

**PC RESOLUTION NO. 16-026**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING MODIFICATION TO TENTATIVE PARCEL MAP 73002 (PARCELMAP 5592-2016) TO CONSOLIDATE TEN EXISTING LOTS TOTALING 8.022 ACRES INTO THREE NEW LOTS ON PROPERTY LOCATED IN THE M-1 (LIGHT INDUSTRIAL) ZONE AT 1110 & 1196 S. RESERVOIR STREET AND 1265, 1271, & 1283 E. GRAND AVENUE (APN: 8327-018-005, 8327-018-007, 8327-018-015, 8327-018-016, 8327-018-017, 8327-018-018, 8327-018-021, 8327-018-022, 8327-018-023, AND 8327-018-024).**

**THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:**

**WHEREAS,** The applicant, Michael Chait, has submitted an application for a Modification to Tentative Parcel Map (PARCELMAP 5592-2016) to consolidate ten (10) existing parcels into three (3) new parcels on property located at 1110 & 1196 S. Reservoir Street and 1265, 1271, & 1283 E. Grand Avenue (APN: 8327-018-005, 8327-018-007, 8327-018-015, 8327-018-016, 8327-018-017, 8327-018-018, 8327-018-021, 8327-018-022, 8327-018-023, AND 8327-018-024);

**WHEREAS,** a Tentative Parcel Map is required to allow the creation of three new parcels according to Chapter 29 of the Pomona City Code regarding subdivisions;

**WHEREAS,** the subject property is on a parcel designated as "Workplace District Edge" place types and in the T5 transect zone in the General Plan;

**WHEREAS,** the subject property is located within the M-1 (Light Industrial) zone;

**WHEREAS,** the proposed subdivision meets all the development standards of the M-1 (Light Industrial) zone;

**WHEREAS,** The Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on January 14, 2015 concerning Tentative Parcel Map 73002 (TPM 14-007) and unanimously voted to approve the application(s) as provided in Planning Commission Resolutions 15-001;

**WHEREAS,** the applicant is requesting to modify Conditions of Approval 19, 19b, 20c, 20f and to remove 19d and 20f of Planning Commission Resolution 15-001, considered by the Planning Commission on September 28, 2016;

**WHEREAS,** the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on September 28, 2016, concerning the requested Modification to Tentative Parcel Map 73002 (PARCELMAP 5592-2016); 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:

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**SECTION 1.** The Planning Commission exercising independent judgment has determined that, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), this action is Categorically Exempt under Section 15315 (Class 15) for minor land divisions. This Class exempts projects involving division of property in urbanized areas for commercial use into four or fewer parcels when said division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to proposed parcels are constructed to local standards and available, the proposed parcels are not a part of a division of a larger parcel within the previous two (2) years, the proposed parcels do not have an average slope greater than 20 percent and will not have a significant effect on the environment.

**SECTION 2.** The Planning Commission hereby supersedes the previously approved Planning Commission Resolution No. 15-001 and adopts this Resolution by approving Modification of Tentative Tract Map 73002 (PARCELMAP 5592-2016), as set forth herein. Previously approved Planning Commission Resolution No. 15-001 is hereby rescinded and no longer has any legal effect.

**SECTION 3.** 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 4.** In accordance with the Subdivision Map Act and the City's Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Modification to Tentative Parcel Map 73002 (PARCELMAP 5592-2016). 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 City of Pomona General Plan.*

The proposed project will allow the applicant to consolidate ten existing parcels into three new lots. The proposal is consistent with the General Plan place types of Workplace District Edge and the T5 transect zone in that the consolidated parcels would create new property boundaries and comprehensively delineate the newly formed larger parcels from the rest of the neighborhood. Specifically, the proposed project is consistent with the following goals and policies from the Workplace District place type of the General Plan:

*"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."*

2. *The design or improvement of the proposed subdivision is consistent with the City of Pomona General Plan.*

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The proposed project is consistent with the Zoning Ordinance and General Plan, in that the proposed project conforms to the current lot area and dimensions requirements of the Zoning Ordinance, and is consistent with the goals and objectives of the General Plan Land Use in that adequate land in the City for workplace uses would be maintained.

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

The proposed project, located in the M-1 (Light Industrial) zone, is not proposing any physical changes to the project site. The site has entitlements for use as a trucking facility.

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

The proposed project, located in the M-1 (Light Industrial) zone, is not proposing any physical changes to the project site. The site has entitlements for use as a trucking facility.

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 is not proposing any physical changes to the project site. The proposed project, located in the M-1 (Light Industrial) zone, is not proposing any physical changes to the project site. The site has entitlements for its current use as a trucking facility. Therefore, 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 proposed project and the type of improvements are not likely to cause serious problems to public health because the subject site is already developed as a trucking facility. Any future development would be required to conform to 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 proposed project or type of improvements will not conflict with easements acquired by the public at large. Further, the project will be compatible with the adjacent industrial properties in the vicinity.

