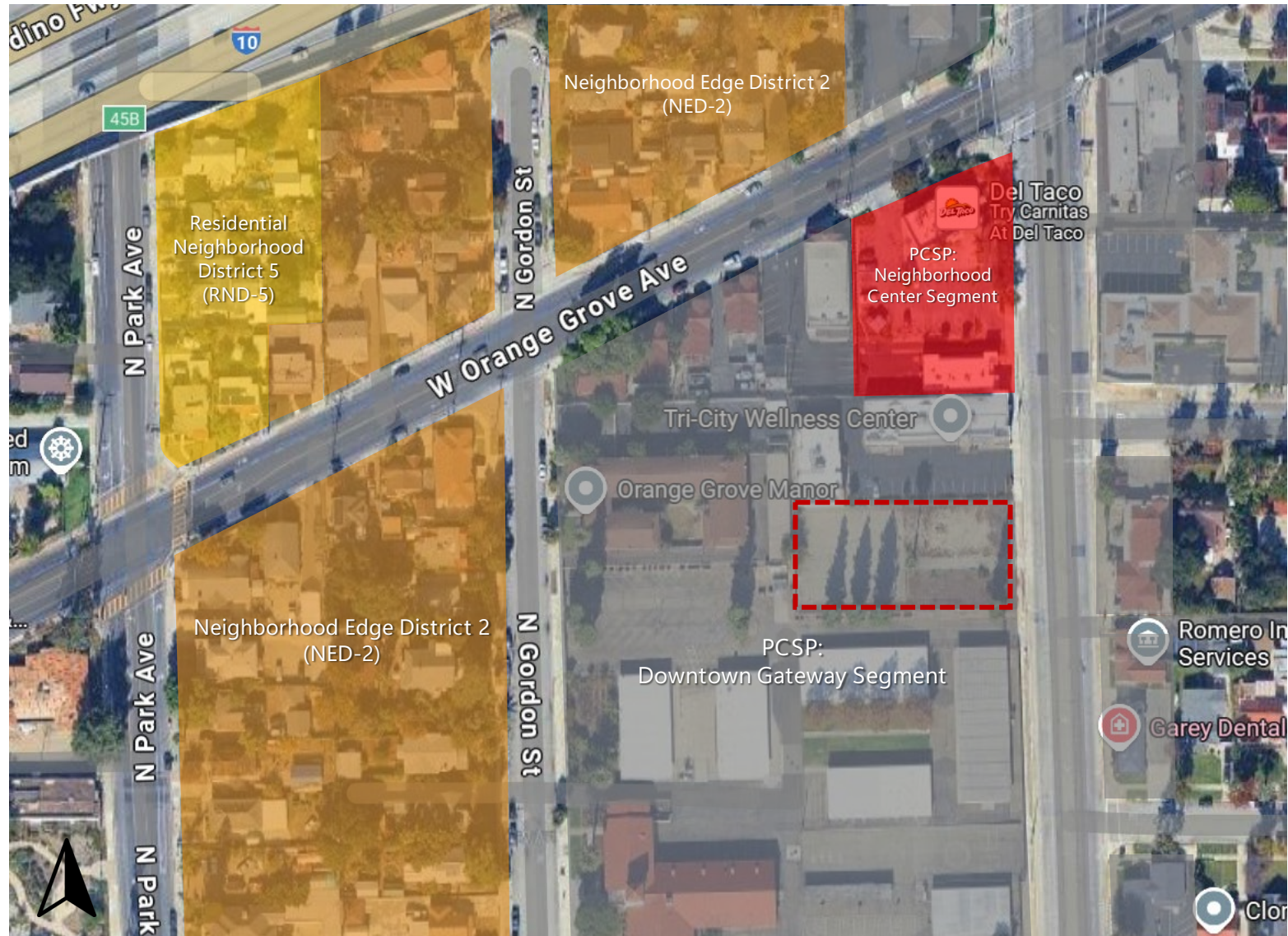
Applicable Code Sections

- + Pomona Corridors Specific Plan
- + Pomona Zoning & Development Code
- + CA Government Code Sec. 65915-65918 (CA State Density Bonus)
- + Senate Bill 330



Location

Address	1377 N. Garey Avenue
Lot Size	+/- .48 acres
General Plan Land Use Designation	Neighborhood Edge
General Plan Transect	T4-B – 40 (du/ac)
Zoning District	Specific Plan Area
Specific Plan	Pomona Corridors (PSCP)
Specific Plan Segment	Downtown Gateway
Council District	1 - Martin





