

ORDINANCE NO. 4210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT (SPA 14-008) TO AMEND THE PHILLIPS RANCH SPECIFIC PLAN (PRSP) BY REPLACING THE NEIGHBORHOOD COMMERCIAL (N-C) LAND USE DESIGNATION WITH A NEW LAND USE IDENTIFIED AS URBAN RESIDENTIAL NEIGHBORHOOD ACTIVITY CENTER (UR-NAC) FOR A PROPERTY LOCATED AT 2-16 VILLAGE LOOP ROAD.

WHEREAS, the applicant, Phillips Village Investors, LLC, has submitted an application for a Specific Plan Amendment (SPA 14-008) to replace the “Neighborhood Commercial (N-C)” land use designation with a new land use identified as “Urban Residential Neighborhood Activity Center (UR-NAC)” within the Phillips Ranch Specific Plan (PRSP), located at 2-16 Village Loop Road;

WHEREAS, on December 6, 1976, the City Council adopted Resolution No. 76-256 approving a portion of the Phillips Ranch area into the PRSP;

WHEREAS, the City Council adopted in 1978 and 1986, additional areas of Phillips Ranch into PRSP II and III;

WHEREAS, on October 7, 1991, the City Council adopted Resolution No. 91-203 and on August 2, 1993, the City Council adopted Resolution No. 93-155 approving sections of the PRSP with additional development standards for residential uses;

WHEREAS, on July 19, 1994, the City Council adopted Resolution No. 94-113 approving amendments to the PRSP I and II;

WHEREAS, twenty-three parcels comprise the subject site that originally were designated as “Neighborhood Commercial” when the specific plan area was previously amended on July 19, 1994;

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

WHEREAS, the Planning Commission of the City of Pomona, at its regularly scheduled public meeting in September 9, 2015, reviewed the requested Specific Plan Amendment (SPA 14-008) and recommended City Council approval;

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

WHEREAS, the applicant has concurrently submitted 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 Planning Commission of the City of Pomona, at its regularly scheduled public meeting on September 9, 2015, reviewed and approved Conditional Use Permit (CUP 14-056) and Tentative Tract Map (TTM 14-011);

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 5, 2015, concerning the requested Specific Plan Amendment (SPA 14-008);

WHEREAS, the City Council of the City of Pomona, at its regularly scheduled public meeting on October 5, 2015, approved the introduction and first reading of an Ordinance for Specific Plan Amendment (SPA 14-008);

WHEREAS, the City Council of the City of Pomona has considered at second reading the requested Specific Plan Amendment (SPA 14-008); and

WHEREAS, the City Council 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 City Council of the City of Pomona, California as follows:

SECTION 1. The City Council, 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. On October 5, 2015, the City Council of the City of Pomona approved to adopt the MND.

SECTION 2. In any part, provision, or section of this ordinance is determined by a court or other legal authority with jurisdiction over the subject matter of this ordinance to be unenforceable or invalid, the remainder of the entirety of this ordinance shall not be affected and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

SECTION 3. 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 City Council hereby finds that the proposed Specific Plan Amendment is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

SECTION 4. The City Council of the City of Pomona hereby adopts Specific Plan Amendment (SPA 14-008) amending the Phillips Ranch Specific Plan (PRSP) by replacing the "Neighborhood Commercial (N-C)" land use designation with a new land use identified as "Urban Residential Neighborhood Activity Center (UR-NAC)" listed below in the manner stated below and as shown on attached "**Exhibits A & B**" for a property located at 2-16 Village Loop Road:

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October 19, 2015

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SECTION I, LAND USE DISTRICTS PERTAINING TO THE ESTABLISHMENT OF THE URBAN RESIDENTIAL NEIGHBORHOOD ACTIVITY CENTER (UR-NAC)

URBAN RESIDENTIAL/NEIGHBORHOOD ACTIVITY CENTER (UR-NAC) DISTRICT

The UR-NAC district is intended to provide for the development of mixed use urban neighborhoods in the location of under-utilized existing centers. The existing neighborhood centers are encouraged to transition to the greater land use efficiency of urban neighborhoods with a mixture of complementary uses, while retaining their status as a gathering place for surrounding residential neighborhoods. The district is characterized by a mix of residential building types compatible with medium scale multi-family housing, as well as, detached small lot residential units, townhomes and other smaller scale multi-family housing types. These areas of higher intensity, pedestrian-oriented development provide ground-floor retail opportunities, wider sidewalks with opportunities for outdoor seating and connections to surrounding residential uses. The urban neighborhoods should seek to maintain the general character of surrounding residential neighborhoods.

