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Appeal of Planning Commission Action

City's Project Identification Number(s): CUP 11-002

Name of Project Applicant: Dr. Michael Agron

Project Address (Location): 804 William Street

Date of Planning Commission Action: January 25, 2017

I, the undersigned, hereby appeal the identified action of the City of Pomona Planning Commission:

☒ Denial of Project.

☐ Conditions of Approval (specify): _____

☐ Other (explain): _____

I, the undersigned, hereby appeal the action of the Planning Commission for the following reason(s)
(please be specific, add additional pages if necessary):

See Attachment.

Section 560F of the Pomona Zoning Ordinance specifies that decisions of the Planning Commission are final unless appealed in writing by the applicant or any other interested person (as defined in the Code) within 20 calendar days from the date of the action. In accordance with Chapter 29 (Subdivisions), Section 29-51. Appeals, the appeal of the Planning Commission decision to the City Council with respect to tentative maps and parcel maps shall be filed within fifteen (15) days from the date of action. The appeal shall be accompanied by a filing fee as adopted by the City Council by resolution. The appeal form shall be filed with the Pomona City Clerk's Office, 505 S. Garey Ave., Pomona, CA 91769.


Signature

Russell E. Morse, Truman & Elliott LLP

Print Name on behalf of Applicant Dr. M Agron

626 Wilshire Boulevard, Suite 550

Address

Los Angeles, California 90017

City State Zip Code

(213) 629-5300

Telephone

February 13, 2017

VIA HAND DELIVERY

Honorable Mayor Sandoval
And the Honorable Members of the
City Council of the City of Pomona
City of Pomona
200 North Spring Street, Room 272
Los Angeles, California 90012

Re: Appeal of Decision of Planning Commission (Conditional Use Permit No. CUP 11-002); 804 William Street, Pomona California

Honorable Mayor Sandoval and Honorable Members of the City Council:

On behalf of our client, Dr. Michael Agron (“Appellant”), the owner of property located at 804 William Street Pomona, California (“Property”), we appeal the January 25, 2017 decision of the City of Pomona Planning Commission in Case No. CUP 11-002.

Specifically, we appeal the denial of a conditional use permit to legalize the conversion of group care facility to an existing eleven-unit roominghouse at the Property. The roominghouse has existed at the Property for many years without incident and the proposed conditional use permit merely would legalize the existing use so it is in conformance with the City’s Zoning Ordinance.

The Planning Commission erroneously denied the conditional use permit request despite the recommended approval by Planning staff. The Property is consistent with the General Plan and, as conditioned, meets all development standards and zoning requirements for the proposed use. The Property also provides eleven units of affordable housing to low-income and, potentially, very-low income residents in the City. Approval of the conditional use permit would allow the existing eleven residents to remain the Property and promote aging-in-place.

I. Background

Appellant purchased the property in 2007. At that time, the Property was entitled as a group care facility (sober house) and had been used for different types of group living facilities for many years, but was in a state of significant disrepair. The Police were receiving as many as forty calls per year related to various incidents at the Property.

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In order to improve the Property and community, Appellant worked diligently for many years to remove problematic residents at the Property. Appellant painted the Property, resurfaced the parking area, added outdoor lighting, removed window bars, and improved the overall appearance of the Property. The Property has parking for eleven vehicles, including an accessible parking space. Currently, the Property provides housing for eleven individuals, some of whom are elderly and most of whom are low-income. The Police now receive an average of five calls per year about the Property, and received only three calls in 2016.

The building consists of eleven individual bedrooms, of which two have private bathrooms, while the other nine share common restroom facilities. None of the bedrooms contain a kitchen or cooking area. The common areas of the Property include a kitchen, a dining area, and a community room. The Property has an on-site manager who maintains the Property and is in charge of day-to-day care of the Property. Most residents stay up to one year, but many residents stay much longer.

Appellant now seeks to legalize the existing use of the Property. No construction or alteration of the Property is proposed as part of the project. The granting of the conditional use permit will not require any exterior or interior alterations and the Property complies with all other applicable housing and zoning code requirements for the Property. The Appellant will accept all reasonable conditions of approval required by the City Council.

Appellant worked cooperatively with Planning Staff over the last year to obtain the conditional use permit to legalize the existing use. Planning staff supported Appellant's use and application and recommended approval of the conditional use permit. Suddenly, a couple of adjacent neighbors opposed the project, complaining it would have an adverse effect on the neighborhood despite the fact these neighbors have never complained before nor indicated any prior issue with the use. This opposition is unfounded as almost ten years of history and accounts of neighbors indicate the use has not and will not cause an adverse impact on the neighborhood. In fact, all evidence indicates the existing use has improved the neighborhood.

II. The Findings of Facts Required to Approve the Conditional Use Permit can be Affirmatively Made.

Pursuant to Section .580.B of the Zoning Ordinance, five required findings must be made in order to grant the conditional use permit. Here, based upon consideration of the whole record all findings can be affirmatively made:

1. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The Property would continue to contribute to the general well-being of the neighborhood and community, in that the project would legalize the roominghouse to provide additional housing opportunities, including eleven affordable housing units to the community and

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rehabilitate a property. The Property has improved the neighborhood and continues to contribute to the general improvement of the neighborhood and community by rehabilitating a blighted property. Neighbors support the project and the Property provides housing to low-income residents. The aesthetic improvements to this site would contribute to the general well-being of the neighborhood in that it will preserve the scale and character of the established neighborhood with aesthetic improvements.

2. *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, as conditioned, will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity; instead, it has and will have a positive effect on the existing uses by increasing the aesthetics and the preserving the scale and character of the established neighborhood in the vicinity. The use has existed at the Property for many years without incident and has improved the health and safety of the area. The improvements to the Property including aesthetic improvements and 11 units of affordable housing have had a positive effect on the community. The Appellant has taken many steps to improve the blighted property. The proposed legalization of a roominghouse is permitted in the R-2 (Low Density Multiple Family) zone, subject to approval of a Conditional Use Permit and is compatible with the adjacent commercial uses.

3. *The site of the proposed use is of adequate topography, size and shape 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 site is of adequate topography, size and shape to accommodate the use. The project meets the applicable development standards and conditions required by the R-2 zoning district. The Property maintains adequate on-site parking and no construction is required for the existing use.

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

The traffic generated by the project will not exceed the capacity of the existing street and alley from which the subject site will take ingress/egress. The existing use has not caused an increase in traffic as most residents at the Property do not own vehicles. Further, the existing streets abutting the Property, William Street and Hamilton Street are of appropriate width to support the existing use at the Property and any vehicle trips caused by its continued use.

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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.*

Rooming houses are allowed in the R-2 Zone with approval of a conditional use permit and the use meets General Plan goals, including provisions in the Land Use and Housing Elements. The General Plan designation of the subject site is Activity Center. With the conditions of approval, the proposal to legalize the roominghouse use will provide aesthetic improvements to the property and to the preservation of the existing neighborhood. The granting of such conditional use permit will not adversely affect the General Plan and meets the following General Plan goal:

Goal 6G.G2: Preserve the scale and character of established neighborhoods.

The proposed project will preserve in place a site that has a history of being utilized as a group living facility. Approval of the conditional use permit application to legalize a roominghouse which has existed at the Property for years will not affect the scale and character of the established neighborhood. There is no new construction proposed, therefore the scale and character of the established neighborhood will remain the same.

Goal 7D.G26: Align the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand.

Most of the tenants of the proposed rooming house either do not drive or own vehicles that require parking. 11 parking spaces are required for each room per the Pomona Zoning Ordinance, and the Property maintains eleven off-street parking spaces are provided, including an accessible parking space.

Housing Element Section 10.5 Goals:

1. Conserve and improve the condition of the existing affordable housing stock.
2. Assist in the development of adequate affordable housing to meet the needs of low- and moderate-income households
3. Ensure availability of appropriately zoned and adequately served sites and continued efficient development review procedures to meet the City's housing needs
4. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, family status, physical challenges or color,

The Property provides affordable housing to eleven residents in the City. Most tenants are low-income tenants, receiving some form of federal or state assistance. In addition, some of the tenants are senior citizens as old as 75 years with the youngest tenant at 48 years old. The Property is stabilized, safe and provides independent living to promote aging-in-place.

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III. This Project Meets the Definition of a Roominghouse, Conforms with the Zoning Ordinance, and is Consistent with the General Plan

Pomona Zoning Ordinance section .062 defines a roominghouse as: “A dwelling where housing is provided to three or more individuals, pursuant to an arrangement for compensation by month or greater term, and in which rooms are not occupied by, nor meals served, to transients.” The existing use at the Property meets the definition of a roominghouse as the Property provides eleven individual rooms offered for rent, each at a term longer than one month. Rooms are not occupied by transients and meals are not provided to transients. Pursuant to Zoning Code section .580.J. roominghouses are allowed in all residential zones with approval of the conditional use permit. Accordingly, the proposed use is a permitted use with approval of a conditional use permit.

