

## **PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP 74696 (PARCELMAP 5850-2016) FOR THE CONSOLIDATION OF TWO PARCELS (APN 8348-011-024 AND 8348-011-025) TO COMPREHENSIVELY DELINEATE THE BOUNDARIES OF THE SUBJECT SITE FOR THE CONSTRUCTION OF 35 MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY THAT IS APPROXIMATELY 2.24 ACRES IN SIZE LOCATED AT 203 MYRTLE AVENUE.**

**WHEREAS**, the applicant, Stephen Pincin, has submitted an application for Tentative Tract Map 74696 (PARCELMAP 5850-2016) for the consolidation of two parcels (APN: 8348-011-024 and 8348-011-025) to comprehensively delineate the boundaries of the subject site for the construction of 35 multiple-family residential units at three stories in height on property located at 203 Myrtle Avenue (“subject site”);

**WHEREAS**, the subject site is currently located within the PCSP, in the “Urban Neighborhood Expansion Zone” and also identified as R-2-PD (Low Density Multiple-Family Residential Planned Development);

**WHEREAS**, the subject site is designated as an Urban Neighborhood place type in the T4-A transect zone by the City’s General Plan;

**WHEREAS**, the applicant has concurrently submitted Specific Plan Amendment (SPA 6114-2016) to request Urban Neighborhood Expansion Zone regulations to be applied to a property that is within Urban Neighborhood Expansion Zone, but is not contiguous with a property within the Pomona Corridors Specific Plan (PCSP) and Development Plan Review (DPR 6114-2016) to construct 35 multiple-family residential units on the subject site;

**WHEREAS**, the proposed Tentative Parcel Map 74696 (PARCELMAP 5850-2016) proposes to comprehensively delineate APN 8348-011-024 at approximately 1.24 acres in size and APN 8348-011-025, at approximately one acre in size, into one lot at 2.24 acres in size.

**WHEREAS**, Tentative Parcel Map 74696 (PARCELMAP 5850-2016), filed in conjunction with Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016), will revitalize an existing underused site which has sat vacant for many years with a development that responds to diverse community needs in terms of housing types, costs and location;

**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 the requested Tentative Parcel Map 74696 (PARCELMAP 5850-2016) and the concurrent application of a Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016);

**WHEREAS**, the applicant is requesting approval of Tentative Parcel Map 74696 (PARCELMAP 5850-2016) for the consolidation of two parcels (APN: 8348-011-024 and 8348-011-025) to comprehensively delineate the boundaries of the subject site for the construction 35 multiple-family residential units at three stories in height on property located at 203 Myrtle Avenue which both multi-family with common entry and multi-family with individual entries are allowed uses under the Pomona Corridors Specific Plan; 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 on March 22, 2017 and unanimously denied recommending that the City Council approve Tentative Parcel Map 74696 (PARCELMAP 5850-2016), filed in conjunction with Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016) because the project proposed a courtyard that is not consistent with the PCSP development standards, did not provide the public open space as required by the PCSP, proposed a gated community which is discouraged by the PCSP and General Plan, to proposed a surface parking lot – rear type that is not consistent with the PCSP, and to allow reductions the minimum off-street parking requirements;

**WHEREAS**, the applicant revised the proposed project plans to meet PCSP development standards and Tentative Parcel Map 74696 (PARCELMAP 5850-2016), filed in conjunction with Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016) was re-noticed for public hearing before the Planning Commission;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 26, 2017, concerning the requested Tentative Parcel Map 74696 (PARCELMAP 5850-2016) the concurrent application of a Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016); and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Pomona, California as follows:

**SECTION 1.** In compliance with the California Environmental Quality Act (CEQA) guidelines, staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA. 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.

**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 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 recommend City Council approval of Tentative Parcel Map 74696 (PARCELMAP 5850-2016). 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 general plan and applicable specific plan.*

The project is consistent with the General Plan place type of Urban Neighborhood in the T4-A transect zone. Furthermore, the T4-A Transect Zone prescribes the typical development type as:

*"A mix of building types compatible with medium scale multi-family housing as well as townhomes, and other smaller scale multi-family housing in locations that are adjacent to stable residential neighborhoods."*

The project is an appropriate transition to the established single-family and multiple-family residences to the north, and west, and the multiple-family residences to the west of the subject site. With the conditions of approval and development standards required of the Pomona Corridors Specific Plan, the proposed residential development will contribute to the continuing stability of the adjacent residential neighborhoods, positively affect the general welfare of the community, and improve the aesthetics of the immediate neighborhood.

