

PC RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
POMONA, CALIFORNIA DENYING TENTATIVE TRACT MAP 4947-2016
(TENTATIVE TRACT MAP NO. 74367) FOR CONDOMINIUM PURPOSES
ON A PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVE.**

WHEREAS, the applicant, Shahram Tork, has submitted an application for Tentative Tract Map (TTM 4947-2016) for condominium purposes at 1198-1236 S. San Antonio Avenue;

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

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

WHEREAS, the subject property is on a parcel designated as "Residential Neighborhood" and in the T-3 Transect Zone on the General Plan Land Use Map;

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 Tentative Tract Map (TTM 4947-2016); 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:

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. 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 Tentative Tract Map (TTM 4947-2016). 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 tract map is consistent with the general plan and applicable specific plan.*

The project is consistent with the General Plan place type of Residential Neighborhood in the T-3 Typical Transect Zone. Further, the T-3 Transect Zone prescribes the typical development type as:

“A variety of small scale, primarily single-family housing types as well as limited attached housing types (such as townhomes and multiplexes) that are sensitively designed and explicitly compatible with adjacent homes”

The project is an appropriate development within the area because it is under the maximum allowable height of 2.5 stories allowed in the T-3 transect zone, and the proposed development is proposed in an established single and multi-family residential properties to the north, south, east, and west of the subject site.

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

The design and improvements of the proposed subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the site, at approximately 46,550 square feet in size, the subdivision design accommodates adequate land for fourteen dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

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

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes fourteen dwelling units on property approximately

46,550 square feet in size, which results in a density of approximately 14 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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 will comply with the policies and regulations of the Pomona City Code and 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.*

The design of the subdivision and the type of improvements are not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all City standards. 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 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 denies Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367).

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

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

PC Resolution No.
Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367)
1198-1236 S. San Antonio Avenue
Page 4 of 4

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:

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.