

RESOLUTION NO. 2024-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 84154 (TRACTMAP-021501-2023) FOR CONDOMINIUM PURPOSES IN ASSOCIATION WITH THE DEVELOPMENT OF 45 RESIDENTIAL UNITS AS WELL AS ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS ON A PROPERTY LOCATED AT 1707 N. TOWNE AVENUE (ASSESSOR'S PARCEL NUMBER 8339-001-008)

WHEREAS, the applicant, RC Homes, Inc., has submitted an application for a Tentative Tract Map (TRACTMAP-021501-2023) for condominium purposes on a property located at 1707 N. Towne Avenue (Assessor's Parcel Number 8339-001-008)

WHEREAS, the applicant has concurrently submitted an application for a Development Plan Review (DPR-021499-2023) to develop a 1.90 acre site, that is currently vacant, with 45, three-story, attached townhome style units as well as associated on-site and off-site improvements including, utilities, private drives, as well as common and private open space;

WHEREAS, the subject property is currently located within the Administrative Professional (A-P) and SB330 Overlay zoning district;

WHEREAS, the subject property has a General Plan Place Type designation of "Urban Neighborhood" and "Activity Center";

WHEREAS, the subject property has a General Plan Transect Zone designation of "T5" allowing up to 80 dwelling units per acre and "T4-A" allowing up to 70 dwelling units per acre;

WHEREAS, the proposed project is subject to the provisions of Housing Crisis Act of 2019 also known as Senate Bill 330 (SB 330);

WHEREAS, the proposed project is subject to the provisions of the city's Inclusionary Housing Program (Ordinance No. 4295);

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 26, 2024, concerning the requested Development Plan Review (TRACTMAP-021501-2023); and

WHEREAS, the Planning Commission carefully considered all pertinent testimony as well as the staff report offered in the case as presented at the public hearing and approved the request for a housing development project (TRACTMAP-021501-2023) at 1707 N. Towne Avenue, subject to a 20 day appeal period;

WHEREAS, Councilmember Ontiveros-Cole filed an appeal of the Planning Commission's approval decision on June 26, 2024;

WHEREAS, the City Council did not uphold the Planning Commission's approval decision and directed the matter to a public hearing on August 5, 2024; and

WHEREAS, the City Council carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing on August 5, 2024, and approved the request for a housing development project (TRACTMAP-021501-2023) at 1707 N. Towne Avenue;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Pomona, California:

SECTION 1. In compliance with the California Environmental Quality Act (CEQA) guidelines, City Council has determined that the proposed project meets the criteria for an exemption under Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning) of CEQA. The proposed project is consistent with the City's General Plan; the proposed project will not result in any peculiar impacts that were not identified as a significant impact under the 2014 General Plan Update EIR (GPU EIR); 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 that were not identified as significant in the GPU EIR; the proposed project will not result in a potentially significant offsite impact or cumulative impact not discussed in the GPU EIR; the proposed project will not result in a more severe impact due to substantial new information that was not known at the time the GPU EIR; and the site can adequately be served by all required utilities and public services. 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 Approving body must make seven findings in order to approve Tentative Tract Map No. 84154 (TRACTMAP-021501-2023). 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 City Council hereby finds as follows:

1. *The proposed tentative tract map is consistent with the general plan and applicable specific plan.*

The project site has a General Plan Place Type designation of Activity Center and Urban Neighborhood and is consistent with General Plan Goal 6A.G8, *Improve the physical quality of existing neighborhood centers throughout the City, particularly those within or next to residential neighborhoods*, as well as General Plan Goal 6E.G4, *Establish active, pedestrian-oriented neighborhoods with a mix of housing and workplace development, including clean light industry, manufacturing, flex and incubator spaces, and live/work units*, as the proposed project will significantly improve a vacant, underutilized property by constructing a new 45-unit townhome development adjacent to existing residential neighborhoods. The project will include improvements consisting of structures incorporating a Spanish Revival architectural style, structures oriented towards the public right-of-way, pedestrian access to public sidewalks via paseos and decorative entry ways, as well as new landscaping in the form of decorative paving, common open space, paseos, and parkways. The project will also be conditioned to comply with all applicable code provisions. There is no applicable specific plan for the project site.

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 subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation. There is no applicable specific plan for the project site.

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

The site is physically suitable for the type of development proposed in that the property is relatively flat and approximately 1.90 acres in area. The proposed development, which includes 45 residential units as well as associated on-site and off-site improvements, meets the applicable development standards of the Medium Density Multiple-Family (R-3) district.

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

The site is physically suitable for the proposed density of development in that the site is designated as General Plan Transect Zones T4-A and T5, which allow residential densities of up to 70 dwelling units per acre and 80 dwelling units per acre, respectively. The proposed project density of 23 dwelling units per acre is within the allowable density range.

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 project will comply 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 design of the subdivision and the type of improvements are not 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.*

The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large.

SECTION 4. Based upon the above findings, the City Council hereby approves Tentative Tract Map No. 84154 (TRACTMAP-021501-2023) 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:

DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

1. **Approved Plans and Modifications.** The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the City Council on June 26, 2024 and as illustrated in the stamped approved plans dated June 26, 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 Development Services Director or their designee.
2. **Approval Period and Time Extension.** This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval or June 26, 2025, 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. **Indemnification.** 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 the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.
4. **Violation of Conditions.** In case of violation of any of the conditions of approval 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 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 Development Plan Review.
5. **Recordation of CC&Rs.** Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1,4,5, of this Tentative Tract Map and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits. The Applicant shall be responsible for the reimbursement of fees incurred for the City Attorney to review the CC&R's.
6. **Conditions of Approvals on Plans.** Prior to plan check submittal, the applicant shall include all conditions of approval from CC Resolution No. 2024-135 on the title sheet of the construction documents.

PUBLIC WORKS DEPARTMENT**Tract Map Requirements**

7. The development's tentative tract map shall be recorded as one final map and developed as one tract. Financial security for all public improvements shall be posted prior to the approval of the final map or the issuance of the building permits or the issuance of the offsite improvement permits, whichever occurs first, to guarantee the construction of all public improvements for the proposed subdivision.
8. Tentative Tract 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/storm drain/sewer lines, ingress/egress, footings and ADA traveled ways must be clearly shown on the final map. No new easements required for the development shall extend in the public right-of-way. Prior to recordation, the Applicant/Developer 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 final 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 tract map approval the Title Company must submit a Final Subdivision Guarantee to the Public Works 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 final map recordation; adequate monumentation bond is required prior to the final map approval.
12. The final map shall be recorded no later than prior to the issuance of the first Certificate of Occupancy, to reflect the lot lines, easements and Fire Department access. An e-copy of the final map with the Los Angeles County Recorder's Office official stamp must be submitted to the Public Works Engineering Department.

LOS ANGELES COUNTY FIRE DEPARTMENT

13. 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.
14. The Private Driveways proposed as private streets for access throughout the development shall be labeled as "Private Driveway" on the Final Map. The portion of the private driveway intended for fire apparatus access shall be identified as "Fire Lane" on

15. the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement is required for all private driveways. Compliance required prior to Final Map clearance.
16. Fire hydrant improvement plans shall be submitted for review and approval prior to the Final Map clearance.
17. Submit a complete gate detail prior to the final map clearance.

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED AND ADOPTED this 9th day of September, 2024.

CITY OF POMONA:



Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on September 9, 2024 by the following vote of the Council:

AYES: Nolte, Preciado, Garcia, Ontiveros-Cole, Lustro, Torres
NOES: None
ABSTAIN: None
ABSENT: Sandoval



Diana Robles
Deputy City Clerk