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 the proposed project is a high quality new development which is designed to add value to its surrounding context. Specifically, the project will be in substantial compliance with the Pomona Corridors Specific Plan which has a set of design requirements that the project design adheres to with the exception of requested deviation from the maximum allowable building length that may be granted by the City.

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 multi-family residences with individual and common entries. Given the shape and topography of the 2.24 acre site, the consolidation of two lots into one would

accommodate adequate land for 35 multiple-family 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 35 multiple-family dwelling units on a 2.24 acre property, which results in a density of approximately 16 units per acre. This density is consistent and less than the maximum density of 70 units per acre as established within the City's General Plan.

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. Further, the subject site is currently vacant within an urban environment and not habitat to any fish or wildlife. 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 proposed project 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 other easements acquired by the public at large. The project will result in new residences and there are no records of easements acquired by the public at large, for access through the property.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby recommends City Council approval of Tentative Parcel Map 74696 (PARCELMAP 5850-2016), 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 by the Planning Commission with a recommendation the City Council approve on April 26, 2017 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 City Council 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 approval shall lapse and become void if the privilege authorized by the City Council 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 (\_\_\_\_\_). The City Council may extend this period for one year upon receipt of written request by the applicant at least thirty days before the expiration date.
3. Tentative Parcel Map 74696 (PARCELMAP 5850-2016) shall be contingent upon approval of Specific Plan Amendment (SPA 6114-2016) and Development Plan Review (DPR 6535-2016) as outlined in Section 2.0.5 of the Pomona Corridors Specific Plan.
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. The applicant shall include all conditions of approval from Tentative Tract Map 74696 (PARCELMAP 5850-2016) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
6. Approval of Tentative Tract Map 74696 (PARCELMAP 5850-2016) is strictly for the consolidation of APN 8348-011-024 and 8348-011-025 into one lot.
7. In case of violation of any of the conditions of approval, mitigation measures 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 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, mitigation measures and/or City law, including, but not limited to, revocation of the herein Tentative Parcel Map.

**LOS ANGELES COUNTY FIRE DEPARTMENT FIRE PREVENTION DIVISION –  
LAND DEVELOPMENT UNIT**

**Final Map Requirements**

8. The final map shall be submitted to our office for review and approval prior to recordation.

**Access Requirements**

9. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.
10. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
11. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Pomona, Public Works and the County of Los Angeles Fire Code.

12. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

### **Water System Requirements**

13. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
14. The required fire flow for the public fire hydrants on this residential development is **2,000** gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
15. Additional water requirements systems may determined by Fire Prevention Engineering during the Building Plan Check Phase.
16. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
17. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
18. This project will require an additional review by the Fire Prevention Engineering Unit during the Building Plan Check phase. Contact Fire Prevention Engineering at 909 620-2204 for information on submittals.

### **PUBLIC WORKS DEPARTMENT—TRANSPORTATION & DEVELOPMENT DIVISION:**

19. 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 including but not 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. 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.

**Land Development Requirements**

20. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
21. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.
22. 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.

23. Prior to the parcel map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
24. 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.
25. 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.
26. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision.
27. Prior to issuance of the building permits applicant/developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, and public safety improvements.
28. 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) Commercial General Liability;



- b) Automobile Liability;
- c) Worker's Compensation as required by the State of California;
- 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.

29. 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 5.** The Planning Commission of the City of Pomona hereby recommends City Council approval of Tentative Parcel Map 74696 for the consolidation of two parcels (APN: 8348-011-024 and 8348-011-025) to comprehensively delineate the boundaries of the subject site for the construction of 35 multiple-family residential units at three stories in height on property located at 203 Myrtle Avenue; and

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

**APPROVED AND PASSED THIS 26th 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  
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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