Aerial View





View West from Garey Avenue





View West





Adjacent Property South

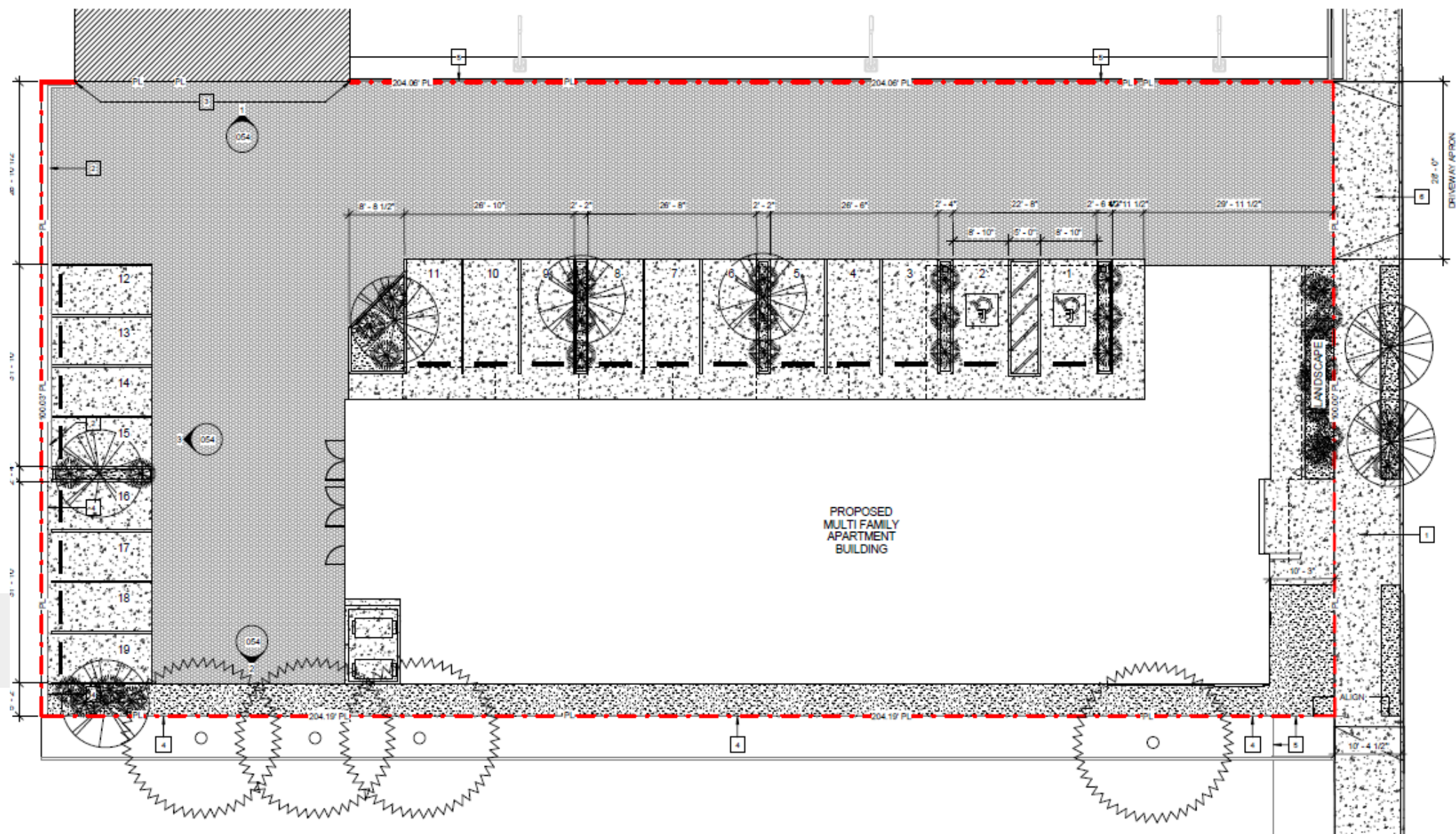