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**SECTION 5.** Based on the above findings, the Planning Commission hereby approves Modification to Tentative Parcel Map 73002 (PARCELMAP 5592-2016) subject to the following conditions:

### **PLANNING DIVISION**

#### **General Conditions**

1. The subject property shall be subdivided in a manner consistent with the tentative parcel map as reviewed approved by the Planning Commission on January 14, 2015 as revised and conditioned by the requirements contained in this resolution of approval. Any major modifications to the approved tentative parcel map shall be reviewed and approved by the Planning Commission as part of a modification to the approved tentative parcel map. Any minor modifications that do not affect the overall intent of the approved tentative parcel map, may be reviewed and approved by the Development Services Manager.
2. This recommended approval shall lapse and become void if the privilege authorized by the Planning Commission is not utilized and recordation by the County of the final map is not obtained within two (2) years from the date of this approval (September 28, 2018). The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty days before the expiration date.
3. 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.



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4. 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 a subsequent violation 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 conditional use permit.
5. The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty (20) 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 (20) days from the date of action by the Planning Commission.

#### **LOS ANGELES COUNTY FIRE DEPARTMENT**

6. The project shall comply with all the provisions of the Los Angeles County Fire Code and additional requirements from the Los Angeles County Fire Department, Fire Prevention Engineering and Fire Prevention Division Land Development Unit.

#### **PUBLIC WORKS DEPARTMENT**

7. 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 (Applicable Codes to include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.).
8. 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.

#### **Parcel Map Requirements**

9. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
10. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.

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11. All existing and proposed easements for water/sewer lines, ingress/egress, footings and traveled ways and all easements proposed to be vacated 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 unreasonably 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 pertaining to the project's legal description.

12. Additionally, the applicant shall include all necessary real property dedications along Reservoir Street frontage to ensure the compliance with the ultimate right-of-way width of 100 feet.
13. The vesting ownership information should be clarified and updated prior to the final map submittal for review and approval.
14. A phasing plan for the construction of offsite public improvements for Parcels 1, 2 and 3 shall be reviewed and approved by the City Engineer prior to the recordation of the final map. Financial security must be provided for all public improvements prior to the map recordation.
15. All the required public improvements related to Parcels 2 and 3 shall be noticed by a statement on the parcel map, in accordance with Section 66411.1 (a) of the Subdivision Map Act. The construction of said public improvements shall be required in conjunction with the future approval for development of Parcels 2 and 3, or in accordance with Section 66411.1 (b) of the Subdivision Map Act.
16. Prior to the parcel map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
17. 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 parcel map recordation; adequate monumentation bond is required prior to the final parcel map recordation.
18. Prior to the issuance of any building permits, the parcel map shall be recorded to reflect the new lot lines. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
19. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements corresponding to Parcel 1. Said improvements shall include:

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- a. Removal and reconstruction of the property driveway approach, in accordance with the City standards and the ADA requirements.
  - b. New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sections.
  - c. Installation of 2 new street lights per City standards.
  - d. Applicant/Developer shall submit an "Exemption from Undergrounding of Utilities" application to the B&S Division, for review and approval and shall join and participate in an undergrounding utility district if such district is formed pursuant to applicable law.
  - e. Reservoir Street repaving per City standards, in conjunction with all utility trenching work.
  - f. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
  - g. The existing public water and sewer improvements located onsite will remain in place.
20. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for Parcels 2 and 3. Said improvements shall include, but are not limited to, the following:
- a. Removal and reconstruction of the driveway approaches located along Grand Avenue, in accordance with the City standards and the ADA requirements.
  - b. Removal and reconstruction of the curb ramp located at the northeast corner of Reservoir Street and Grand Avenue, to comply with the ADA regulations.
  - c. New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sections.
  - d. Applicant/Developer shall submit an "Exemption from Undergrounding of Utilities" application to the B&S Division, for review and approval and shall join and participate in an undergrounding utility district if such district is formed pursuant to applicable law.
  - e. The demolition of the existing public water improvements located within the proposed Parcels 2 and 3; subsequently, the vacation of the existing water easement shall be approved by the City Council and recorded as a separate instrument.
  - f. Grind and overlay paving of the northerly half of Grand Avenue, along the property frontages, or over the entire street width depending on the required utility trenching work.

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- g. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
21. All work in the public right-of-way 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. Commerical General Liability;
  - b. Automotive Liability;
  - c. Worker's Compensation as required by the State of California; and
  - 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.

22. 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.

**SECTION 6.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

**APPROVED AND PASSED THIS 28<sup>th</sup> DAY OF SEPTEMBER, 2016**

*For*  *Carolyn Hemming*  
CAROLYN HEMMING  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

  
BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

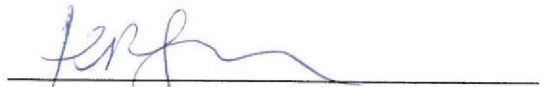
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**APPROVED AS TO FORM:**



for ANDREW JARED  
ASSISTANT CITY ATTORNEY

by Teresa Chan, Deputy City Attorney

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

AYES: Mosier, Arias, Hemming, Juarez, and Starr.

NOES: None.

ABSTAIN: Garcia.

ABSENT: Tharpe.

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 Sec. 1094.6 C.C.P."

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