Uses Permitted.

See Figure 1 (Page 3-1 and 3-2) pertaining to uses allowed in the UR-NAC district. Uses not listed in Figures 1 and 2 and not expressly prohibited by this section may be permitted if determined to be similar to listed uses, per Section .501-A of the Zoning Ordinance.

Uses Expressly Prohibited.

1. Industrial uses.
 2. Mobile home/manufactured homes shall not be permitted as an addition to any site-built structure.
 3. Mobile homes/manufactured homes shall not be permitted as accessory living quarters.
 4. Roof mounted television antennas. See page 2-1 for satellite dish antennas and amateur/ham radio antenna towers.
 5. Banner signs, pennants, or flags (excluding the official flags of the United States of America, State of California, or other governmental entity).
 6. Solariums and solar type rooms.
- A. Density:

The UR-NAC district shall permit a maximum density of 70 dwelling units per acre.

B. Living Area per Dwelling Unit:

Minimum square footage (excluding the garage) for single family homes shall be a minimum of 1,500 square feet.

C. Residential Structures Roofing Material:

Fully covered structures, excluding patio covers, shall be roofed with concrete tile or "lightweight" tile material. Roofing materials such as hot mop, gravel, rock, rolled composition, composition shingles, and similar materials shall be prohibited, except where such materials were used as part of the original construction (such as a second-story balcony over a garage).

D. Commercial Structures Roofing Material:

Fully covered structures, excluding patio covers, shall be roofed with concrete tile, "lightweight" tile material, hot mop, gravel, rolled composition or composition shingles.

E. Driveways:

Driveways shall have a minimum width of ten (10) feet and shall be paved with concrete or decorative material (e.g. brick, interlocking pavers, or cobblestone) per approval by the City Planner. Asphalt driveways shall be prohibited.

F. Off-Street Parking:

Each dwelling unit shall provide and maintain a two (2) car garage having minimum interior dimensions of twenty (20) feet by twenty (20) feet with ingress and egress to a street, alley or highway.

There shall be at least one-fourth (1/4) of a parking space per every dwelling unit reserved for the use of guest or visitor vehicle parking. These spaces shall be paved and have minimum distances of nine and one-half (9-1/2) by eighteen (18) feet. Visitor parking may be uncovered or covered and shall be conveniently located near the units they are intended to serve.

Refer to Section .503 of the Zoning Ordinance for retail/commercial parking in this district.

G. Room Additions

Room additions shall not be allowed in this district.

H. Patio Covers:

1. Fully roofed patio covers (totally enclosed on two (2) sides) shall be allowed on lots providing a five (5) foot side yard setback and a ten (10) foot rear yard setback. Partially roofed patio covers (surfacing of no more than fifty percent (50%) of the area of the roof structures such as lattice work and rafter works) shall have five (5) foot side yard setbacks and a five (5) foot rear yard setback.
2. Patio covers shall meet the following standards:
 - a. Structures shall be of heavy wood, rough sawn, and stained or painted to substantially match the colors of the house.
 - b. Fully roofed patio covers shall be similar in color and texture to the house and shall appear to be part of the original construction of the house.

I. Lot Coverage:

Maximum coverage of the lot by structures, excluding partially roofed patio covers as described in this section, shall not exceed sixty (60%) percent.

J. Accessory Buildings:

Accessory buildings shall not be allowed in this district.

K. Residential Building Setbacks:

Residential building setbacks shall be as follows:

Minimum Lot Size	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback
1,820 SF	10'	4'	0'
2,500 SF	4.5'	4'	5'

L. Commercial Building Setbacks:

None.

M. Building Height:

No building or structure erected shall have a height greater than three (3) stories or forty (40) feet. No three (3) story buildings or structures shall be allowed along Tanglewood Drive.

N. Fences, Hedges and Walls:

Fences, hedges and walls, not to exceed six (6) feet in height, shall be permitted on or within all rear and side property lines, and to the rear of all front yard setback lines. Chain link fencing shall be prohibited. All tubular steel fencing shall be black in color. Fencing which abuts schools, parks and other public facilities shall be black painted tubular steel iron, slumpstone (or other masonry block deemed appropriate by the City), or a combination of both.

No fence, wall or hedge over three and one-half (3.5) feet in height shall be permitted in any required front yard. No deviation shall be allowed to exceed the permitted height. Plant material parallel to, and immediately abutting the exterior walls of buildings which are adjacent to the front yard setback line, shall be excluded from this subsection. Chain link fencing shall be prohibited.