Adjacent Property North

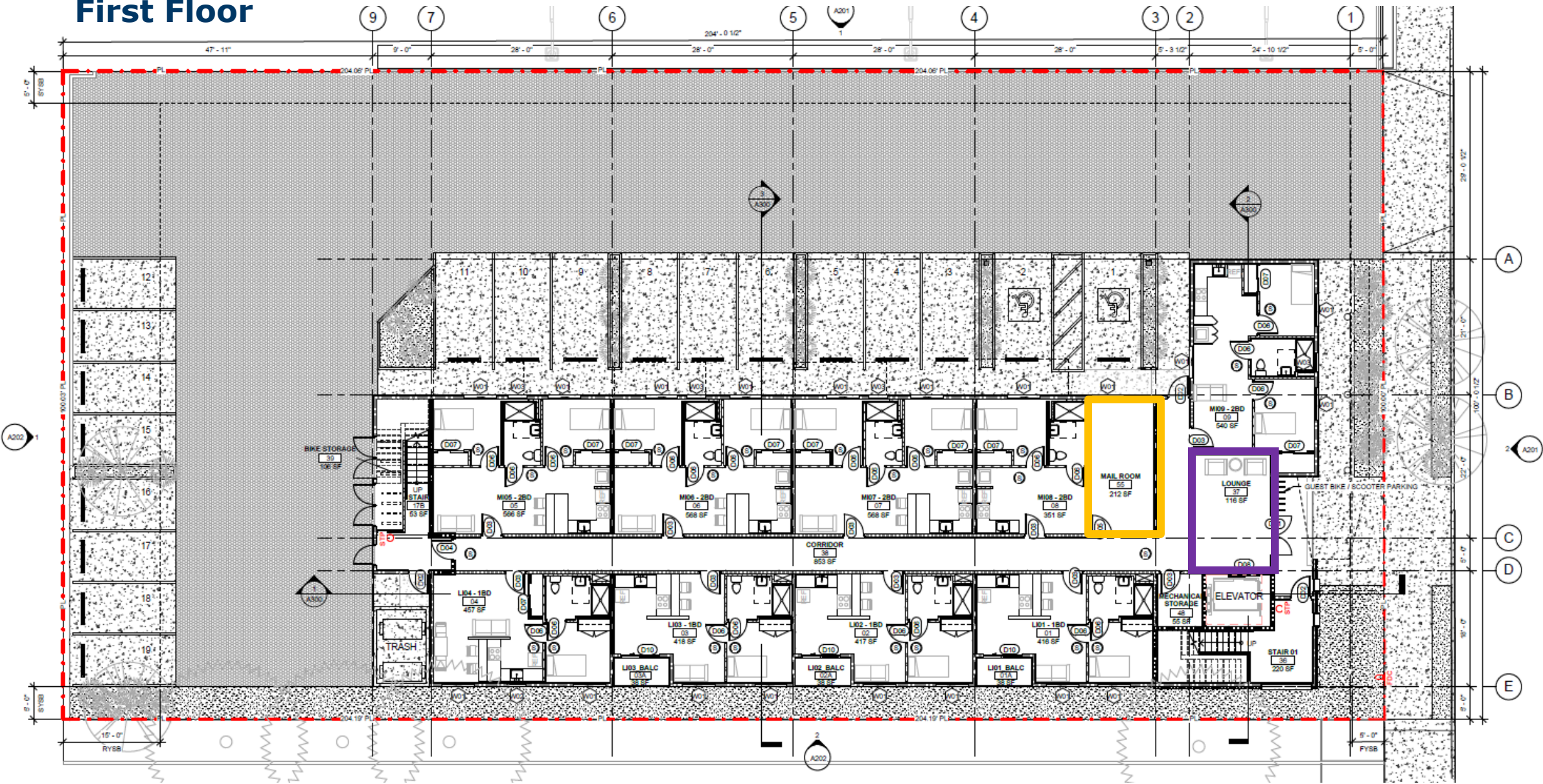








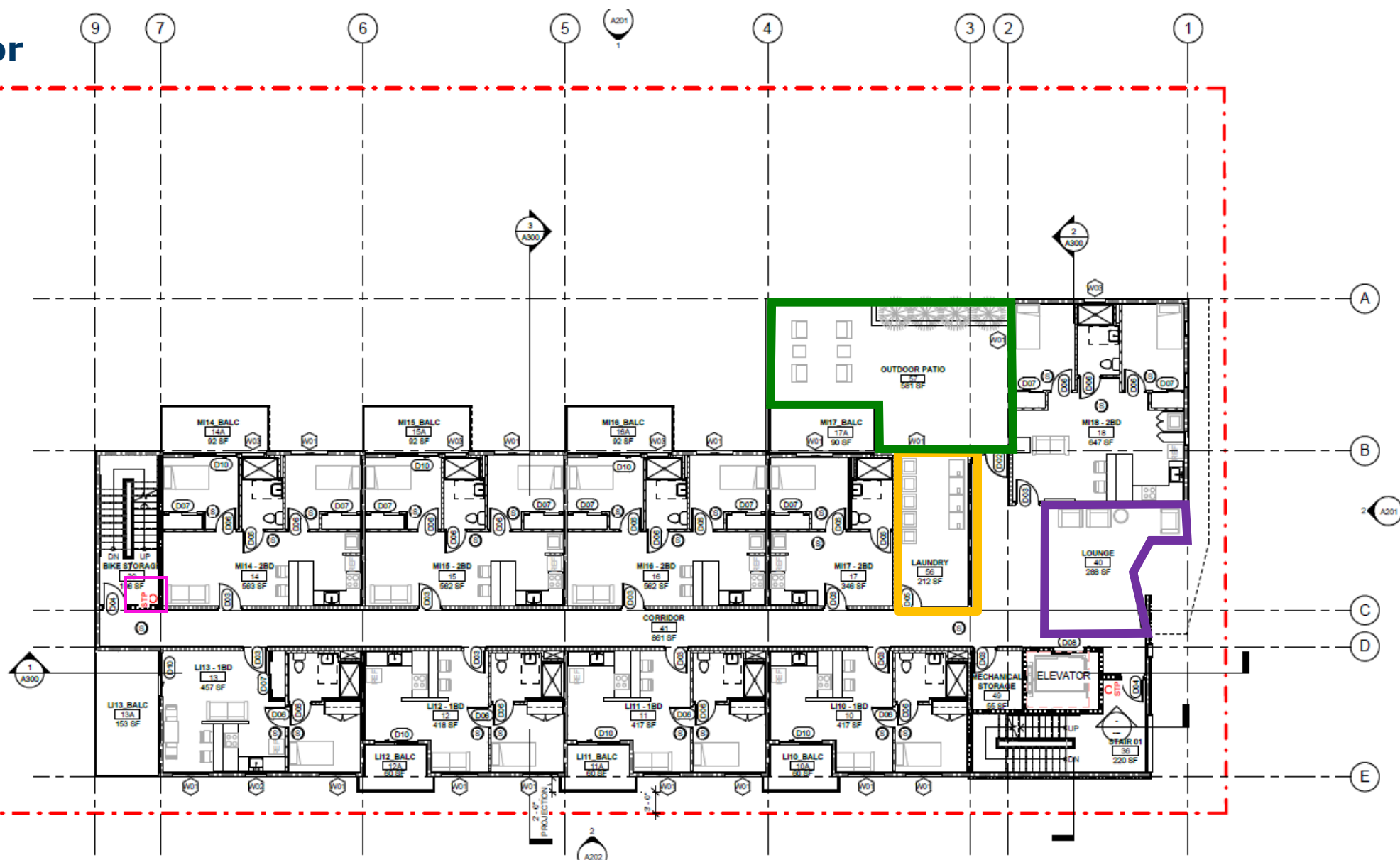
