

**PC RESOLUTION NO. 24-004**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 84063 (PARCELMAP 19330-2022) FOR THE PURPOSES OF SUBDIVIDING ONE (1) PARCEL INTO TWO (2) SEPARATE PARCELS LOCATED AT 485 NORTH EAST END AVENUE ON A 1.12-ACRE SITE WITHIN THE M-1 "LIGHT INDUSTRIAL" ZONE.**

**WHEREAS**, the applicant, Marcus Gubba-Reiner, has submitted an application for Tentative Parcel Map No. 84063 (PARCELMAP 19330-2022) for a residential property located at 485 N. East End Avenue, Assessor's Parcel Number 8326-014-014;

**WHEREAS**, the subject property is located within the M-1 "Light Industrial" zone of the Pomona Zoning Ordinance;

**WHEREAS**, the subject property has a General Plan, Place Type designation of Workplace District and a Transect Zone designation of Special District;

**WHEREAS**, in accordance with City of Pomona Subdivisions Ordinance No. 2779 Section 29-44, 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 February 14, 2024, concerning the requested Tentative Parcel Map No. 84063 (PARCELMAP 19330-2022); 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 that 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 proposed project meets the criteria for a Class 15 (Minor Land Divisions) in that the 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. 84063 (PARCELMAP 19330-2022). 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 General Plan Place Type Workplace District, which contemplates flex-tech light industrial and office uses with a focus on ancillary and service retail, as well as Transect Zone Special District. The project is consistent with the following General Plan goals and policies:

Goals 6F.G1: Maintain adequate land in the City for workplace uses that contribute to the City's diverse economy and provide jobs for the City's residents.

Goals 6F.G2: Provide for continued operation of older industrial and service commercial businesses at specific locations.

Goals 6F.G4: Improve the physical character of workplace districts to complement the transition of the area to lighter industrial/higher technology uses.

Goals 6F.G8: Improve the physical character of existing concentrations of industrial and light industrial development to make them more attractive to new investment and more compatible with nearby residential neighborhoods.

Policy 6F.P1: Reserve the Reservoir-East Pomona Industrial area for industrial uses.

Policy 6F.P2: Attract new businesses by encouraging existing development to implement site and building improvements and by upgrading the streetscape

character of existing workplace districts.

The project meets the General Plan goals and policies for the Place Type and 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 any new industrial, commercial, or mixed-use development will be required to meet all applicable standards of the M-1 "Light Industrial" zone, which will ensure that development is contributing positively to the character of the neighborhood and maintains an appropriate relationship to the abutting industrial businesses. With the attached conditions of approval, the subdivision will positively affect the general welfare of the community through redevelopment opportunity and encouraging ownership of a new lot. With the creation of additional parcels and increased development potential on the additional parcel, the proposed subdivision will assist in improving and maximizing property values of the surrounding and proposed parcels.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The proposed improvement of two new lots for this tentative parcel map is consistent with the General Plan in that the proposed lots will provide for the continued operation of an existing auto-glass repair business, improve the physical character of the East End Segment by creating smaller parcels, and by creating the opportunity for new property ownership and investment for one of the parcels. The proposed tentative parcel map is creating two new lots fully capable of accommodating new development by meeting the exiting standards in the underlying zone should it be proposed. All off-site improvements, such as driveways, 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. There are no lot minimums or dimensions for subdivision in the M-1 zone.

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

The proposed parcel map does not include any planned development and no potential hardships were identified by City staff during the review of the map. The



site with both proposed parcels is physically suitable for densities allowed under the current General Plan transect designation of the Special District Transect Zone.

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 design of the subdivision is not likely to cause substantial environmental damage as the project is being processed under CEQA Class 15 (Minor Land Divisions) and meets the guidelines for a Categorical Exemption. Additionally, 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 or a design that are likely to cause serious problems to public health because any 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 map does not include any improvements or a design that are likely to cause serious problems to public health as the request is to subdivide the property and does not include any new development. Any future development shall be constructed to conform to all City standards.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Tentative Parcel Map No. 84063 (PARCELMAP 19330-2022) 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 February 28, 2024, and as illustrated in the stamped approved plans dated February 28, 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 (August 28, 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. The project is subject to a fifteen calendar day appeal period. Written appeals maybe 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 water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses 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 of property legal description.
10. Prior to the final 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/Surveyor of record within one year of the final map recordation; adequate **monumentation bond** is required prior to the map approval.
12. Prior to the parcel map approval, Applicant/Developer shall post **surety bonds** guaranteeing at the minimum, the construction of the following public improvements.
  - a. Reconstruction of the existing, non-ADA compliant N. East End Avenue driveway approaches, per City standards and ADA requirements.
  - b. Undergrounding of all existing overhead utility lines located along N. East End Avenue property frontage, to conform with the City of Pomona Municipal Code Section 62-31(b).
13. 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:

14. All work in the public right-of-way and City easements 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.
15. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water 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.

**Final Map Requirements:**

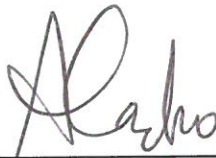
16. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
17. The Final Map shall be submitted for review and approval prior to recordation.

**Water Systems Requirements:**

18. All fire hydrants shall measure 6"x4"x2-1.2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Code.
19. The development may require fire flows up to 4,000 gallons per minute at 20 per square inch residual pressure for up to a four-hour duration. Final fire flows will be based on the size of buildings, the installation of an automatic fire sprinkler system, and type(s) of construction used.
20. Install one new public fire hydrants. (Location as indicated on the Tentative Map).
21. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.

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

**APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF FEBRUARY, 2024.**



---

ALFREDO CAMACHO  
PLANNING COMMISSION CHAIRPERSON



PC Resolution No. 24-004  
Tentative Parcel Map No. 84063 (PARCELMAP 19330-2022)  
485 N. East End Avenue  
Page 9 of 9

**ATTEST:**



---

ATA KHAN  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**



---

MARCO A. MARTINEZ  
ASSISTANT CITY ATTORNEY

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

AYES: Camacho, Brown, Miranda Meza, Urey, VanderMolen.  
NOES: Kercheval.  
ABSTAIN: None.  
ABSENT: Ontiveros.

"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."

