

## **PC RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA DENYING CONDITIONAL USE PERMIT (CUP 4607-2016) FOR A FOURTEEN-UNIT CONDOMINIUM RESIDENTIAL DEVELOPMENT, ON PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.**

**WHEREAS**, the applicant, Shahram Tork, has submitted an application for Conditional Use Permit (CUP 4607-2016) to allow a fourteen-unit multiple-family residential condominium development, including the subdivision (Tentative Tract Map 4947-2016) of the subject site into fourteen condominium units. The subject site is located at 1198-1236 S. San Antonio Ave., zoned R-2-S, Low Density Multiple-Family Residential with Supplemental Use Overlay.

**WHEREAS**, a conditional use permit is required for any development on property with a "S" overlay projects, pursuant to Section .440 of the Pomona Zoning Ordinance;

**WHEREAS**, the applicant has submitted Tentative Tract Map No. 74367 (TTM 4947-2016) in conjunction with Conditional Use Permit 4607-2016;

**WHEREAS**, the subject property is on a parcel designated as "Residential Neighborhood" on the General Plan Land Use Map;

**WHEREAS**, the proposed development meets all the development standards of the R-2-S (Low Density Multiple-Family with Supplemental Overlay) zone;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 12, 2017, concerning the requested Conditional Use Permit (CUP 4607-2016); 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:

**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.** 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 five (5) findings in order to approve Conditional Use Permit (CUP 4607-2016). 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. *That the proposed use at the particular location will contribute to the general well being of the neighborhood or community.*

The proposed use of the subject site for residential development, specifically, the development of fourteen new residences at this particular location will contribute to the general well being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

2. *That such use will not, under the circumstances of the particular case be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.*

The project may be detrimental to the health, safety, peace, or general welfare of persons residing in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. The development of fourteen multiple-family residential units will likely introduce or increase noise, traffic, and other negative impacts on the subject site.

3. *That the site of the proposed use is of adequate topography, size and shaped to accommodate said use as well as all yards spaces, walls, fences, parking, loading, landscaping and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto.*

The subject sit, is relatively flat and large-sized at approximately 46,550 square feet in size. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2 zone while compatible with other uses in the vicinity.

4. *That the site abuts streets and highways are adequate in width and improvements to carry traffic generations typical of the proposed use.*

The subject site has street access directly to San Antonio Avenue, which is a collector street. Local access to the site is provided via Grand Avenue, a minor arterial and Ninth Street, a local street, located to the south and north, respectively, of the subject site along San Antonio

Avenue. San Antonio Avenue, Grand Avenue, and Ninth Street are all of adequate width and improvement to carry traffic generations typical of residential development projects.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the city and conforms to the provisions of the zoning ordinance.*

The granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the "Residential Neighborhood" place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (goal 6G.P3). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City's housing stock which the General Plan identifies as being under-supplied.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 4607-2016).

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

**DENIED AND ADOPTED THIS 12<sup>TH</sup> DAY OF APRIL, 2017.**

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CAROLYN HEMMING  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

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**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

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

AYES:  
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.

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