First Floor





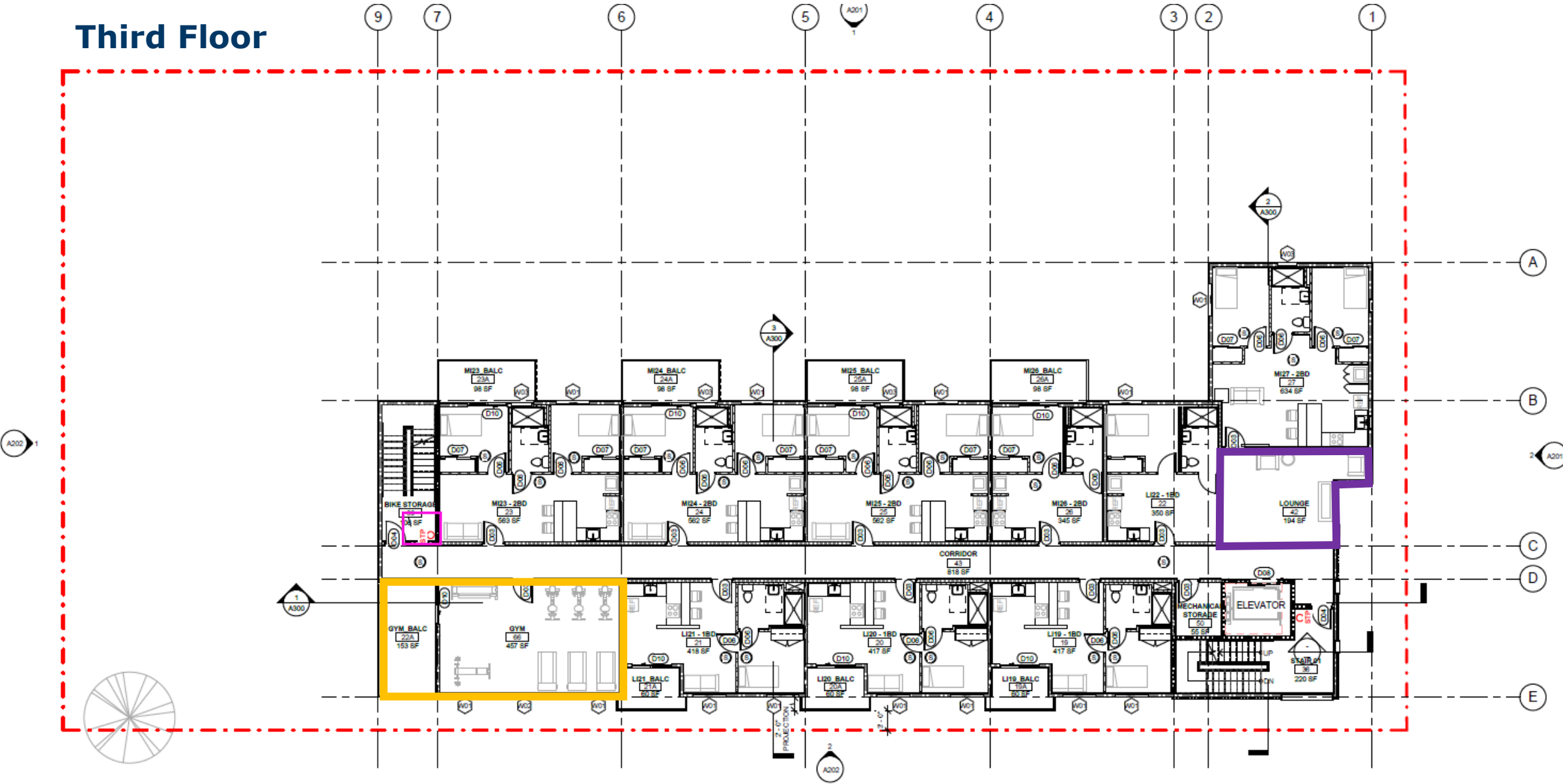
2nd Floor

Second Floor



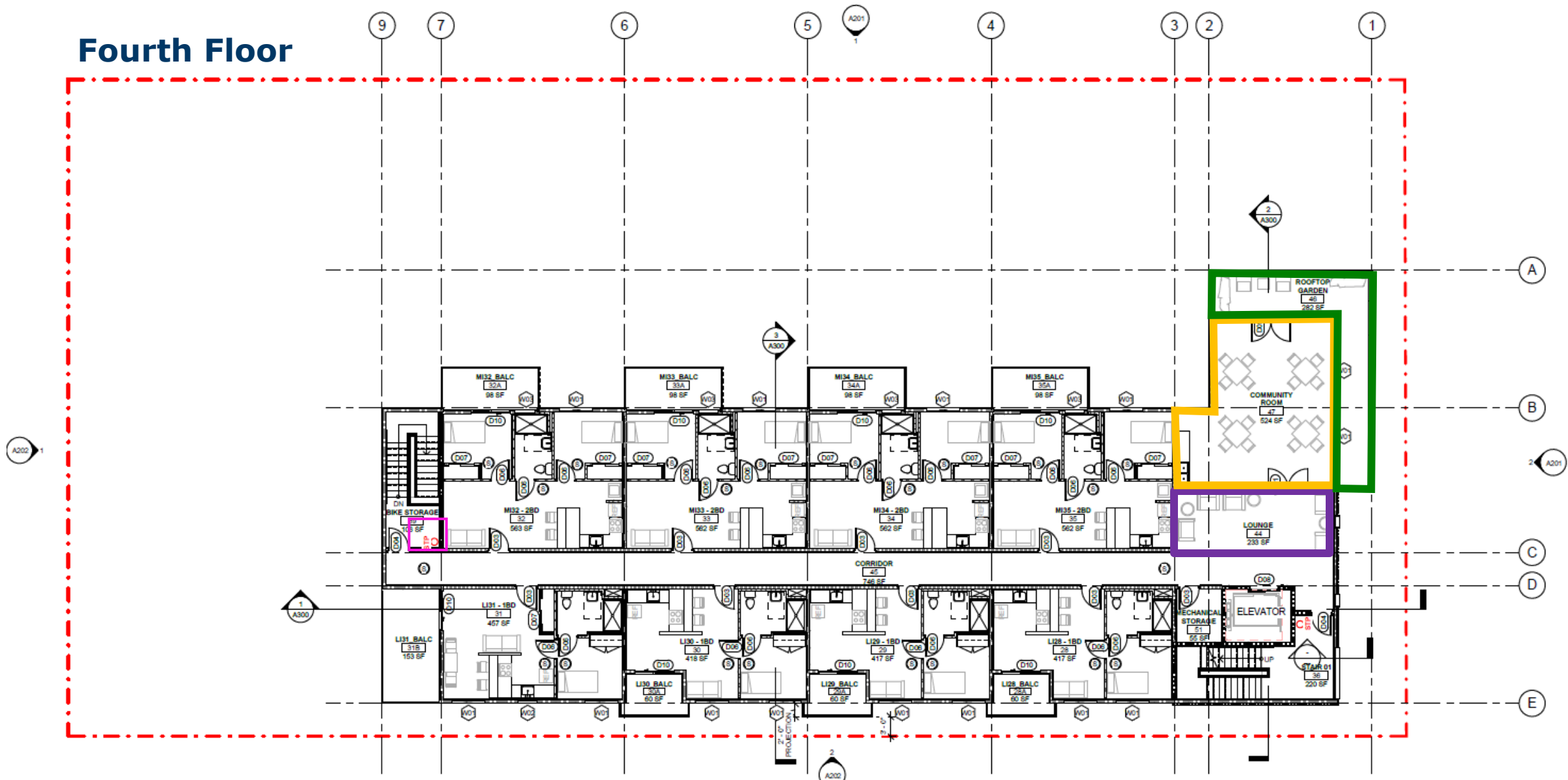


Third Floor



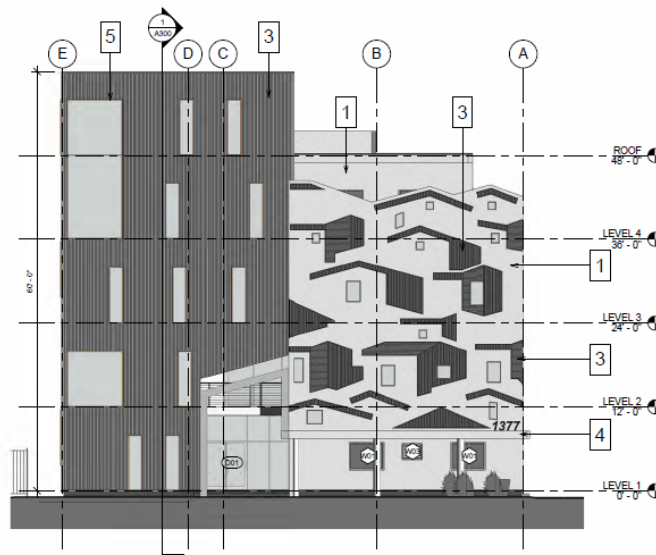


Fourth Floor





1 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"