In addition, the Project is consistent with the General Plan. The General Plan designation of the subject site is Activity Center. With the conditions of approval, the proposal to legalize the roominghouse use would provide aesthetic improvements to the Property and to the preservation of the existing neighborhood. The Property has the support of many neighbors, including the local neighborhood watch. The granting of such conditional use permit will not adversely affect the General Plan and meets the following General Plan goals:

Goal 6G.G2: Preserve the scale and character of established neighborhoods.

The proposed project will preserve in place a site that has a history of being utilized as a group living facility. Approval of the conditional use permit application to legalize a roominghouse which has existed at the Property for years will not affect the scale and character of the established neighborhood. There is no new construction proposed, therefore the scale and character of the established neighborhood will remain the same. Residents will be allowed to remain the Property and age-in-place.

Goal 7D.G26: Align the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand.

Most of the tenants of the proposed rooming house either do not drive or own vehicles that require parking. 11 parking spaces are required for each room per the Pomona Zoning Ordinance, and the Property maintains eleven off-street parking spaces are provided, including an accessible parking space.

Housing Element Section 10.5 Goals:

1. Conserve and improve the condition of the existing affordable housing stock.
2. Assist in the development of adequate affordable housing to meet the needs of low- and moderate-income households

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3. Ensure availability of appropriately zoned and adequately served sites and continued efficient development review procedures to meet the City's housing needs
4. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, family status, physical challenges or color,

The Property provides affordable housing to eleven residents in the City. Most tenants are low-income tenants, receiving some form of federal or state assistance. In addition, some of the tenants are senior citizens as old as 75 years with the youngest tenant at 48 years old. The Property is stabilized, safe and provides independent living to promote aging-in-place.

IV. The Project Helps Satisfy the City's Regional Housing Needs Allocation

In 2014, the City of Pomona updated its Housing Element and approved a Regional Housing Needs Allocation ("RHNA") for the City of Pomona. In the 2014-2021 planning period, the City is required to provide 3,626 housing, including 919 very low income units, 543 low income units and 592 moderate income units. Approval of this project will help the City meet its RHNA requirement by providing very-low, low and moderate income units.

The Property provides eleven units of affordable housing in the City. As indicated above, most tenants are low-income tenants, receiving some form of federal or state assistance. In addition, some of the tenants are seniors with the balance of tenants in their 50s. The Property supports the Housing Element and the City's needs to provide additional affordable housing units. Approval of the conditional use permit would allow residents to remain the Property and age-in-place.

V. Denial of the Project Violates the Housing Accountability Act

The Housing Accountability Act, codified in Government Code section 65589.5, was passed to by the State Legislature to ensure a local government does not reject or make infeasible housing development projects that contribute to meeting the affordable housing needs without a thorough analysis of the economic, social, and environmental effects of the action. Pursuant to section 65589.5, subdivision (d), local agencies may not disapprove or conditionally approve an affordable housing project in a manner that renders it infeasible unless it makes one of five specified written findings based upon substantial evidence in the record. The specified criteria are not easily met and are intended to further the important goal of providing affordable housing. As this project provides eleven units of affordable housing, and is consistent with the Pomona General Plan, the City should support the project and the provision of additional stable affordable housing units.

For the reasons above, we respectfully request that the Pomona City Council set the appeal for public hearing, grant the appeal, overturn the decision of the Planning Commission in this case and approve the conditional use permit. The roominghouse use at the Property has

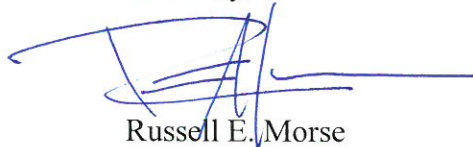
TRUMAN & ELLIOTT LLP

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existed without incident for many years, is located at a unique property that can sustain the use, and has vastly improved the area.

Our client reserves the right to further supplement its asserted grounds for appeal in the future and requests the City promptly notify our office of any date set for an appeal hearing in this matter. If you have any questions, please do not hesitate to contact me at (213) 629-5300.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell E. Morse", with a stylized flourish extending to the left.

Russell E. Morse
TRUMAN & ELLIOTT LLP

March 17, 2017

VIA E-MAIL & U.S. MAIL

Honorable Mayor Sandoval
and the Honorable Members of the
City Council of the City of Pomona
City of Pomona
200 North Spring Street, Room 272
Los Angeles, California 90012

Re: Amendment to Appeal of the Decision of Planning Commission (Conditional
Use Permit No. CUP 11-002); 804 William Street, Pomona California

Honorable Mayor Sandoval and Honorable Members of the City Council:

On behalf of our client, Dr. Michael Agron (“Appellant”), the owner of property located at 804 William Street Pomona, California (“Property”), we hereby amend our February 13, 2017 appeal of the January 25, 2017 decision of the City of Pomona Planning Commission in Case No. CUP 11-002 to address the Planning Commission’s adoption of findings on March 8, 2017 to support its denial of CUP 11-002.

Ignoring the recommendation of approval by Planning Staff, the Planning Commission erroneously denied the conditional use permit to allow the continued use and maintenance of an eleven-unit roominghouse at the Property. The Property is consistent with the General Plan and, as conditioned, meets all development standards and zoning requirements for the proposed use. The Property also provides eleven units of affordable housing to low-income and very-low income residents in the City. Approval of the conditional use permit would allow the existing eleven residents to remain the Property and promote aging-in-place.

I. Background

As indicated in our appeal letter dated February 13, 2017, after purchasing the Property in 2007, Appellant worked diligently for many years to improve the neglected property by, among other things, removing problematic residents at the Property, painting the building, resurfacing the parking area, adding outdoor lighting, removing window bars, and improving the overall appearance of the Property. The Property has parking for eleven vehicles, including an accessible parking space. Currently, the Property provides housing for eleven individuals, some of whom are elderly and most of whom are low-income.

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The building consists of eleven individual bedrooms, of which two have private bathrooms, while the other nine share common restroom facilities. None of the bedrooms contain a kitchen or cooking area. The common areas of the Property include a kitchen, a dining area, and a community room. The Property has an on-site manager who is responsible for leasing and pre-screening of potential tenants as well as maintaining the Property on a day-to-day basis. Most residents stay at the Property for at least one year, but many residents stay much longer. Due to the small size of the units and lack of individual amenities, the units stand as de facto affordable housing for those in serious need of such housing; particularly in light of the severe shortage of affordable housing in Los Angeles County. According to the California Housing Partnership Corporation report, the lack of affordable housing in Los Angeles County has reached a shortage of almost 500,000 units. Further, rents in Los Angeles County are high and rising. (See attached CHPC Report.) Accordingly, the Property serves to meet both local City affordable housing needs but also contributes towards meeting Los Angeles County goals for making housing more affordable for everyone. Denial of the conditional use permit would essentially remove eleven affordable housing units from the market and result in the loss of affordable housing for at least eleven Pomona residents.

Prior to the Planning Commission hearing, Appellant worked cooperatively with Planning Staff for many months to obtain the conditional use permit to allow the existing use to continue. Planning staff supported the use and application and recommended approval of the conditional use permit. However, at the Planning Commission hearing, a couple of adjacent neighbors opposed the existing and proposed use, for the first time, and complained, without providing substantial evidence, that it would have an adverse effect on the neighborhood. These opinions and unsubstantiated allegations are unsupported by fact as almost ten years of history and accounts of neighbors indicate the use has not and will not cause an adverse impact on the neighborhood. To the contrary, substantial evidence in the record indicates the existing use has improved the neighborhood.

I. The Findings of Facts for Denial of the Conditional Use Permit are not Based on the Evidence.

The findings of fact adopted by the Planning Commission are either unsupported by evidence or based on incorrect conclusions, assumptions and presumptions. Findings must be legally relevant subconclusions which show the agency's methodology of analysis of facts, regulations, and policies, and which **bridge the analytical gap between raw data and ultimate decision.** (*Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506.) (Emphasis added.) Here, the findings adopted by the Planning Commission are conclusory and unsupported by evidence in the record. Pursuant to Section .580.B of the Zoning Ordinance, based upon consideration of the whole record, all required findings can be made.

1. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The finding adopted by the Planning Commission is conclusory and unsupported by evidence of any detrimental effect on the neighborhood.

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To the contrary, the existing and proposed use on the Property would continue to contribute to the general well-being of the neighborhood and community by allowing the continued use and maintenance of the eleven-unit roominghouse, which provides additional housing opportunities, including eleven affordable housing units, to the community. The Applicant's improvements to the Property have improved the neighborhood and continue to contribute to the general improvement of the neighborhood and community by rehabilitating a previously blighted and unsafe property. Most neighbors support the project and the roominghouse use and the Property provides housing to low-income residents. Many of the residents living at the Property would not be able to afford rental housing without the unique housing opportunity provided by the Property.