O. Open Space:

Usable open space shall be provided in two forms, private and common open space. Private open space shall be directly related to the individual units. Common open space shall be dispersed throughout the development and shall be available to all residents of the development.

1. Private open space is defined as usable space assigned for the exclusive use of the occupant of a specific dwelling unit.

Area: One hundred fifty (150) square feet per unit.

Dimensions: The minimum dimension shall be eight (8) feet.

Enclosure: This space shall be enclosed in a manner to define the privacy of the space.

2. Common open space is defined as usable open space on the site which is available to all residents of the development. This open space shall generally be distributed throughout the development and must be reasonable accessible to dwelling units within the development.

- a. Area: The area required will be based upon the number of bedroom per unit as follows:

One bedroom unit – 300 SF/unit

Two bedroom unit – 400 SF/unit

Larger units – 100 SF/bedroom/unit for units over two bedrooms.

Dimensions: The minimum dimension shall be fifteen (15) feet.

- b. Location: Common open space shall not be located in required side yards, off-street parking areas or driveways.
- c. Landscaping: A minimum of fifty (50%) of the common open space shall be appropriately landscaped with plant materials. No more than twenty-five percent of this amount may be in lawn or turf. The remainder of this space shall be planted in groundcover, trees, shrubs and provided with a permanent irrigation system. Such landscaping shall include a minimum of one tree (twenty (24) inch box minimum standard of the trade for such variety used) for every dwelling unit.
- d. Recreation Facilities: A minimum of forty percent (40%) of the common open space may be in paved surface including a swimming pool, walkways, patios, terraces, courts and fountains. Recreation buildings or other communal buildings shall not cover not more than ten (10%) percent of this area.

P. Private Streets:

The following standard shall be met if private streets are incorporated into a development:

- 1. Private streets, paved, with on-street parking permitted on both sides, shall be a minimum of thirty-six (36) feet in width.
- 2. Private streets, paved, with on-street parking permitted on one side, shall be a minimum of thirty-two (32) feet in width.
- 3. Private streets, paved, with no parking on either side, shall be a minimum of twenty-four (24) feet in width.

Q. Retail Trash Facilities

- 1. The trash area shall be enclosed by a five (5) foot high solid masonry, brick or concrete wall except for an access way which shall be enclosed with solid decorative gates of the same height.
- 2. There shall be at least one (1) trash facility for every lot. Additional enclosures may be required subject to approval by the City Planner.
- 3. Location shall be subject to approval by the City Planner.
- 4. Trash areas shall be maintained in a clean and hygienic condition and closed at all times to prohibit visibility from public right-of-way to adjacent property. All trash stored outside shall be stored in an enclosed container.

Q. Commercial Loading

Every commercial building in this district shall provide and maintain loading space(s) with minimum dimensions of ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height, as follows:

Total square feet of building space (gross floor area)	Loading spaces required
Commercial buildings:	
3,000 – 15,000	1
15,001 – 45,000	2
45,001 – 75,000	3
75,001 – 105,000	4
105,001 – and over	5

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause the same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

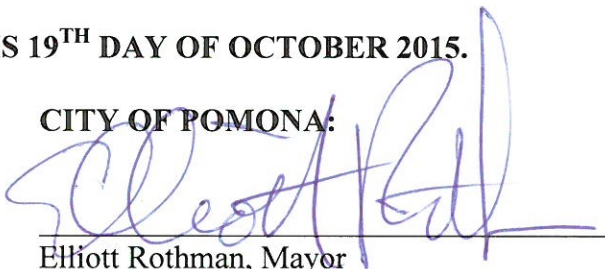
APPROVED AND ADOPTED THIS 19TH DAY OF OCTOBER 2015.

ATTEST:



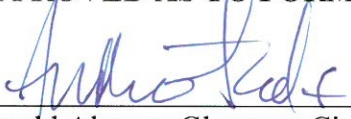
Eva M. Buice, MMC, City Clerk

CITY OF POMONA:



Elliott Rothman, Mayor

APPROVED AS TO FORM:



Arnold Alvarez-Glasman, City Attorney

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

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at the Regular Meeting of the City Council of the City of Pomona held on the 5th day of October 2015, and adopted at a Regular Meeting on the 19th day of October 2015 by the following vote:

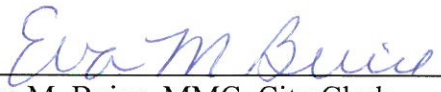
AYES: Nolte, Robledo, Carrizosa, Lantz, Escobar, Martin, Mayor Rothman

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 20th day of October 2015.



Eva M. Buice, MMC, City Clerk