



Staff Report

City of Pomona Zoning Administrator

HEARING DATE July 02, 2025

FILE NO: DPR-001227-2024

A request for a Development Plan Review to develop one vacant parcel approximately +/- .56 acres into 15 attached three-story dwellings with attached garages as well as associated on-site and off-site improvements located within the Residential Neighborhood District 1 (RND-1).

ADDRESS: 252 W. Franklin Avenue

APPLICANT: Abraham Sandoval

PROJECT PLANNER: Alina Barron, Senior Planner

ENVIRONMENTAL REVIEW: This project may be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section Class 32, Section 15332 (In-Fill Development) of the California CEQA Guidelines.

RECOMMENDATION: Approve File No(s). DPR-001227-2024 and adopt ZA Resolution No. 25-004.

Project Information:

GENERAL PLAN DISTRICT:	Residential Neighborhood	ZONING DISTRICT:	Residential Neighborhood District 1 (RND-1)
TRANSECT:	T4-B	SPECIFIC PLAN DISTRICT:	NA
GENERAL PLAN DENSITY:	30 DU/AC		
NEW HOUSING UNITS:	15	DENSITY BONUS UNITS:	No
HOUSING UNITS LOSS:	None	CONCNESSIONS:	Yes
AFFORDABLE UNITS:	2	WAIVERS:	No
MODERATE:	None	SB 330 APPLICATION	No
LOW:	2		
VERY-LOW:	None		

Important Dates:

DATE SUBMITTED: August 19, 2024
DATE DETERMINED COMPLETE: September 18, 2024

Project Request:

The applicant is proposing to develop a +/- .56-acre property with three, three-story structures totaling 15 attached townhouses featuring 3 bedrooms and attached 1-car parking garage per unit, and +/- 3,000SF of open space including a garden, dog park, and seating areas (Attachment 2).

Project Background:

The project site, highlighted in red in Fig.1.1., is located along W. Franklin Avenue, west of S. Garey Avenue and north of Garey High School. The site is surrounded by multi-family and single residential to the north, east, and west, and to the south borders Garey High Schools baseball field.

Fig.1.1. Site Aerial Image 2024



The project site is located within Residential Neighborhood District 1 (RND1) in alignment with its general plan designation, Residential Neighborhood. The project site is located within the T4-B Transect which allows up to 30 dwelling units per acre and does not have a minimum number of units per acre requirement for new development. The T-4-B Transect, Secondary Corridors is intended for small to medium scale development including townhomes, multi-family units, and some detached single-family homes. The 2014 Pomona General Plan identifies the Residential Neighborhood primarily dependent on the character of the existing neighborhood, citing character differences between new development, hillside development, prewar tracts, and postwar tracts. The site is currently undeveloped and has maintained landscaping with only one tree on-site that is proposed for removal to accommodate pedestrian access (Attachment 3).

Community Input and Noticing:

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on June 20, 2025, and was sent to all property owners and occupants of properties within a 400-foot radius of the subject site on June 18, 2025 (Attachment 4). As of the date of this report, Staff has not received any public comment.

Project Review:

The following is a summary of compliance with design standards from the Residential Neighborhood District 1 (RND1) of the Pomona Zoning and Development Code.

FORM

House Medium 1 (HM1)

The HM1 regulates the placement, scale, and intensity of buildings and structures on a lot and ensures that building forms are compatible with their context and promote projects that support the General Plan and community needs.

House Form modules regulate building forms in ways that ensure a building character is consistent with a house while still accommodating the project's desired density. These regulations include coverage, amenity space, building height & width, as well as rear & side yard fencing. The proposed project is compliant with all House Medium 1 requirements establishing the house form, except the maximum height of 2.5 floors/32 FT.

Through Sections 65915-65918 of the California Government Code (CA Density Bonus Law), the proposed project is eligible to receive 1 concession. Though 2.5 floors is essentially 3 floors in height, 2.5 floors is a design tool intended to assist with house scale massing requiring 3rd floors to have a maximum floor area of 50 percent of the second floor, which generally means the third floor will be under the roof (which prevents. The applicant under Density Bonus Law is requesting to increase the square footage on the third floor to accommodate a third bedroom for each unit.

FRONTAGE:

Neighborhood Yard 1 (N1)

Frontage regulates portions of a lot and building facades that impact the public realm. Frontage includes flexible standards for open space frontages to support an active and high-quality public realm with strong associations with uses inside buildings.