MATERIAL BOARD

1 **SMOOTH FINE-TEXTURED STUCCO**
COLOR: BEHR - ULTRA PURE WHITE 01

Exterior Stucco Color Coat

2 **SMOOTH FINE-TEXTURED STUCCO**
COLOR: BEHR - KAFFEE M22-49

Exterior Stucco Color Coat

3 **MORIN ARCHITECTURAL METAL PANEL**
MATRIX Mx-1
COLOR: SILVERSMITH

4 **METAL PANEL**
COLOR: BEHR - ULTRA PURE WHITE 01

5 **WOOD WINDOW TRIM**
COLOR: BEHR - SPIRITED YELLOW P290-4

6 **GUARDRAIL - VIEWRAIL - CABLE RAILING**
COLOR: SILVERSMITH

MILGARD V300 SERIES
CASEMENT WINDOWS
CLEAR GLASS, NO TINT

MILGARD V400 SERIES
TUSCANY SERIES V400 SLIDING PATIO DOOR
CLEAR GLASS, NO TINT

VIEWRAIL SIGNATURE POSTS

Mounting Styles

- Core Drill
- Surface Mount
- Special Application
- Side Mount Post
- Slim Side Mount
- Bump Out Side Mount
- Post Top Styles
- Flat Top Post
- Universal Top Post

Standard System Heights

Post Gauges

Tech Specifications

Materials: 6061 Aluminum, 304 Stainless Steel, 316 SS, 304 SS

Finishes: Custom powder coated to color or standard colors

Height: Up to 42" tall (System Height)