2. *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 finding adopted by the Planning Commission is unsupported by evidence of any detrimental effect on the neighborhood. The use, which has existed for many years on the Property, has and will continue to have a positive effect on the neighborhood as Appellant has transformed the Property from blight and unsafe to a functioning and safe multi-family use with numerous improvements made to the Property. The building at the Property is consistent with the scale and character of the neighborhood. The Appellant has taken many steps to improve the Property, including painting the residence at the Property, resurfacing the parking area, adding outdoor lighting, removing window bars, and improving the overall appearance of the Property. Neighbors support the use and the Property provides housing to low-income residents. The proposed legalization of a roominghouse is permitted in the R-2 (Low Density Multiple Family) zone, subject to approval of a Conditional Use Permit and is compatible with the adjacent commercial uses.

3. *The site of the proposed use is of adequate topography, size and shape 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 finding adopted by the Planning Commission is unsupported by the evidence. As provided by Planning Staff in its Staff Report, the parking on-site is legally non-conforming. However, from an operational perspective, most tenants do not own a vehicle and therefore the demand for parking is significantly less than the parking spaces provided. All other development standards have been met.

The site is of adequate topography, size and shape to accommodate the use. The Property is comprised of standard size, flat lots which can adequately support the residence and parking area at the Property. The existing and proposed use meets the applicable development standards and conditions required by the R-2 zoning district. No construction is sought or required for the conditional use permit use.

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

The finding adopted by the Planning Commission is unsupported by the evidence.

As discussed in the Staff Report presented to the Planning Commission, the traffic generated by the existing and proposed use on the Property will not exceed the capacity of the existing street (Hamilton Boulevard) and alley used for ingress/egress to and from the Property. The existing use has not caused an increase in traffic as most residents at the Property do not own vehicles. Further, the existing streets abutting the Property, William Street and Hamilton Street, are of appropriate width to support the existing use at the Property. No additional access to off-street parking is required due to the very low number of trips caused by the existing uses at the Property.

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 finding adopted by the Planning Commission is unsupported by the evidence. Although the Project site is designated as an “Activity Center” in the General Plan, the Project site is zoned R-2, for low density residential uses, which allows roominghouses with a conditional use permit. The R-2 zone is consistent with the Activity Center designation, however, no retail or shopping uses are allowed in the R-2 zone.

Further, the granting of such conditional use permit will not adversely affect the General Plan and meets the following General Plan goals:

Goal 6G.G2: *Preserve the scale and character of established neighborhoods.*

Approval of the conditional use permit application to allow the continued use of a roominghouse which has existed at the Property for years will not affect the scale and character of the established neighborhood. There is no new construction proposed; therefore, the scale and character of the established neighborhood will remain the same. The Appellant has vastly improved the aesthetics and quality of the building at the Property by, among other things, painting the residence at the Property, resurfacing the parking area, adding outdoor lighting, removing window bars.

Goal 7D.G26: *Align the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand.*

Most of the tenants of the proposed roominghouse neither drive nor own vehicles that require parking. One parking space is required for each room per the Pomona Zoning Ordinance, and the Property maintains sufficient off-street parking spaces, including an accessible parking space. Planning Staff has determined the parking is legally non-conforming and from an operational standpoint, eleven parking spaces are not required.

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Housing Element Section 10.5 Goals:

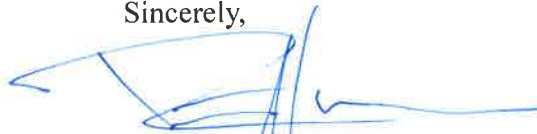
1. Conserve and improve the condition of the existing affordable housing stock.
2. Assist in the development of adequate affordable housing to meet the needs of low- and moderate-income households.
3. Ensure availability of appropriately zoned and adequately served sites and continued efficient development review procedures to meet the City's housing needs.
4. Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, family status, physical challenges or color.

The Property provides affordable housing to eleven residents in the City. Most tenants are low-income tenants, receiving some form of federal or state assistance. In addition, some of the tenants are senior citizens as old as 75 years old. The Property is stabilized, safe and provides independent living to promote aging-in-place.

For the reasons above, we respectfully request that the Pomona City Council set the appeal for public hearing, grant the appeal, overturn the decision of the Planning Commission in this case, and approve the conditional use permit. The roominghouse use at the Property has existed without incident for many years, is located at a unique property that can sustain the use, and has vastly improved the Property and the surrounding area.

Our client requests the City promptly notify our office of the date set for an appeal hearing in this matter. If you have any questions, please do not hesitate to contact me at (213) 629-5300.

Sincerely,



Russell E. Morse
TRUMAN & ELLIOTT LLP

Enclosure

cc: Brad Johnson, City of Pomona Planning Manager
Teresa Chen, Esq., City Attorney

HOW LOS ANGELES COUNTY'S HOUSING MARKET IS FAILING TO MEET THE NEEDS OF LOW-INCOME FAMILIES

RECOMMENDATIONS TO THE LEADERS OF THE STATE OF CALIFORNIA AND LOS ANGELES COUNTY

Los Angeles County has the largest shortfall of homes affordable to low-income families in California. Many of those families live in unhealthy or unsafe conditions, crowd multiple people into each room, and still pay more than 50 percent of their income on rent. Many others are homeless. The following report describes the magnitude of the shortfall, highlights those who are affected by cuts to housing programs, and recommends local policy solutions to help mitigate the impact of Los Angeles County's affordable housing crisis.

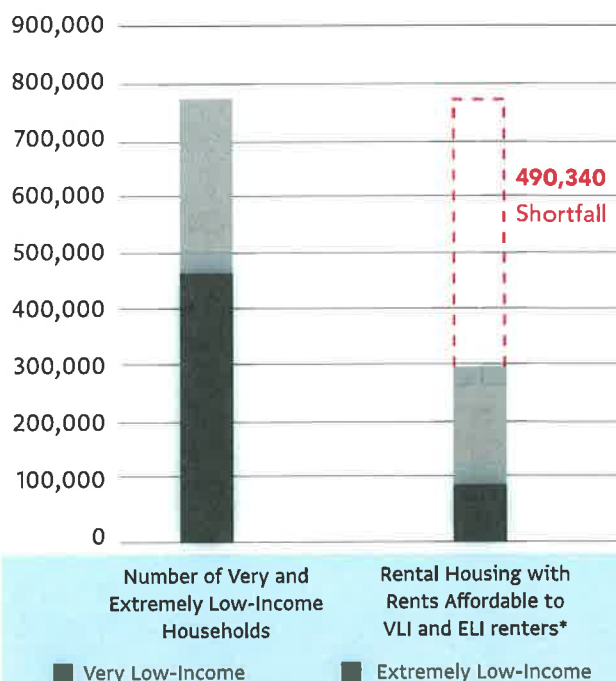
KEY ELEMENTS OF LOS ANGELES COUNTY'S AFFORDABLE HOUSING MARKET FAILURE:

- There is a **shortfall of 490,340 homes** affordable and available to Los Angeles County's very low-income and extremely low-income households.
- **Median rents in Los Angeles County increased by 25% between 2000 and 2012**, while the median income declined by 9%.
- There are currently **39,400 men, women and children facing homelessness** in LA County, and one in nine homeless people is a veteran.¹
- Los Angeles County has **seven of the ten zip codes with the worst housing overcrowding in the nation** and 64 zip codes that are in the worst half percent for housing overcrowding.²

91% of Los Angeles County's very low-income renter households pay more than 30% of income in rent.

SOURCE: NLIHC Analysis of 2012 PUMS data

FIGURE 1: SHORTFALL OF AFFORDABLE AND AVAILABLE HOMES IN LOS ANGELES COUNTY



*Not all units with rents affordable to low-income households are occupied by low income households.

SOURCE: NLIHC Analysis of 2006-2010 CHAS data

THE HOUSING MARKET HAS FAILED TO MEET THE NEEDS OF AN ENTIRE SEGMENT OF LOS ANGELES COUNTY'S POPULATION

Rent is considered affordable when it consumes no more than 30 percent of household income. In Los Angeles County there are homes with affordable rents for only two out of ten extremely low-income (ELI) renter households—those earning 30 percent or less of their metro area's median income. The county is home to 465,985 ELI renter households.³ Very low-income (VLI) households, those who earn up to half of their area's median income, fair only slightly better: there are homes with affordable rents for fewer than four out of every ten VLI households in the county.

More than 50 percent of ELI households are elderly or disabled, while VLI households are more likely to include low-wage workers.⁴ In fact, there are 996,505 workers in Los Angeles County earning less than half the county's median income. TABLE 1 provides examples of working VLI adults in the county. They earn far less than the income required to afford the fair market rent on a two-bedroom apartment.

While proposals to increase the state minimum wage would certainly help, a few more dollars an hour will not be enough to reduce the affordability burden.

TABLE 1: WHO IS BEING LEFT OUT OF THE LOS ANGELES HOUSING MARKET?