Neighborhood Yard Frontage Modules control the location of vehicular access, require planted front yards, and provide flexible provisions for privacy through a combination of build-to, landscaping, frontage yard fence and wall standards, in addition to building facade activation standards. The proposed frontage design is compliant with all Neighborhood Yard 1 (N1) requirements on all three floors and features large scale picture windows on the front facing units with dedicated pedestrian access and includes a seating area within the frontage planting area.

SITE:

Site design standards regulate location and characteristics of access, parking, landscape and other site features. These standards generally consist of a combination of regulations that are appropriate to a variety of contexts. The final site design is compliant with all applicable Site Rules which include Sections 610. Parking and Access, Section 620. Landscaping and Screening, and Section 640. Environmental Protection.

Parking and Access

The proposed project takes vehicular access from Franklin Avenue and features a common center driveway to the rear of the site and provides access to the attached parking garages. Due to the sites width and shallow depth, the proposed project did not require a fire road apparatus access road, thus was not required to comply with Site standards which requires that any proposed fire road apparatus access road be considered a secondary streets and subject to frontage standards. The proposed development will be compliant with driveway design standards.

Landscaping and Screening

Compliance with landscaping and screening standards was initially challenged by the site's inability to meet the 20% total landscaping requirement stemming from the city's Water-Efficiency Landscape Ordinance (Ordinance No. 4232). Compliance with the required landscape percentage is being satisfied through landscaping provided by the required frontage landscaping, perimeter landscaping adjacent to side property lines, and required landscaping for outdoor amenity spaces (both ground and roof top amenities. Further compliance with planting standards listed in Section. 620.F of the PZDC will be reviewed for full compliance during the project's required Landscape Plan Check.

Environmental Protection

The proposed project has been found to be compliant with the applicable development standards listed in Section 640. Environmental Protection. Pursuant to the outdoor lighting standards, all lighting provisions on the site will provide sufficient visibility throughout the site without impacting visibility and privacy of the surrounding properties and the adjacent rights-of-way. Pursuant to the recycling and solid waste disposal requirements, the proposed trash enclosure is compliant with enclosure dimension, location, and signage requirements.

STATE HOUSING REQUIREMENTS/RESTRICTIONS:

On October 9, 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 also known as Senate Bill 330 ("SB 330"). SB 330 creates new state laws regarding the production, preservation and planning for housing. It amends the State Housing Accountability Act, Permit Streamlining Act and Planning and Zoning Law all under Title 7 of the California Government Code. The bill (and subsequent amendments) establish a statewide housing emergency for ten (10) years from January 1, 2020 to January 1, 2030.

SB 330 aims to increase certainty in the development process, speeding the review of new Housing Development Projects, preserving existing affordable housing and preventing certain zoning actions that reduce the availability of housing. Specifically, SB 330 does the following:

1. Vesting. Creates a new vesting process for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application is submitted, with limitations;
2. Historic Properties. Requires that the historic status or designation of any site be determined at the time an application for a discretionary action is deemed complete;
3. Design Standards. Prohibits imposing or enforcing non-objective design review standards established after January 1, 2020;

4. Time Limits. Shortens required permit review timeframes and limits the number of public hearings for housing projects that meet all applicable objective zoning standards;
5. Downzoning Restrictions. Prohibits legislative actions that reduce total zoned capacity for housing (i.e. "downzoning") in the City and clarifies the circumstances under which Housing Development Projects may have their density reduced under the Housing Accountability Act;
6. Housing Loss. Prohibits approval of a Housing Development Project that results in a net loss of housing units; and
7. Protected Units and Tenant Protections. Creates new housing replacements, eviction protections, relocation assistance, and right-of-return requirements.
8. Rezoning Prohibition. Local agencies are prohibited from requiring an applicant to rezone a site if the housing development project is consistent with objective general plan standards and criteria.

Rezoning Prohibition

As noted above, Government Code Section 65589.5(j)(4) states, *"a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan."* In this case, the project site is zoned Administrative Professional (A-P) which does not permit the development of residential uses beyond 15 dwelling units per acre, however, the project site is designated as General Plan Place Type or Urban Neighborhood and Activity Center, which contemplate residential uses, as well as 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 project is proposing residential density at a rate of 23 dwelling units per acre. Therefore, a change of zone is not required because the proposed project demonstrates consistency with the project site's General Plan Place Type and Transect Zone designations.

