

PC RESOLUTION NO. 15-041

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING TENTATIVE TRACT MAP (TTM 14-011) TO SUBDIVIDE 23 PARCELS INTO 126 NUMBERED AND 40 LETTERED LOTS, WITH PRIVATE STREETS, GREENBELTS, AND PASSIVE AND ACTIVE OPEN SPACE AREAS, LOCATED ON A 13.94-ACRE PROJECT SITE AT 2-16 VILLAGE LOOP ROAD.

WHEREAS, the applicant, Phillips Village Investors, LLC, has submitted an application for Tentative Tract Map (TTM 14-011) to subdivide an existing 13.94-acre site into 126 numbered and 40 lettered lots to create private streets, green belts, and passive and active open space areas for the project site;

WHEREAS, the applicant has concurrently submitted Specific Plan Amendment (SPA 14-008) to change the Phillips Ranch Specific Plan (PRSP) land use designation from "Neighborhood Commercial" (N-C) to "Urban Residential Neighborhood Activity Center" (UR-NAC) for the project site;

WHEREAS, the applicant has concurrently submitted Conditional Use Permit (CUP 14-056) to construct 124 detached, two- and three-story single-family residential units and two 3,000 square foot retail buildings for the project site;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 9, 2015, concerning the requested Tentative Tract Map (TTM 14-011); 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 independent judgment finds that the project will not have an adverse effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) found in the California Public Resources Code, an Initial Study was prepared to assess the potential effects of this project on the environment and found that although the proposed project could have a significant effect on the environment, the effects will not be significant because mitigation measures added to the project will reduce these effects to levels less than significant. Therefore, a Mitigated Negative Declaration of Environmental Impacts with mandatory findings of significance and mitigations has been prepared for the project. The Planning Commission hereby adopts said Mitigated Negative Declaration, including the Mitigation Measures.

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

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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 14-011). 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 City of Pomona's General Plan.*

The proposed development will allow the development of 124 single-family detached, small lot, residences and two, neighborhood-serving commercial buildings. The proposed project is consistent with the proposed General Plan land use designation of "Urban Neighborhood". Further, the proposed project is consistent with the following objectives and policies from the General Plan:

- *Improve neighborhoods exhibiting substandard conditions and declining private investment.*
- *Strive to provide parks, school, and neighborhood-serving commercial uses within a convenient distance from all homes.*
- *Ensure that new residential development is well-integrated into adjacent neighborhood street patterns and provided with pedestrian connections.*
- *It is the policy of the City to endorse the institution of homeownership because it establishes a sense of commitment in the community.*

The proposed development has a density of 10 dwelling units per acre, which is lower than the maximum allowed density of up to 70 dwelling units per acre. The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City's housing stock. Based on these factors, staff believes the proposed subdivision is consistent with the General Plan

2. *The design or improvement of the proposed subdivision is consistent with the City of Pomona General Plan.*

The design and improvements of the proposed subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks, fencing,

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landscaping and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for single-family residential development and neighborhood-serving commercial, provides for satisfactory pedestrian and vehicular circulation. Furthermore, the design of the proposed development is consistent with the following objective of the Community Design Element of the General Plan:

- *Ensure high quality new development and redevelopment throughout the City that is designed appropriately to add value to its surrounding context.*

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 single-family residential and neighborhood-serving commercial development. Given the shape and topography of the 13.94-acre parcel, the subdivision design accommodates adequate land for the 124 dwelling units and two 3,000 square foot commercial buildings, accompanying driveways and open space areas to service the development. Further, the site is relatively flat with a gentle slope from the northeast to the southwest which will not necessitate significant grading resulting in 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 124 dwelling units on a 13.94-acre site, which results in a density of approximately 10 dwelling units per acre. This density is consistent with 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.*

As identified in the Initial Study and Mitigated Negative Declaration, the proposed project with the implementation of the mitigation measures will not cause environmental damage or injure to wildlife or their habitat as no sensitive wildlife species and no such habitat exists on-site. In addition, the Initial Study determined that the proposed project, with incorporation of added mitigation measures, could not have a significant effect on the environment.

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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. In addition, the Initial Study determined that the proposed project, with the incorporation of added mitigation measures, could not have a significant effect on the environment during the construction, implementation and operation of the proposed project.

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 any easements that have been acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map (TTM 14-011) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

PLANNING DIVISION

General Conditions

1. The subject property shall be subdivided in a manner consistent with the tentative tract map as reviewed and approved by the Planning Commission on September 9, 2015. Any major modifications to the approved tentative tract map shall be reviewed and approved by the Planning Commission as part of a modification to the approved tentative tract map. Any minor modifications that do not affect the overall intent of the approved tentative tract map, may be reviewed and approved by the Development Services Manager.
2. This recommended approval shall lapse and become void if the privilege authorized by the Planning Commission is not utilized and recordation by the County of the final map is not obtained within two (2) years from the date of City Council approval. The Planning

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Commission may extend this period for one (1) year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.

3. 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.
4. The project is subject to a 14-day appeal period. Written appeals may be filed with the City Clerk within 14 days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within 14 days from the date of action by the Planning Commission.
5. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1,5,6, 10-14, and 20-22 of CUP 14-056 and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.
6. All newly created parcels shall be incorporated into the Phillips Ranch Lighting and

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Landscape District.

PUBLIC WORKS DEPARTMENT

Tract Map Requirements

7. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
8. The tentative tract map for the proposed development shall be recorded as one final tract map and developed as one tract.
9. Owner shall dedicate a 10-foot wide strip of land along the Village Loop property frontage, for roadway purposes.
10. All existing and proposed water, sewer, drainage, ingress/egress easements, traveled ways and drainage courses must be clearly shown on the map. Prior to the map recordation or the issuance of the demolition and/or grading permits, whichever occurs first, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the tract map to be resubmitted for further consideration.
11. Prior to the map recordation or the issuance of the demolition and/or grading permits, whichever occurs first, developer shall post security guaranteeing the removal and construction of all public improvements for the proposed subdivision. The public water and sewer improvement plans for the proposed development shall be approved by the City prior to the issuance of the onsite demolition permits affecting the existing public utilities and public easements.
12. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
13. 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 tract map recordation; adequate monumentation bond is required prior to the final tract map recordation.
14. The tract map shall be recorded prior to the issuance of the building permits, to reflect the new lot lines. Mylar copies of the map with the Los Angeles County Recorder's Office

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official stamp must be submitted to the Engineering Department.

15. Applicant/Developer shall ensure that a property owner's association is established for the purpose of maintaining all driveways, common areas, private utilities and joint use of parking and access for the benefit of all individual lots. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&Rs) shall be approved by the City Attorney and recorded on the grant deed prior to approval of the final tract map.

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

APPROVED AND PASSED THIS 9th DAY OF SEPTEMBER, 2015



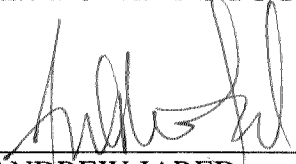
DENTON MOSIER
PLANNING COMMISSION CHAIRPERSON

ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

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AYES: Garcia, Arias, Juarez, Mosier, Starr, and Hemming.
NOES: None.
ABSTAIN: None.
ABSENT: Tharpe.

“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