HUD 50% of Area Median Income (AMI) in Los Angeles County for a three person household: \$37,950
Total workers earning < 3 person 50% AMI: 996,505

Salary needed to afford Fair Market Rent: \$55,920

JOB CATEGORY	MEDIAN INCOME IN LA
Secretaries	\$36,310
Medical Assistants	\$32,080
Preschool Teachers	\$29,360
EMTs & Paramedics	\$25,570
Retail Salespersons	\$21,080
Waiters/Waitresses	\$18,690

SOURCES: See Endnote 5

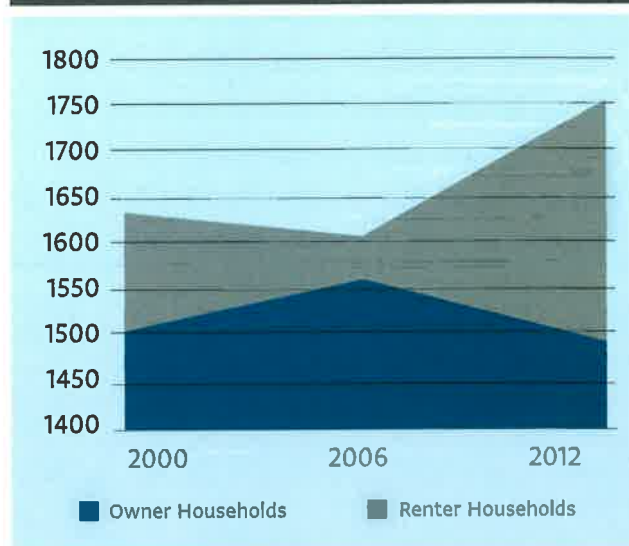
RENTS ARE HIGH AND RISING, ESPECIALLY IN RELATION TO STAGNANT OR DECLINING INCOMES

Rents in Los Angeles County are high and have remained so in spite of the Great Recession. According to a report produced by the Public Policy Institute of California, Los Angeles County is one of the most expensive metropolitan rental markets in the United States.⁶ Census data shows that inflation-adjusted median household income in LA County in 2012 was more than nine percent lower than it was in 2000. However, the inflation-adjusted median rent was 25 percent higher. FIGURE 3 shows the imbalance between the growth in median rents and the decline in median income since 2000.

Together, stagnant wages and steeply increasing housing costs have pushed many low-income households' budgets to the breaking point. According to the California Poverty Measure, the poverty rate in Los Angeles County is 27 percent, five percent higher than the poverty rate in California as a whole.⁷

Rents increase in response to demand. **More than 143,000 new renter households have entered the Los Angeles market since 2006**,⁸ many because of displacement during the foreclosure crisis.

FIGURE 2: CHANGE IN OWNER AND RENTER HOUSEHOLDS (in thousands)



SOURCES: 2000 Census, 2006 1-year ACS, 2012 1-year ACS



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: January 25, 2017

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: CONDITIONAL USE PERMIT (CUP 11-002):

Conditional Use Permit request for a proposal to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot property located at 804 William Street in the R-2 (Low Density Multiple Family Residential) zoning district.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution (Attachment 1) approving Conditional Use Permit (CUP 11-002), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location:	804 William Street
APN Information:	8357-012-046
Project Applicant:	Michael S. Agron
Property Owner:	Michael S. Agron
CC District:	District # 1
Historic/CBD:	Not applicable
Specific Plan:	Not applicable

PROJECT DESCRIPTION AND BACKGROUND

This case was initially scheduled for the July 11, 2012 Planning Commission meeting. At the request of the applicant, the case was continued to a date uncertain. It was not until recently that Planning staff received communication from the applicant to move the case forward and reschedule the public hearing for the Conditional Use Permit. The Conditional Use Permit was scheduled accordingly to the January 25, 2017 Planning Commission meeting.

The applicant, Mr. Michael Agron, is proposing to legalize the conversion of a group care facility to an eleven unit roominghouse, located at 804 William Street. The subject site is on the southwest

corner of William Street and Hamilton Road. The applicant currently rents out 11 rooms to individual tenants.

The subject site is an approximately 16,600 square foot lot, developed with a 4,837 square foot residential building. The western portion of the lot is developed with a surface parking lot that takes access from the alley at the southern portion of the property, via Hamilton Boulevard. There are a total of 10 off-street parking spaces provided on the subject site. There is a small, detached laundry room located in the parking area. There is a one bedroom apartment and a studio, each unit with a restroom included. The remaining nine rooms are single bedrooms with shared restrooms. There are common areas, such as a kitchen, dining area, and community room. A roominghouse is defined as *a dwelling where housing is provided to three or more individuals, pursuant to an arrangement for compensation by month or greater term, and in which rooms are not occupied by, nor meals served, to transients.*

The current property owner purchased the property in 2007, and utilized the property as a roominghouse. The property owner was been cited by the Code Enforcement Division for operating a roominghouse without City approval. Recent records show that calls for service to the roominghouse have significantly dropped under the current property management.

The subject site has historically housed group living facilities. The front portion of the structure was originally constructed as a single-family residence in 1890 and subsequently remodeled in 1926. Building permit records indicate that an addition was constructed in 1948 to allow five additional patient rooms for a rest home. In 1972, a Certificate of Occupancy was issued to convert the property from a “sanitarium” to a “residence” in conjunction with a permit to demolish an existing single family residence and install a surface parking lot of the western portion of the property. In 1989, a Certificate of Occupancy was issued for the structure to be converted from “Communal living and convalescent care” to a “Temporary Shelter for Women and Children”. At the time of the applicant’s purchase of the property, it was staff’s assessment that the operation of group living facility, now roominghouse had continuously operated on the subject site without an active business license. Therefore, the unpermitted current operation of the roominghouse is not recognized as a legal non-conforming use and subject to a Conditional Use Permit in order to legalize the current roominghouse operations on the subject site.

Applicable Code Sections

Pursuant to the Zoning Ordinance, Section .580, pertaining to Conditional Use Permits, requires a Conditional Use Permit for a roominghouse in the R-2 (Single-Family Residential) zone.

Surrounding Land Use Information

The properties that surround the subject site are single-family residential uses and an automobile repair garage. The following table summarizes the surrounding land uses, zoning and general plan designations.

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	Existing Residential Structure	R-2 (Low Density Multiple Family Residential)	Activity Center
North	Single Family Residence	R-2 (Low Density Multiple Family Residential)	Residential Neighborhood
South	Automobile repair garage	Pomona Corridors Specific Plan, Neighborhood Center	Activity Center
West	Single Family Residence	R-2 (Low Density Multiple Family Residential)	Residential Neighborhood
East	Single Family Residence	R-2 (Low Density Multiple Family Residential)	Activity Center

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The project site is zoned R-2 (Low Density Multiple-Family Residential) and is subject to the development standards of the zoning district. Staff has evaluated the project site and determined that it is in compliance with the minimum applicable development standards of the R-2 zone with the exception of existing legal nonconforming side yard building setback and off-street parking requirements. The following tables summarize the required development standards applicable to the proposed project site:

Development Standards

Development Standards	R-2 Requirements (R-1-10,000 standards, based on type of development)	Existing Structure (Proposed legalization of Roominghouse)	Compliance Determination
Front Yard	25' min.	25' 1"	Yes
Street Side Yard – East	15' min.	2'5"to 26'	Yes*
Side Yard – South	5' min.	49'	Yes
Rear Yard	25' min.	0' (building at alley)	Yes*
Height	2 Stories or 40' max.	2 stories	Yes
Off-street Parking	1 space per room/unit	11 spaces	No*

***Existing condition is deemed to be legal non-conforming**

ISSUES ANALYSIS

Issue 1: General Plan Consistency

The General Plan, adopted in 2014, designates the subject site as Activity Center. It is staff's assessment that the proposed project conforms to General Plan as described below:

Goal 6G.G2: *Preserve the scale and character of established neighborhoods.* The proposed project will preserve in place a site that has a history of being utilized as a group living facility. Approval of the Conditional Use Permit application to legalize a rooming house because an active business license was not obtained by previous operators will not affect the scale and character of the established neighborhood. There is no new construction proposed, therefore the scale and character of the established neighborhood will remain the same.

Goal 7D.G26: *Align the amount of parking available and the amount of parking provided by new development with the real pattern of anticipated parking demand.* Staff's observation during site visits and also from the applicant is that the tenants of the proposed rooming house either do not drive or own vehicles that require parking. Although 11 parking spaces are required for each room per the Pomona Zoning Ordinance, the existing 10 off-street parking spaces provided are sufficient per staff's observation.

Issue 2: Zoning Ordinance Compliance

The proposal to legalize the roominghouse is in compliance with the site zoning of R-2 (Single-Family Residential). A Conditional Use Permit is required for a roominghouse in the R-2

(Single Family-Residential) zone. The proposed project meets all applicable standards and conforms to the Zoning Ordinance and the Conditional Use Permit (CUP 11-002) is conditioned to ensure that the roominghouse will not create negative impacts to the surrounding area.

Issue 3: Land Use Compatibility/Neighborhood Context

The proposed use will not have a significant impact on the surrounding neighborhood, in that the roominghouse is consistent with the zoning designation and compatible with the surrounding uses. The proposed off-street parking for the roominghouse is currently accessed through the existing alley at the rear of the property.