Limitations on Applying Objective Development Standards

Government Code Section 65589.5(j)(4) states, *"If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."* According to State regulations, the City may only apply applicable development standards to the extent that they accommodate the allowed density for the subject site. If the application of an objective development standard would not accommodate the allowed density for the subject site, the City would be limited from applying that standard.

Disapproving Housing Development Projects

In addition, SB 330 establishes specific written findings that must be made in order to disapprove a housing development project. A local agency shall not disapprove a housing development project ... unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

1. The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that

any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

2. The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means 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. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.
3. The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.
4. The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

INCLUSIONARY HOUSING REGULATIONS:

The proposed project is subject to the City of Pomona Inclusionary Housing Program (IHP). The IHP requires that all proposed residential developments of three (3) or more units contribute to the City's affordable housing stock. Rental Dwelling Units may meet the inclusionary housing requirements by providing inclusionary units or through payment of an in-lieu fee. The on-site inclusionary housing production requirement is set at 13% of the dwelling units that are included in a rental residential development. The inclusionary units are required to be rented to moderate-income households at the affordable rent. However, an applicant may choose to designate the inclusionary units at lower income categories. The payment of the in-lieu is reserved for for-sale units or for

residential developments of less than 30 units; furthermore, the payment of an in-lieu fee would dismiss the project's eligibility for relief under CA Density Bonus law.

To satisfy the city's IHP, the project will be opting to designate the on-site inclusionary units at the Low-Income category, which will allow the project to satisfy both Density Bonus and IHP requirements.

DENSITY BONUS REGULATIONS:

The applicant is requesting to utilize CA Density Bonus law that grants benefits to residential developments that propose a percentage of units as affordable. Any applicant who meets the requirements of the state law is entitled to receive benefits which include an increase in permitted density, reduction in site development standards, special parking requirements, etc.

The project site is located within the Transect T4-B, which allows for 17 units at 30 units per acre. The project is proposing 15 units at 27 units per acre.

	Residential Units Permitted	Proposed Project
Housing Density	30 du/ac maximum	27 du/ac
Unit Count	17 units	15 units

Though the project is proposing to develop the site at less than the permitted dwelling units per acre, CA Density Bonus Law dictates that any development that meets the requirements of the law and is not required to execute density bonus unit to receive the benefits affordable housing projects are entitled to.

To satisfy CA Density Bonus law, the applicant is proposing the dedication of 13.3% of the 15 units to low-income affordability levels, this equates to two of the 15 units.

CONCESSIONS REQUESTED:

Based on the affordability level provided, the project is eligible to receive 1 concession. The applicant is requesting the following concession per CA Density Bonus:

#	DEVELOPMENT STANDARD	CONCESSION REQUEST
1	Height Maximum 2.5 Floors/32 FT	Request to increase the Height Maximum to 3 floors/34 FT

Staff's analysis of the project concluded that the proposed development will provide needed housing opportunities for 3-bedroom units in the City. In addition, it will further enhance the neighborhood by providing additional housing choices. The proposed development is a significantly greater benefit to the community that could not be achieved if the maximum floor and height requirements were satisfied.

WAIVERS REQUESTED:

None.

SB 330 PRE-APPLICATION:

None.

LAND DEVELOPMENT ISSUES:

None.

TRANSPORTATION ISSUES:

None.

SOLID WASTE ISSUES:

None.

BUILDING AND SAFETY ISSUES:

None.

WATER RESOURCE ISSUES:

None.

FIRE ISSUES:

None.

POLICE ISSUES:

None.

Required Findings:

The findings required in Section 1160.G of the Pomona Zoning and Development Code for a Development Plan Review are contained in the attached resolution (Attachment 1).

Conclusion:

Based on Staff's analysis of the project and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts on the surrounding neighborhoods. Further, the project has been designed in a manner that is consistent with the applicable zoning district and will provide additional rental housing options.

Environmental Review:

Staff has determined that this project is eligible for exemption 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 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. Staff recommends that the Zoning Administrator determine the project to be exempt.

Conditions of Approval:

The Conditions of Approval are contained in the attached resolution (Attachment 1).

Attachments:

- 1: ZA Resolution No. 25-004
- 2: Project Plans
- 3: Site Photographs
- 4: Public Hearing Notice