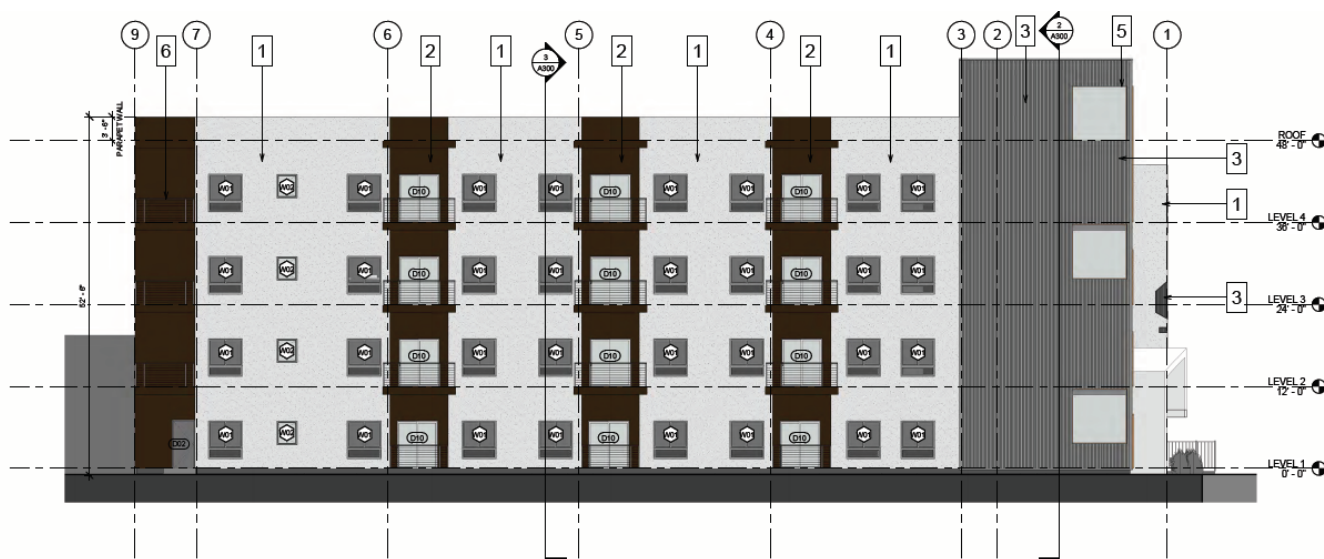
Standard Spacing: 4' on center

Post Size: 2" x 2" Tube

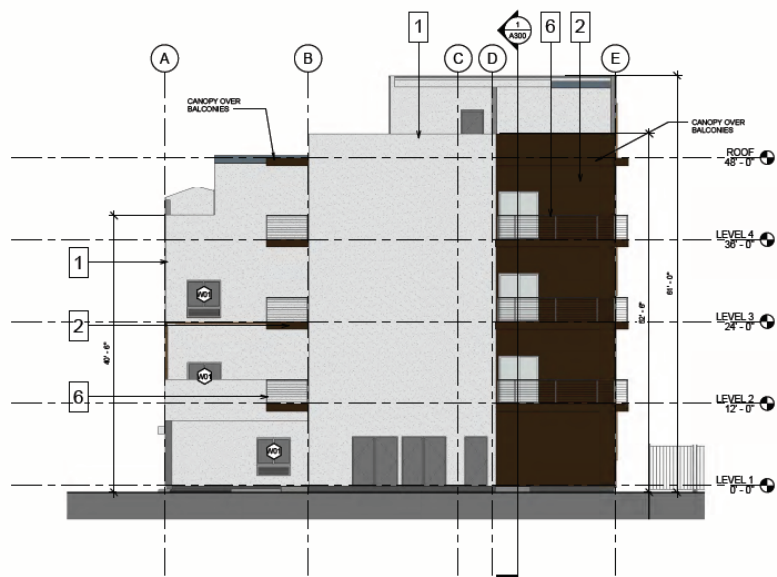
Mount Types: Core Drill, Surface Mount, Special Application, Side Mount or Bump Out

WFO Options: Cable, 2205 Posts, or Glass

Compliance: ICC-ES ESR-3083 (2018), ICC-ES ESR-3083 (2021), ICC-ES ESR-3083 (2021)



2 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



1 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

MATERIAL BOARD

1 **SMOOTH FINE-TEXTURED STUCCO**
COLOR: BEHR - ULTRA PURE WHITE D1
Exterior Stucco Color Coat

2 **SMOOTH FINE-TEXTURED STUCCO**
COLOR: BEHR - KAFFEE M22-49
Exterior Stucco Color Coat

3 **MORIN ARCHITETURAL METAL PANEL**
MATRIX MK-1
COLOR: SILVERSMITH

4 **METAL PANEL**
COLOR: BEHR - ULTRA PURE WHITE D1

5 **WOOD WINDOW TRIM**
COLOR: BEHR - SPIRITED YELLOW P202-4

6 **GUARDRAIL VIEWRAIL - CABLE RAIL**
COLOR: SILVERSMITH

MILGARD V300 SERIES CASEMENT WINDOWS CLEAR GLASS, NO TINT

MILGARD V400 SERIES TUSCANY SERIES V400 SLIDING PATIO DOOR CLEAR GLASS, NO TINT

VIEWRAIL SIGNATURE POSTS

Mounting Styles

Core Drill
Surface Mount
Special Application

Signature Posts

Standard System Heights

36" 38" 42"

Post Gauges

ALUMINUM 3105S 7 GAUGE 2205S 11 GAUGE 304SS 14 GAUGE

Tech Specifications

Materials: 304 Stainless Steel, 316L SS, 304 SS, 304 SS
Fasteners: Stainless Steel (304 or 316) or Stainless Steel
Height: Up to 42" (System Height)
Standard Spacing: 4' (on-center)
Mount Types: Core Drill, Surface Mount, Special Application, Side Mount or Bump Out
Post Size: 2" x 2" Tube
WFO Options: Cable, 2205 Posts, or Glass
Compliance: ICC-ES ESR-1000 (2010), ICC-ES ESR-1001 (2011), ICC-ES ESR-1002 (2012), ICC-ES ESR-1003 (2013), ICC-ES ESR-1004 (2014), ICC-ES ESR-1005 (2015), ICC-ES ESR-1006 (2016), ICC-ES ESR-1007 (2017), ICC-ES ESR-1008 (2018), ICC-ES ESR-1009 (2019), ICC-ES ESR-1010 (2020), ICC-ES ESR-1011 (2021), ICC-ES ESR-1012 (2022), ICC-ES ESR-1013 (2023), ICC-ES ESR-1014 (2024), ICC-ES ESR-1015 (2025), ICC-ES ESR-1016 (2026), ICC-ES ESR-1017 (2027), ICC-ES ESR-1018 (2028), ICC-ES ESR-1019 (2029), ICC-ES ESR-1020 (2030)



CA State Density Bonus

The applicant has requested to utilize State Density Bonus law Government Code 65915-65918 that grants benefits to residential developments that propose a percentage of units as affordable.

Any applicant who meets the requirements of Government Code 65915-65918 is entitled to receive benefits which include an increase in permitted density, reduction in site development standards through waivers and/or concessions, and special parking requirements as a matter of law.