The facility over recent years has attracted crime and drug related activities. The Conditional Use Permit submittal is the result of Code Enforcement action. The current property manager has worked with the Pomona Police Department and the California Department of Corrections to evict problem tenants and prevent loitering and crime committed by former residents and non-residents of the facility. As a result, the property has been vastly improved and numerous additional upgrades and improvements are proposed as a part of the project. Staff has worked with the applicant to propose conditions of approval that will improve the aesthetics of the site while improving the security for the facility. Police calls for service have been substantially reduced.

Issue 4: Property Condition

The property was neglected over the years, however, the current property owner has taken steps to clean up the property, including:

- Re-painting of the existing structures;
- Reducing the height of wrought-iron bars enclosing the 2nd story balcony;
- Upgrade of exterior lighting fixtures;
- Removal of bars on windows (with exception of alley-facing windows);
- Removal of ancillary and non-operational exterior equipment mounted to structures;
- Removal of window mounted A/C units; and
- Re-slurry and re-striping of parking lot.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff determined that the project is Categorically Exempt under Section 15301, Class 1 (Existing Facilities) of CEQA, in that the proposed project involves the permitting and minor alteration of an existing private structure involving negligible or no expansion of use.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin and was sent to all property owners and occupants of surrounding properties within a 400-foot radius of the subject site on June 28, 2012 and on January 11, 2017 (Attachment 5). As of the date of this staff report, staff had received an inquiry related to the population that the roominghouse intends to serve.

CONCLUSION

The proposal to legalize a roominghouse is consistent with the Activity Center place type described in the City's General Plan and meets all applicable development standards of the Pomona Zoning Ordinance. Based on analysis of the issues, the proposal to legalize the roominghouse as conditioned, will improve a dilapidated site, will be compatible with the adjacent land uses and will minimize negative impacts to the surrounding area.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit (CUP 11-002), subject to conditions.

Respectfully Submitted:



Brad Johnson
Development Services Manager

Prepared By:



Nancy Lee
Associate Planner

PC ATTACHMENTS:

- 1) Draft PC Resolution for CUP 11-002
- 2) Vicinity Map/Aerial Photograph
- 3) Site Photographs
- 4) Project Plan Reductions (8 ½" x 11")
- 5) Public Hearing Notice & 400-foot Radius Map
- 6) Full size plans (24" x 36")

\\STORAGE\CH-Depts\Planning\Master Planning\PLANNING COMMISSION\Staff Reports\Conditional Use Permit\804 William St - Roominghouse (CUP 11-002 _continued 1-25-17).doc

