

**PC RESOLUTION NO. 24-022**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 083599 (PARCELMAP-019622-2022) FOR THE PURPOSES OF SUBDIVIDING ONE (1) PARCEL INTO THREE (2) SEPARATE PARCELS ON A 0.36-ACRE SITE WITHIN THE RND1 DISTRICT OF THE POMONA ZONING ORDINANCE.**

**WHEREAS**, the applicant, Lily Xiao, has submitted an application for Tentative Parcel Map No. 083599 (PARCELMAP-019622-2022) for a residential property located at 688 E. 11<sup>th</sup> St., Assessor's Parcel Number 8333-012-001;

**WHEREAS**, the subject property is located within the "RND1" district of the Pomona Zoning Code;

**WHEREAS**, the subject property has a General Plan, Place Type designation of Residential Neighborhood and a Transect Zone designation of T3 (20 units/acre);

**WHEREAS**, in accordance with City of Pomona Subdivisions Ordinance No. 2779 Section 29-47, the Planning Commission shall be the advisory agency for tentative maps;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 25, 2024, concerning the requested Tentative Parcel Map No. 083599 (PARCELMAP-019622-2022); 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.** The Planning Commission exercising their independent judgment has determined, pursuant to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Planning Commission will consider adopting a Categorical Exemption in compliance with Article 19, Section 15315, Class 15 (Minor Land Divisions) in that the project consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than twenty percent. The proposed project described above hereby meets the guidelines for a Categorical Exemption, 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 Parcel Map No. 083599 (PARCELMAP 019622-2022). 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 parcel map is consistent with the general plan and applicable specific plan.*

The project site is designated as part of the Residential Neighborhood Place Type and the T3 Transect Zone which allows residential densities of up to 20 dwelling units per acre. Any potential development on the proposed lots will be feasible under all the applicable standards and regulations of the Pomona Zoning Ordinance and Pomona General Plan. The project is consistent with the following General Plan goals:

**Goals 6G.G6:** Ensure that new residential development is well-integrated into adjacent neighborhood street patterns and provided with pedestrian connections.

**Goals 6G.G9:** Ensure continuity in development scale and character with careful transitions between areas of differing use composition and density.

**Goals 7B.G6:** Maximize property values throughout the City.

The project meets the General Plan goals and policies for its designated Place Type/Transect Zone and represents an appropriate improvement, which will preserve the character of the existing neighborhood while allowing for enhancements through the subdivision of the lot.

Any future development projects benefiting from the proposed subdivision will ensure that new development will be required to meet all applicable PZO development standards of the RND1 district which will ensure that development is well-integrated into adjacent neighborhood street patterns as the proposed subdivision will subdivide the lots into parcels that are appropriately aligned with surrounding parcel dimensions.

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 tentative parcel map are consistent with the General Plan as the required on-site improvements (as part of this approval) such as the relocation of fencing encroaching into the right-of-way, the required repairs of sidewalks and drainage facilities will be designed and constructed in accordance with City standards.

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

The site is physically suitable for the development in that the shape and topography of the proposed parcels meet the standards of the underlying zone.

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

The parcel map proposal does not include any planned development and no potential hardships were identified by City staff during the review of the map. Because the lots were determined to be in compliance with minimum site dimension standards set forth by the Pomona Zoning Code, the site is physically suitable for densities allowed under the current General Plan transect designation (20 units/acre).

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 subdivision complies 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 map does not include any improvements that are 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.*

Both the design and types of improvement relating to the proposed parcel map were reviewed by City staff to ensure no conflicts with easements for access through or use of property. City staff did not identify any potential conflicts with said items.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Tentative Parcel Map No. 083599 (PARCELMAP-019622-2022) 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 conditional use permit or any portion thereof:

**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 September 25, 2024, and as illustrated in the stamped approved plans dated September 25, 2024. 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 Planning Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within 18-months from the date of this approval (March 25, 2026), 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 fifteen calendar day appeal period. Written appeals may be filed with the City Clerk within fifteen calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within fifteen calendar 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 Parcel Map.
6. Pursuant to City Code Section 70-66 et seq., prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees"; Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.
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**

#### **Parcel Map requirements:**

8. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
9. All *existing and proposed* easements for water/sewer lines, ingress/egress, footings and traveled ways and all easements proposed to be vacated must be clearly shown on the map. Prior to recordation, the applicant 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 parcel map to be resubmitted for further consideration.

Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.

10. Prior to the parcel map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
11. 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 parcel map recordation; adequate monumentation bonding is required prior to the final parcel map approval.
12. Prior to the parcel map approval, the Applicant/Developer shall secure permits and complete the (i) demolition of all onsite structures that are interfering with the boundary lines of the new lots and/or do not meet the required setbacks and (ii) construction of a new garage for the existing single-family residence (proposed Lot 1).
13. Prior to the parcel map approval, the Applicant/Developer shall secure permits and complete the following public improvements:
  - a. Relocation of the property fencing along Eleanor Street from the current location that constitutes an encroachment in the public right-of-way, to the property line.
  - b. Relocation of the property fencing along the corner of Eleanor and Eleventh Streets, in anticipation of the corner cutoff easement granted to the City of Pomona on the proposed parcel map.
14. Prior to the parcel map approval, the Applicant/Developer shall post security bonds guaranteeing, at the minimum, the construction of the all public improvements depicted on the tentative parcel map. These minimum improvements are:
  - a. Reconstruction of the existing, non-ADA compliant Eleanor Street driveway approach, per City standards and ADA requirements.
  - b. Reconstruction of the existing, non-ADA compliant ramp at the southwest corner of Eleanor and Eleventh Streets. The installation shall meet the City standards and ADA mandates.
  - c. Construction of new sidewalk panels along Eleanor Street, to provide a continuous ADA pedestrian path of travel across the Eleanor Street driveway approach.
  - d. Construction of new sidewalk at the southwest corner of Eleanor and Eleventh Streets, to provide a continuous ADA pedestrian path of travel around the corner ramp.

- e. Removal and replacement of the uplifted or cracked sidewalk panels and damaged curb and gutter sections, as applicable, along both Eleanor and Eleventh Streets property frontages.
  - f. Undergrounding of all existing overhead utility lines located along Eleventh Street property frontage, to conform with the City of Pomona Municipal Code Section 62-31(b).
  - g. In the event that project related hardscape, wet and/or dry utility street pavement cuts are needed along the property frontages, ARHM (Asphalt Rubberized Hot Mix) repaving shall occur in accordance with the City standard A-26-02.
15. In accordance with the Subdivision Map Act Section 66411.1(a), the requirements for the construction of aforementioned offsite improvements shall be noticed by a statement on the parcel map, or by a separate instrument and shall be recorded concurrently with, or prior the parcel map recordation.

**General Requirements:**

16. All work in the public right-of-way is subject to review, approval, and permitting requirements of Public Works Department. 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. Permittee shall pay fees associated with and possess the City of Pomona Business License.

Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.

17. Changes and additions to the proposed work, including but not limited to detail plans for street improvements, storm drain, water and sewer 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.

**Los Angeles County Fire, Land Development Unit**

18. 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.
19. The Final Map shall be submitted for review and approval prior recordation.

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Tentative Parcel Map No. 083599 (PARCELMAP-019622-2022)  
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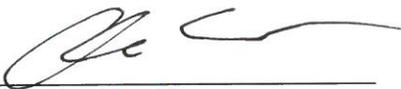
**SECTION 5.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

**APPROVED AND ADOPTED THIS 25<sup>th</sup> DAY OF SEPTEMBER, 2024.**



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ALFREDO CAMACHO  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**



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ATA KHAN  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**



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MARCO A. MARTINEZ  
ASSISTANT CITY ATTORNEY

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

AYES: Camacho, Ontiveros, Miranda Meza, Molina, VanderMolen, Rodriguez.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

“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.”