

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING VARIANCE (VAR 6759-2017) TO ALLOW AN INCREASE IN DWELLING UNIT DENSITY IN CONJUNCTION WITH THE CONSTRUCTION OF TWO ATTACHED SINGLE-FAMILY UNITS ON PROPERTY LOCATED AT 1028 WEST FERNLEAF AVENUE.

WHEREAS, the applicant, Tim Law, has submitted an application for a Variance (VAR 6759-2017) to allow an increase in dwelling unit density on a property located at 1028 W. Fernleaf Ave.;

WHEREAS, the subject property is currently located within the R-2-S (Low Density Multiple Family Residential with Supplemental Overlay) zoning district;

WHEREAS, the subject site is designated as an Residential Neighborhood place type in the City's General Plan;

WHEREAS, the applicant has concurrently submitted Conditional Use Permit (CUP 3967-2016) to allow the development of two attached single-family residential units;

WHEREAS, Section .560 of the Pomona Zoning Ordinance establishes criteria for approval of a Variance;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 22, 2017 concerning Variance (VAR 6759-2017); 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. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed action to deny is exempt per Article 18 Statutory Exemption, under Section 15270 Projects Which Are Disapproved, which states that CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 2. In 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 .560 of the Zoning Ordinance, the Planning Commission must make the four findings listed below in order to grant a variance. Based upon a 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. *That there are special circumstances applicable to the property including but not limited to size, shape, location, topography or surroundings that deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The subject property is relatively flat and is rectangular in shape. There are no special circumstances applicable to the property including but not limited to the size, shape, location, topography or surroundings that deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification that would warrant the approval of a Variance.

2. *That the granting of the variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.*

The existing vacant lot is one of the few lots which remain undeveloped in the area. The Variance request is not consistent with existing development on similar properties in the vicinity due to the fact that the project is a larger building with eight bedrooms which requires additional parking.

3. *That the granting of the variance will be consistent with the provisions of any Specific Plan, or the adopted General Plan.*

The proposed Variance will allow the applicant to construct two attached single-family residences on a vacant lot. The proposed Variance is consistent with the General Plan place type of Residential Neighborhood. Furthermore, the proposed project is consistent with the following goal 6G.G6 for Residential Neighborhood place types from the General Plan:

“Ensure that new residential development is well-integrated into adjacent neighborhood street patterns and provided with pedestrian connections”

4. *That the granting of the variance will not be materially detrimental or injurious to the surrounding properties nor to the general development pattern of the neighborhood.*

The granting of the Variance for an increase in dwelling unit density will be potentially materially detrimental or injurious to the surrounding properties due to the increase in noise, traffic, and parking issues on the adjacent streets.

SECTION 4. Based upon the above findings, the Planning Commission hereby denies Variance (VAR 6759-2017).

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

APPROVED AND ADOPTED THIS 12TH DAY OF APRIL, 2017.

CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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"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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