ATTACHMENT 1

DRAFT RESOLUTION FOR CUP 11-002

804 William Street Vicinity Map



Project Location



804 William Street
Aerial Photograph
(Google Map)





**Existing structure
(corner of William St
and Hamilton Blvd)**

1-19-17





William Street frontage

1-19-17



William Street view

**Rear of property along
alley**



**Gate at rear of parking lot area
1-19-17**



Parking Lot



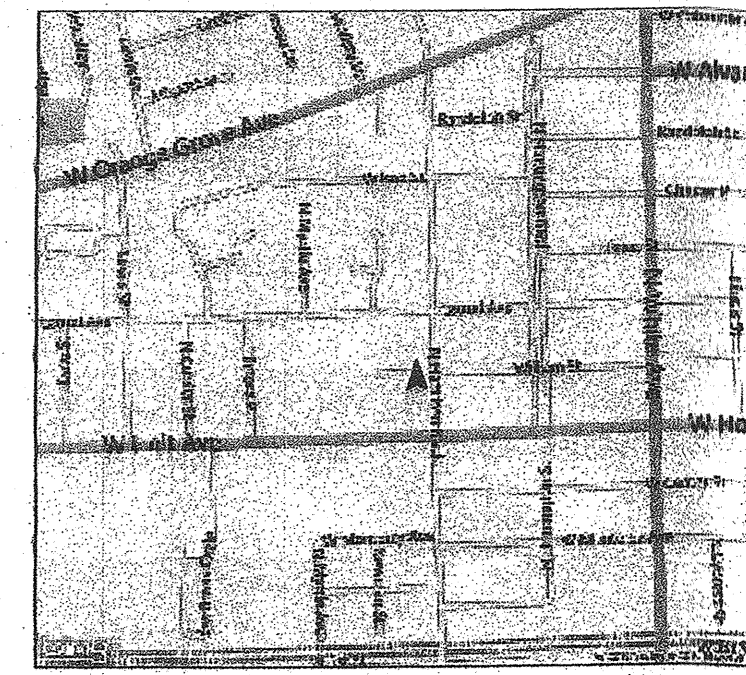


Hamilton Boulevard frontage along alley

1-19-17



Hamilton Boulevard frontage



VICINITY MAP SCALE: NO SCALE

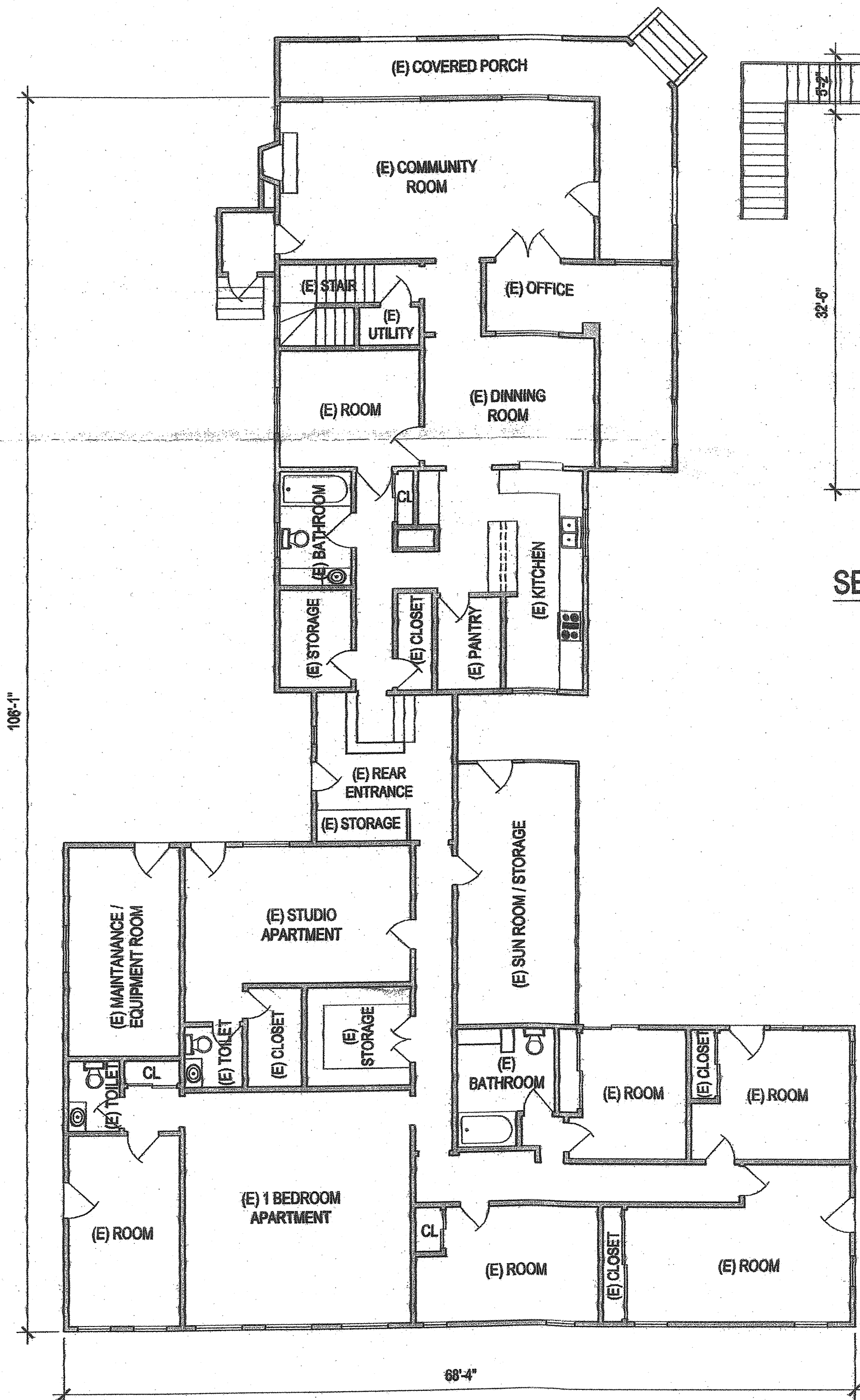
PROJECT INFORMATION

OWNER: MICHAEL S. AGRON
ADDRESS: P.O. BOX 210
POMONA, CA. 91769

APPLICANT: MICHAEL S. AGRON
SITE ADDRESS: 804 WILLIAM ST.
POMONA, CA. 91768

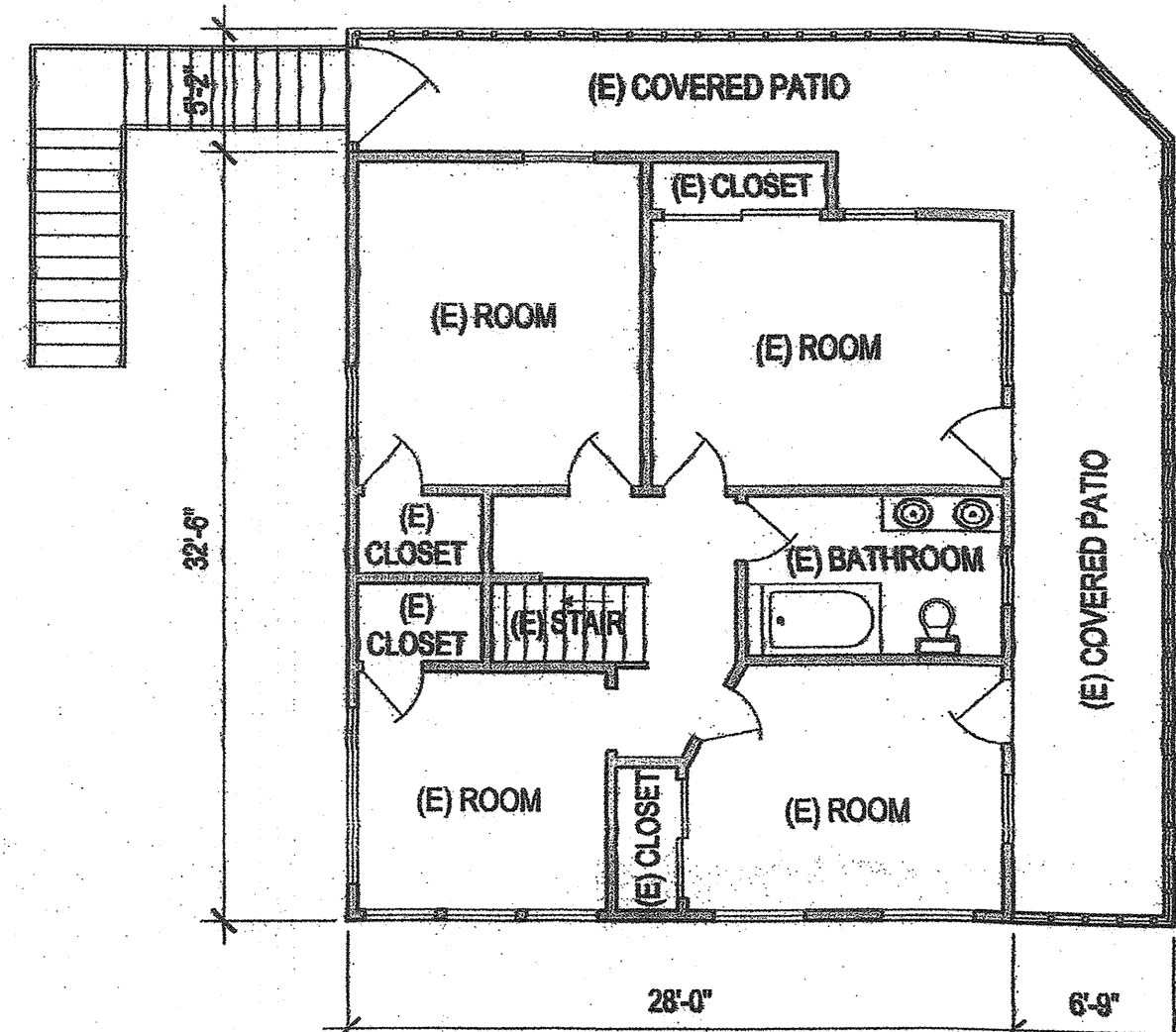
APN: 8367-012-046
LEGAL DESCRIPTION: TRACT NO 383
(EX OF STS) LOT 11 & ALL OF LOT 12
LOT: 11
LOT SIZE: 120' X 141'
LOT AREA: 16,920 SQ. FT.

EX. BUILDING AREA: 6,065 SQ. FT.
(11 ROOMS)
FIRST FLOOR = 3,840 SQ. FT.
SECOND FLOOR = 890 SQ. FT.
SUNROOM / STORAGE = 240 SQ. FT.
MAINTENANCE ROOM = 180 SQ. FT.
LAUNDRY ROOM = 250 SQ. FT.
SECOND FLOOR PATIO = 400 SQ. FT.
FIRST FLOOR PATIO = 265 SQ. FT.
OPEN SPACE:
FENCED YARD AREA = 2,450 SQ. FT.
CONCC. PATIO AREA = 875 SQ. FT.
PARKING:
9-9' X 18' STALLS



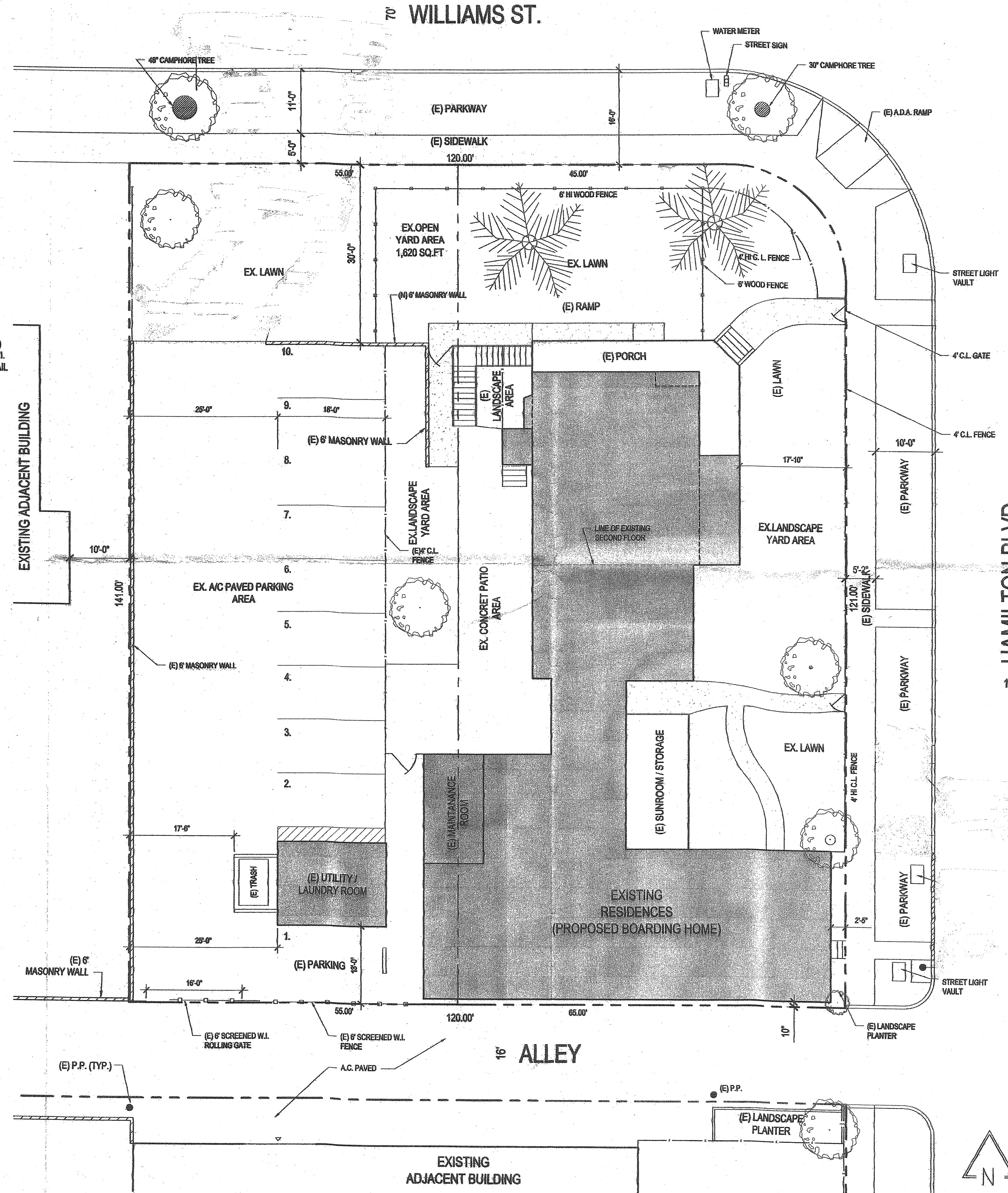
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



SITE PLAN

SCALE: 1" = 10'-0"

NOTE: THIS PLAN IS NOT A SURVEY OF LAND AND IS A DIAGRAM FOR INFORMATION ONLY AND IS DEEMED TO BE ACCURATE FOR THE PURPOSES INTENDED. ALL INFORMATION AND PHYSICAL MONUMENTS SHOWN ON THE SITE PLAN ARE BY FIELD MEASURE AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.