The screenshot displays the California Legislative Information website. At the top, there is a navigation bar with links for [skip to content](#), [home](#), [accessibility](#), [FAQ](#), [feedback](#), [sitemap](#), and [login](#). Below this is a search bar labeled "Quick Search:" with a dropdown menu for "Bill Number" and a "go" button. The main navigation bar includes links for [Home](#), [Bill Information](#), [California Law](#), [Publications](#), [Other Resources](#), [My Subscriptions](#), and [My Favorites](#). The breadcrumb trail shows [California Law](#) >> [Code Search](#) >> [Code Section Group](#). The search results are displayed under the "Code Search" tab, showing the following hierarchy: **GOVERNMENT CODE - GOV**, **TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (Heading of Title 7 amended by Stats. 1974, Ch. 1536.), **DIVISION 1. PLANNING AND ZONING [65000 - 66342]** (Heading of Division 1 added by Stats. 1974, Ch. 1536.), and **CHAPTER 4.3. Density Bonuses and Other Incentives [65915 - 65918]** (Chapter 4.3 added by Stats. 1979, Ch. 1207.). The specific code section **65915.** is highlighted, and its text is displayed: (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section. (2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, as described in subdivision (b), and parking ratios, as described in subdivision (p). (3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following: (A) Adopt procedures and timelines for processing a density bonus application. (B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter. (C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943. (D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the



CA State Density Bonus

The project site is located within the Transect T4-B, which allows for up to 20 units at 40 units dwelling units per acre (du/ac). The project is proposing to utilize an 80% increase in density to propose 35 units at 74 du/ac, as permitted by law.

	Proposed Project Density
Housing Density	74 du/ac
Unit Count	35 units



Incentives/Concessions

A City must grant one or more incentives or concessions to each project which qualifies for density bonus. The number of required incentives or concessions is based on the percentage of affordable units in the project. 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.



Incentives/Concessions

The applicant is proposing the dedication of 100% of the 35 units to low-income affordability levels.

Based on the level of affordability proposed by the applicant, the project is eligible to receive **FOUR** incentives/concessions.

"	Development Standard	Requirement	Proposed Project
0	Minimum Unit Size*	1 BR – 600 SF 2 BR – 800 SF 3 BR – 1,000 SF	1 BR: +/- 467 SF 2 BR: +/- 562 SF
1	Public Open Space & Open Space Type	Public Open Space	Private Common Open Space in- lieu of Public Open Space
2	Side Yark Setback w/ windows	10 FT minimum	5 FT w/ balcony overhang
3	Required Parking	43 parking spaces required	19 spaces provided



Waivers

A City is ms odql ssdc to apply mx development standard which physically precludes the construction of the project at its permitted density and with the granted incentives/concessions. A development qualifying for density bonus may also receive a waiver or reduction to any number of development standards. Waivers (or the reduction in a development standards) do not count as incentives or concessions.



Waivers

The applicant is requesting the following waivers:

#	Development Standard	Requirement	Proposed Project
0	Building Height	3 stories maximum	4 stories
1	Building Massing, Length(L), Height (H)	3L:2H: to 5L:2H	2L:1H
2	Frontage Coverage	Garey Avenue: 70% minimum	66%



General Plan Compliance

The project is consistent with the following General Plan goals & policies:

Goals 6D.G1: Improve the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors.

Goals 6D.G4: Promote the success and improvement of existing corridor development.

Goals 6B.G10: Promote the transitioning of the most visible and highly traveled streets that lead Downtown into the City's most prominent and grand corridors.

Policy 7F.P4: Establish an appropriate relationship between public space and private development with building entrances oriented towards streets, utilizing shopfronts, porches, patios or outdoor spaces that overlook or interact with front yards or sidewalks.

HE Policy 1.4 Encourage affordable housing through both regulatory mandates and incentive programs.



Compliance Summary

- + The proposed project is compliant with applicable objective design standards of the Pomona Corridors Specific Plan, as well as applicable City & State standards.
- + The proposed project meets the applicable findings for a Development Plan Review and meets the intent of the General Plan.



Senate Bill 330 *Disapproving Projects*

- + SB 330 establishes limitations on the ability of local governments to disapprove a housing development project that is compliant with applicable, objective general plan and zoning standards
- + The housing development project would have a specific, adverse impact upon the public health or safety

Can housing projects be disapproved? Yes, but...

Findings must be made, using a high preponderance of evidence.

- **Specific, adverse impact upon the public health or safety**

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

THIS IS A HIGH LEGAL BAR ESTABLISHED BY THE STATE



Environmental

This project may be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the California CEQA Guidelines.

The proposed project meets the criteria for a Class 32 (In-Fill Development) Categorical Exemption in that the proposed project site is

1. less than five (5) acres;
2. the project site has no value as habitat for endangered, rare or threatened species;
3. the proposed project will not have any significant effects upon the environment; and
4. the site can adequately be served by all required utilities and public services.



Noticing

- + All public noticing was completed as required by law.



Recommendation

Staff recommends that the City Council take the following actions:

- 1) Conduct a public hearing and regarding the appeal received for the Housing Development Project; and
- 2) After receiving public comment and testimony, close the Public Hearing and adopt the CC Resolution No. 25-156, upholding the decision of the Planning Commission approving DPR-000941-2024.

Alternative

- + City Council denies the request and makes written findings, based upon a preponderance of the evidence in the record to disapprove a housing development project per the provisions of SB 330 (findings of "Disapproving Housing Development Projects").



CITY OF POMONA CITY COUNCIL