

PC RESOLUTION NO. 25-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACTMAP-001503-2024) TO SUBDIVIDE FOR CONDOMINIUM PURPOSES AND DEVELOP A .54 ACRE PROPERTY WITH THREE, THREE-STORY STRUCTURES TOTALING 17 ATTACHED TOWNHOUSES FEATURING PODIUM PARKING, REAR YARD OPEN SPACE, AND GUEST PARKING ON A PROPERTY LOCATED AT 857 W MONTEREY AVENUE (APN: 8348-009-016)

WHEREAS, the applicant, Frank Gallo, has submitted an application for Tentative Tract Map (TRACTMAP-0001503-2024) to subdivide one parcel for condominium purpose;

WHEREAS, the applicant has concurrently submitted a Development Plan Review (DPR-000439-2024) to develop the site with three, three-story structures totaling 17 attached townhouses featuring podium parking, rear yard open space, and guest parking;

WHEREAS, on February 7th, 2024, the applicant submitted a Senate Bill 330 (SB 330) Preliminary Application (MISC-00189-2024) for the subject project and was deemed complete, vesting the proposed project for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application was submitted;

WHEREAS, the subject property is located within the Urban Neighborhood District 1 (UND1);

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 “T4-A” allowing up to 70 dwelling units per acre;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 14, 2025 concerning Tentative Tract Map (TRACTMAP-001503-2024); 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, as follows:

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. 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 a Tentative Tract Map. 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 project is consistent with the General Plan place type of Urban Neighborhood in that the proposed subdivision is designed appropriately to add value to its surrounding context by increasing opportunities for homeownership.

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

The design of the proposed subdivision is consistent with the General Plan and applicable Zoning regulations as demonstrated in the proposed projects plans. In addition, the development is compatible with the neighboring area.

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

The project site is physically suitable for housing and is currently developed with two residential units.

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

Adequate utilities, access roads, drainage, and other necessary facilities will be provided with the construction of the development. In addition, the proposed project density) is under the maximum threshold of density allowable of 70 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 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.*

Staff has no evidence of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, for all environmental impact categories identified in the 2014 certified Final Environmental Impact Report associated with the discretionary project and proposed subdivision.

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 (TRACTMAP-001503-2024) 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 tentative parcel map 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 May 14, 2025 and as illustrated in the stamped approved plans dated May 14, 2025. 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 two (2) years from the date of this approval (May 14, 2027), 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 day appeal period. Written appeals may be filed with the City Clerk within fifteen 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 fifteen 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. 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 the properties entering the existing 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.
8. The applicant shall make a reduction of the 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

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 ADA traveled ways must be clearly shown on the final map. 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.
12. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Public Works Engineering Department.
13. 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.

14. The final map shall be recorded prior to the issuance of the Certificate of Occupancy to reflect the lot lines and easements. 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

15. 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.
16. The Private Driveway proposed as private 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.
17. The Final Map shall be submitted to our office for review and approval prior recordation.

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

APPROVED AND ADOPTED THIS 14TH DAY OF MAY, 2025.

MARCOS MOLINA
PLANNING COMMISSION CHAIRPERSON

ATTEST:

GEOFFERY STARNES, AICP, AIA, LEED AP
PLANNING COMMISSION SECRETARY

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APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

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

A YES:
NOES:
ABSTAIN:
ABSENT:

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.