Revisions
By

JOE MORENO
(626) 360-5944
OWNERSHIP / OCCUPANTS LIST - RADIUS MAPS - LAND USE
PLANS - MUNICIPAL COMPLIANCE CONSULTING
12106 LAMBERT AVE ELM MONT. CA 91732 - FAX (626) 950-1632

SITE PLAN
&
FLOOR PLAN

PROPOSED BOARDING HOME
804 WILLIAM ST.
POMONA, CA. 91768
MICHAEL S. AGRON

Date: 5/11/11
Scale: AS NOTED
Drawn: MORENO
Job:
Sheet: A1

DECLARATION OF MAILING

I, Maria Jaramillo, say that on the 12th of January 2017 a copy of the notice attached hereto was mailed to each of the persons whose name and address appears on the attached list. Said mailing was done at Pomona City Hall, Planning Division, located at 505 South Garey Avenue, Pomona, California.

Address: 804 William Street

Project: Conditional Use Permit (CUP 11-002)

Meeting Date: P.C. Public Hearing – January 25, 2017

I declare, under penalty of perjury, that the foregoing is true and correct.


Executed at Pomona, California on January 12, 2017.

NOTICE OF PUBLIC HEARING

Project Title: Conditional Use Permit (CUP 11-002)

Project Applicant: Michael Agron

Project Location: 804 William Street

Project Description: A Conditional Use Permit to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot parcel in the R-2 (Low Density Multiple-Family Residential) zone.

Lead Agency: City of Pomona, Development Services Department, Planning Division.

Public Hearing Date & Location/Time: The public hearing is scheduled for **Wednesday, January 25, 2017 at 7:00 p.m.** in the City of Pomona City Council Chambers located at 505 S. Garey Avenue in the City of Pomona.

Environmental Review

Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In compliance with Article 19, Section 15301 (Class 1 – Existing Facilities), the proposed project described above hereby meets the guidelines for a Categorical Exemption. Therefore, no further environmental review is required. The Categorical Exemption will be considered by the Planning Commission at the public hearing for this project scheduled for January 25, 2017.

Public Hearing Notice

Any interested individual may appear in person or by agent at the Planning Commission hearing and be heard on any matter relevant to such proceedings. The staff report on this matter will be available in the Planning Division on or about January 19, 2017. Please call the Planning Division at (909) 620-2191 with any questions you may have regarding this matter.

PLEASE NOTE: If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pomona, Planning Division at, or prior to, the public hearing.

Para Informacion en Espanol, llame (909) 620-2191.

Date: January 11, 2017



Brad Johnson
Development Services Manager

Publication Date: January 16, 2017

Eva Buice
City Clerk, City of Pomona

More Services

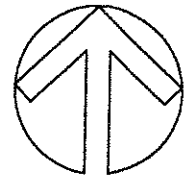
SUE MORENO
(626) 350-5944

OWNERSHIP / OCCUPANTS LIST
RADIUS MAPS - LAND USE - PLANS
MUNICIPAL COMPLIANCE CONSULTING

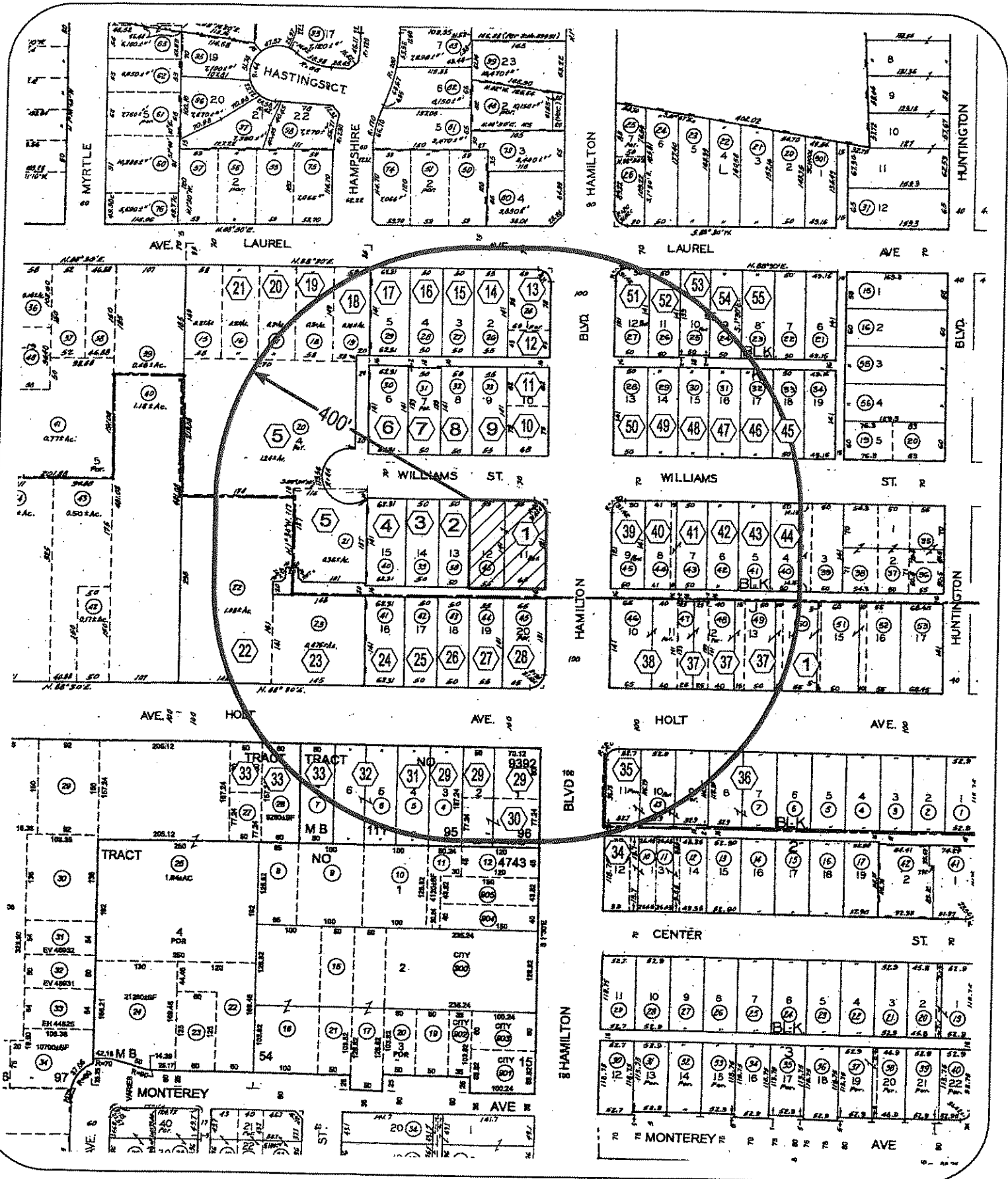
12106 LAMBERT AVE. EL MONTE, CA 91732 - FAX (626) 350-1532

PROJECT INFORMATION

804 WILLIAM ST.
POMONA, CA.
10-295



SCALE 1" = 200'



NOTICE OF PUBLIC HEARING

Project Title: Conditional Use Permit (CUP 11-002)

Project Applicant: Michael Agron

Project Location: 804 William Street

Project Description: A Conditional Use Permit to legalize the conversion of a group care facility to a ten unit roominghouse on a 16,600 square foot in the R-2 (Low Density Multiple-Family Residential) zone.

Lead Agency: City of Pomona, Community Development Department, Planning Division.

Public Hearing Date & Location/Time: The public hearing is scheduled for Wednesday, July 11, 2012 at 7:00 p.m. in the City of Pomona City Council Chambers located at 505 S. Garey Avenue in the City of Pomona.

Environmental Review

Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In compliance with Article 19, Section 15301 (Class 1 – Existing Facilities), the proposed project described above hereby meets the guidelines for a Categorical Exemption. Therefore, no further environmental review is required. The Categorical Exemption will be considered by the Planning Commission at the public hearing for this project scheduled for July 11, 2012.

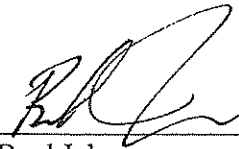
Public Hearing Notice

Any interested individual may appear in person or by agent at the Planning Commission hearing and be heard on any matter relevant to such proceedings. The staff report on this matter will be available in the Planning Division on or about July 5, 2012. Please call the Planning Division at (909) 620-2191 with any questions you may have regarding this matter.

PLEASE NOTE: If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pomona, Planning Division at, or prior to, the public hearing.

Para Informacion en Espanol, llame (909) 620-2191.

