

**PC RESOLUTION NO. 22-033**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACT MAP 18440-2022) TO SUBDIVIDE A 0.55-ACRE SITE FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 312 W. FRANKLIN AVENUE (APN 8344-021-005).**

**WHEREAS**, the applicant, Scott Wells, has submitted an application for a Tentative Tract Map (TRACTMAP 18440-2022) to subdivide a 0.55-acre site for condominium purposes on a property located at 312 W. Franklin Avenue (APN 8344-021-005);

**WHEREAS**, the applicant has concurrently submitted an application for a Development Plan Review (DPR 18140-2022) to develop a 0.55-acre site, with an 11-unit condominium development as well as associated on-site improvements on a property located at 312 W. Franklin Avenue (APN 8344-021-005);

**WHEREAS**, the subject property is currently located within the R-3 (Medium Density Multi-Family) Zone and Senate Bill 330 (SB 330) Overlay;

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

**WHEREAS**, the subject property has a General Plan Transect Zone designation of "T-3" allowing up to 20 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 Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 14, 2022, concerning the requested Development Plan Review (DPR 18140-2022); 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 the proposed project meets the criteria for a Class 32 (In-Fill Development) Categorical Exemption, in that the proposed project is consistent with the City's General Plan and Zoning Ordinance; the proposed project site is less than five (5) acres; 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; and the site can adequately be served by all required utilities and

public services. Therefore, no further environmental review is required. An environmental review was conducted to support this determination.

**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.** In accordance with Section .580(B) of the Zoning Ordinance, the Planning Commission must make the findings below in order to approve Tentative Tract Map (TRACTMAP 18440-2022). 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 tract map is consistent with the general plan and applicable specific plan.*

The granting of the Tentative Tract Map is consistent with the Pomona General Plan and all applicable requirements of the R-3 (Medium Density Multi-Family) Zone. The project site has a General Plan Place Type designation of Residential Neighborhood, which is intended for a wide range of housing types and densities. The density proposed is 20 units per acre which is consistent with the General Density Transect "T-3" which allow density ranging from 20 units per acre.

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 will be constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides street improvements consisting of a, new driveway approach, sidewalk, curb and gutter.

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

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the site, at approximately 0.55 acres in size, the subdivision design accommodates adequate land for 11 dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and

compatible building pad heights with adjacent properties surrounding the project site.

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

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes 11 dwelling units on a 0.55-acre property, which results in a density of approximately 20 units per acre. This density is consistent with the City's General Plan Transect Zone of T-3 that allows a maximum density of 20 dwelling units per 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 will comply with the policies and regulations of the Pomona City Code and General Plan and will not cause substantial environmental damage or injure wildlife as the project site is comprised of vacant land, dry vegetation, and non-descript landscape trees. The site is currently developed with one single family home in built in 1948. The project site is not located within the areas identified in the General as special status for species habitat. In addition, the project site has been disturbed due to there being a single-family residence on the lot and is located within a highly developed urban area surrounded by existing development on all sides; therefore, the site has no value as habitat for endangered, rare or threatened species.

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 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 Planning Commission hereby approves Tentative Tract Map (TRACT MAP 18440-2022) 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 December 14, 2022, and as illustrated in the stamped approved plans dated December 14, 2022. 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 Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval or December 14, 2024, 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 twenty day appeal period. Written appeals may be filed with the City Clerk within twenty days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty 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 Tract Map.
6. 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.
7. 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 pay for full cost recovery of City Attorney review of CC&R documents.
8. As part of the recording of the Conditions, Covenants, and Restrictions (CC&Rs), owner shall include a parking management plan that would ensure the garages for the residential units be used for parking of vehicles, subject to the review of the City Engineer.

#### **PUBLIC WORKS – LAND DEVELOPMENT**

The following conditions and public improvements, as well as all applicable plan check fees, permit

fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws<sup>1</sup>.

All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

9. 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, whichever occurs first, to guarantee the construction of all public improvements for the proposed subdivision.
10. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
11. All existing and proposed easements for water/storm drain/sewer lines, ingress/egress, footings and traveled ways must be clearly shown on the final map, including the required 10-foot dedication along Franklin Avenue lot frontage, for roadway purposes; the completion of any/all proposed easement vacations needs to be performed as part of the final map. Prior to recordation, the Applicant/Developer shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonably 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.
12. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
13. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Public Works Engineering Department.
14. 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.
15. The final map shall be recorded prior to the issuance of the first Certificate of Occupancy to reflect the lot lines, easements and Fire Department access. Mylar copies of the final map with the Los Angeles County Recorder's Office official stamp must be submitted to the Public Works Engineering Department.

**LA COUNTY FIRE DEPARTMENT – FIRE PREVENTION UNIT**

*Final Map*

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 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 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.
18. The Final Map shall be submitted to the Land Development Unit for review and approval prior recordation. For any questions regarding the report, please contact FPEA Claudia Soiza at (323) 890-4243 or at [Claudia.Soiza@fire.lacounty.gov](mailto:Claudia.Soiza@fire.lacounty.gov)

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

**PASSED AND APPROVED THIS 14TH DAY OF DECEMBER, 2022**

*Yesenia Miranda Meza*

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YESENA MIRANDA MEZA  
PLANNING COMMISSION CHAIRPERSON

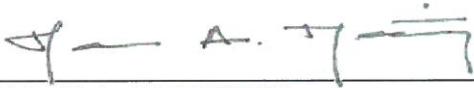
**ATTEST:**



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ATA KHAN  
PLANNING COMMISSION SECRETARY

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312 W. Franklin Avenue  
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**APPROVED AS TO FORM:**

A handwritten signature in black ink, appearing to read 'MARCO A. MARTINEZ', written over a horizontal line.

MARCO A. MARTINEZ  
ASSISTANT CITY ATTORNEY

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

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

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.