Date: June 25, 2012



Brad Johnson
Planning Manager

Publication Date: June 28, 2012

MARIE MICHEL MACIAS, CMC
City Clerk, City of Pomona

More Services

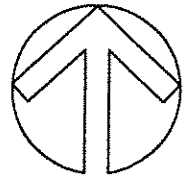
SUE MORENO
(626) 350-5944

OWNERSHIP / OCCUPANTS LIST
RADIUS MAPS - LAND USE - PLANS
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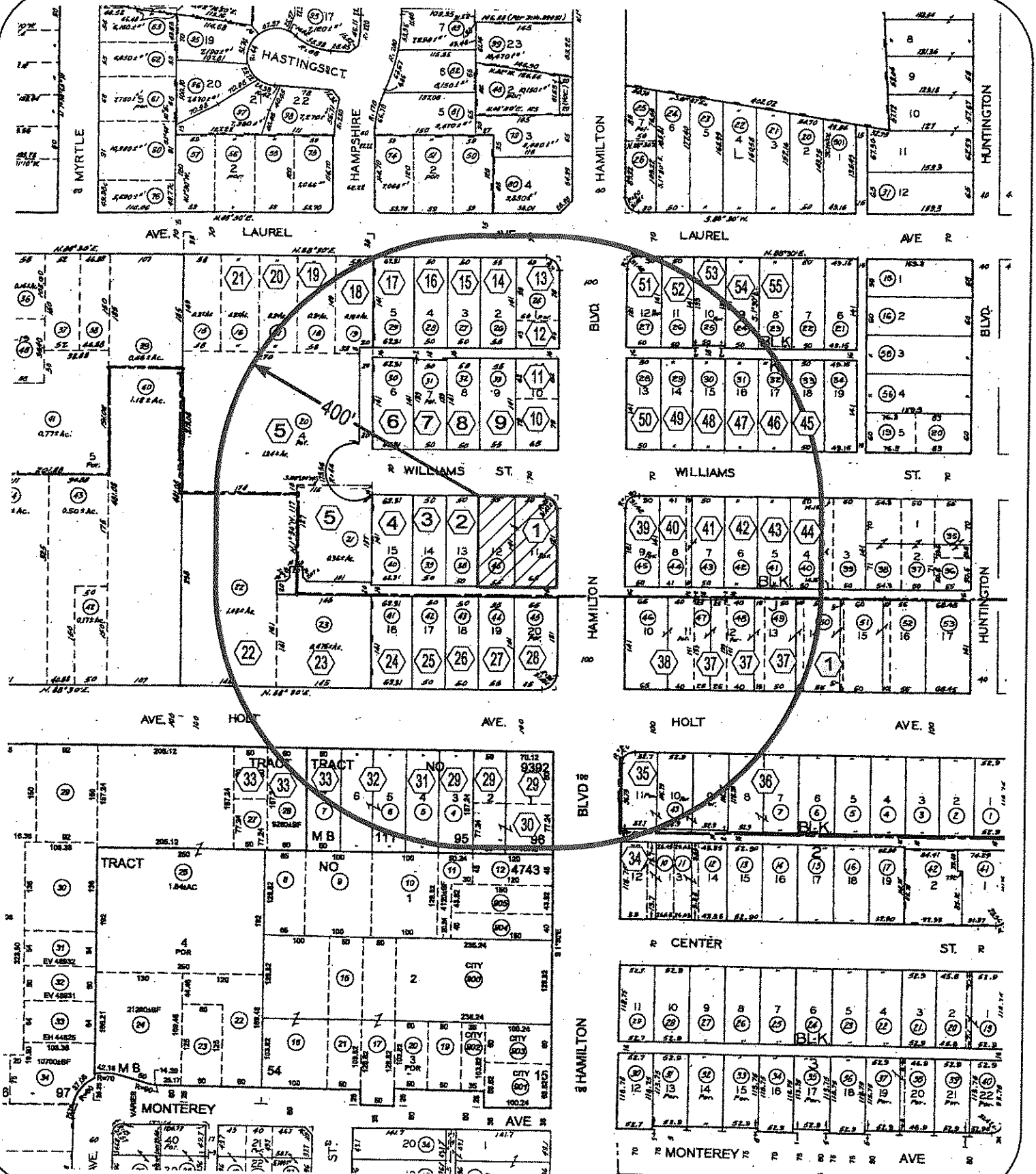
12106 LAMBERT AVE. EL MONTE, CA 91732 - FAX (626) 350-1532

PROJECT INFORMATION.

804 WILLIAM ST.
POMONA, CA.
10-295



SCALE 1" = 200'





CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: March 8, 2017

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 11-002):**

Adopt a resolution denying Conditional Use Permit (CUP 11-002), an application to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot property located at 804 William Street in the R-2 (Low Density Multiple Family Residential) zoning district.

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt a resolution to deny Conditional Use Permit (CUP 11-002) based on findings listed. The project was denied by the Planning Commission on January 25, 2017 (Attachment 1).

PROJECT/APPLICANT INFORMATION

Project Location:	804 William Street
APN Information:	8357-012-046
Project Applicant:	Michael S. Agron
Property Owner:	Michael S. Agron
CC District:	District # 1
Historic/CBD:	Not applicable
Specific Plan:	Not applicable

PROJECT DESCRIPTION & BACKGROUND

The applicant, Mr. Michael Agron, submitted Conditional Use Permit (CUP 11-002) to legalize the conversion of a group care facility to an eleven unit roominghouse, located at 804 William Street. The subject site is on the southwest corner of William Street and Hamilton Road. The applicant currently rents out 11 rooms to individual tenants (Attachment 2). The subject site is an approximately 16,600 square foot lot, developed with a 4,837 square foot residential building. A roominghouse is defined as *a dwelling where housing is provided to three or more individuals, pursuant to an arrangement for compensation by month or greater term, and in which rooms are not occupied by, nor*

meals served, to transients. Conditional Use Permit (CUP 11-002) was considered by the Planning Commission during public hearing at the January 25, 2017 Planning Commission meeting.

During the Planning Commission's deliberations, commissioners expressed concerns about the applicant listing the property for sale upon obtaining Conditional Use Permit (CUP 11-002) approval. The Planning Commission also heard from adjacent residents of concerns related to findings of sex offenders who were registered at the address of the subject site on the Megan's Law Database. The Planning Commission discussed concerns regarding the CUP running with the land and future owners not being responsible operators, not providing background checks or having an age requirements for residents, and the roominghouse use not meeting the off-street parking requirements. Ultimately, the Commission voted 7-0-0-0 to deny the Conditional Use Permit (CUP 11-002) (Attachment 3).

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt a resolution with the required findings to deny Conditional Use Permit (CUP 11-002).

Respectfully Submitted:

Prepared By:



Brad Johnson
Development Services Manager



Nancy Lee
Associate Planner

PC ATTACHMENTS:

- 1) Draft Resolution for denial of Conditional Use Permit 11-002
- 2) Conditional Use Permit 11-002 Staff Report Dated January 25, 2017
- 3) Minutes of the Planning Commission meeting of January 25, 2017

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PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, DENYING CONDITIONAL USE PERMIT (CUP 11-002) FOR THE LEGALIZATION OF THE CONVERSION OF A GROUP CARE FACILITY TO A ELEVEN UNIT ROOMINGHOUSE ON A 16,600 SQUARE FOOT PROPERTY LOCATED AT 804 WILLIAM STREET IN THE R-2 (LOW DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT.

WHEREAS, the applicant, Michael Agron, has submitted an application for Conditional Use Permit (CUP 11-002) to legalize the conversion of a group care facility to an eleven unit roominghouse on a 16,600 square foot property located at 804 William Street;

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

WHEREAS, the subject site is currently designated “Activity Center” by the City’s General Plan;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 11, 2012 concerning Conditional Use Permit (CUP 11-002) and continued the item to a date uncertain;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on January 25, 2017 concerning Conditional Use Permit (CUP 11-002); 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. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15301, Class 1 (Existing Facilities) from further environmental review in that the proposed project involves the permitting and minor alteration of an existing private structure involving negligible or no expansion of use.

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 .580.B of the Zoning Ordinance, the Planning Commission must make the five findings listed below in order to grant Conditional Use Permit (11-002). 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. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The proposal will not contribute to the general well-being of the neighborhood and community, in that the proposal to legalize the roominghouse will be detrimental to the general well-being of the established residential neighborhood.

2. *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 will be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. Legalizing the roominghouse will likely introduce negative impacts on the subject site and would be disruptive to sensitive adjacent land uses such as residences and schools.

3. *The site of the proposed use is of adequate topography, size and shape 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 site is not of adequate topography, size and shape to accommodate the use. The project does not meet the applicable development standards such as off-street parking requirements.

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

The proposed project takes access from the existing street and alley (Hamilton Blvd). Additional access to the off-street parking facility for the proposed project from William Street was not proposed as part of the project.

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 General Plan designation of the subject site is Activity Center. The proposed use is inconsistent with the following goal for the Activity Center Place type:

***Goal 6A.G2:** Over time, concentration of retail investment in “activity centers” that provide a variety of shopping environments that conveniently serve the regional and local community.”*

Legalization the proposed conversion of a group care facility to a boardinghouse is not consistent with the goal stated above in that no retail investment related to shopping environments is being proposed.

SECTION 4. Based on the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 11-002).

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

APPROVED AND PASSED THIS 25TH DAY OF JANUARY, 2017

CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

PC Resolution No.
Conditional Use Permit 11-002
804 William Street
Page 4 of 4

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 Sec. 1094.6 C.C.P."