

PC RESOLUTION NO. 15-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TTM 14-008) FOR THE SUBDIVISION OF A 2.97 ACRE LOT INTO 31 NUMBERED LOTS AND TWO LETTERED LOTS LOCATED AT 2160 SOUTH GAREY AVENUE.

WHEREAS, the applicant, Marc Homes, LLC, has submitted an application for Tentative Tract Map (TTM 14-008) for residential ownership purposes at 2160 South Garey Avenue;

WHEREAS, the subject property is currently located within the Pomona Corridor Specific Plan, Neighborhood Parkway Segment;

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

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on May 13, 2015, concerning the requested Tentative Tract Map (TTM 14-008); and

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

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

SECTION 1. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15332, Class 32 (In-fill Development). The Planning Commission finds that; 1) the proposed project is consistent with the General Plan and Zoning Ordinance of the City; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services.

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

SECTION 3. Pursuant to Section 66474 of the California Government Code (Subdivision Map Act) and the City's Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Tentative Tract Map (TTM 14-008). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *The proposed tentative tract map is consistent with the general plan and applicable specific plan.*

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

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

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

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

The design and improvements of the proposed subdivision are consistent with the General Plan in that the proposed project is a high quality new development which is designed to add value to its surrounding context. Specifically, the project will be in compliance with the Pomona Corridors Specific Plan which has a set of design requirements that the project design adheres to.

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 detached single-family residences. Given the shape and topography of the 2.97 acre site, the subdivision design accommodates adequate land for 31 dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

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

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes 31 dwelling units on a 2.97 acre property, which results in a density of approximately 10 units per acre. This density is consistent and less than the maximum density of 70 units per acre as established within the City's General Plan.

5. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed project will comply with the policies and regulations of the Pomona City Code and

General Plan and with all local or regional plans, policies, regulations, and any requirements by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Further, the subject site is currently developed with single-family residences within an urban environment and not habitat to any fish or wildlife. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The design of the subdivision and the type of improvements are not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all City standards. The adopted City standards relating to the Uniform Building Code and Grading Code are designed to protect the public health and welfare and have been approved by the City.

7. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

The design of the subdivision or type of improvements will not conflict with other easements acquired by the public at large. The project will result in new residences and there are no records of easements acquired by the public at large, for access through the property.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map (TTM 14-008) 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 tentative tract map or any portion thereof:

PLANNING DIVISION

1. The subject property shall be subdivided in a manner consistent with the tentative parcel map as reviewed approved by the Planning Commission on May 13, 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 years from the date of this approval (May 13, 2017). The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty days before the expiration date.

3. The project shall be subject to an appeal period of twenty (20) days. A written appeal may be filed by either the applicant or any person owning property within four hundred (400) feet of the exterior boundaries of the applicant's property. The City Council, on its own initiative, may by a majority vote appeal a decision of the Planning Commission for City Council review.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
5. Development rights of Tentative Tract Map (TPM 14-008) shall be contingent upon approval of Development Plan Review by the Development and Neighborhood Services Director as outlined in Section 2.0.5 of the Pomona Corridors Specific Plan.
6. Approval of Tentative Tract Map (TPM 14-008) is strictly for the subdivision of the subject site.
7. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violation of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein conditional use permit.

LOS ANGELES COUNTY FIRE DEPARTMENT

8. The Final Map shall be submitted to the Land Development Unit for review and approval prior to

recordation.

9. If gates are provided, a complete detail of the proposed gate shall be submitted to the Land Development Unit prior to clearance of the Final Map.
10. Fire hydrant improvement plans shall be submitted to the Land Development Unit for review and approval prior to clearance of the final map.
11. Provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.
12. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
13. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires all weather access.
14. All proposed driveways within the development shall provide approved street names and signs. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the Department of Public Works and the County of Los Angeles Fire Code.
15. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
16. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.
17. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
18. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
19. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally

approved by the fire code official. Fire Code 503.2.2.1.

20. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5.
21. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.
22. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.
23. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.
24. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1.
25. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
26. When security gates are provided, maintain a minimum access width of 20 feet ingress and 20 feet egress. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6.
27. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA

standard C503 or approved equal.

28. The required fire flow for the public fire hydrants on this residential development is **1250** gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
29. Install 2 new public fire hydrants (see attached map for required locations).
30. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
31. Parking shall be restricted 30 feet adjacent to any required public fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.
32. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.

PUBLIC WORKS – TRANSPORTATION AND DEVELOPMENT DIVISION

Tract Map requirements:

33. The following conditions and public improvements, as well as any applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws. Applicable Codes to include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.
34. All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.
35. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
36. All existing and proposed easements for water/sewer lines, ingress/egress and traveled ways and all easements proposed to be vacated must be clearly shown on the map. Prior to recordation, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision

will not unreasonably interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the tract map to be resubmitted for further consideration.

Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.

37. Additional information is required to determine if the water and sewer infrastructure will be constructed as public mains within a public utility easement on private property. The final determination is subject to the submittal and compliance with the following requirements:
 - a) All installation of public utility infrastructure on private property shall meet all City construction standards. All private streets shall be constructed with conventional asphalt concrete pavement without any specialty pavers or concrete of any kind.
 - b) Water: In order to verify the adequacy of proposed infrastructure and the feasibility of the water connection to the Nelson Street water main and/or the Garey Avenue water main, hydraulic calculations shall be submitted to the Water/Wastewater Operations Division (WWOD) of the Public Works Department for review and approval; said water demand calculations (based on fixture units) shall verify that the proposed service(s) can provide the water demand given the size, pressure, and distance of these services from the proposed buildings. This calculation shall include fire and domestic water demands and account for pressure drops from backflow devices.
 - c) Sewer: In order to verify the adequacy of proposed infrastructure and the feasibility of the sewer connection to the Nelson Street sewer main:
 - i. Hydraulic calculations shall be submitted to the Water/Wastewater Operations Division (WWOD) of the Public Works Department for review and approval; said calculations shall include the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site.
 - ii. A flow meter study shall be conducted for the existing sewer main in Nelson Street, at the existing manhole closest to the proposed point(s) of connection. The flow test report shall be submitted to the WWOD for review and acceptance.
38. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
39. 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.
40. Prior to the issuance of the building permits, the tract map shall be recorded to reflect the new lot lines. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.

41. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision.
42. Prior to issuance of the building permits applicant/developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, public safety improvements and parks.
43. 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.
44. All work in the public right-of-way is subject to review, approval, and permitting requirements of Public Works Department. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a. Commercial General Liability;
 - b. Automobile Liability;
 - c. Worker's Compensation as required by the State of California;
 - d. Permittee shall pay fees associated with and possess the City of Pomona Business License.

Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
45. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

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

APPROVED AND ADOPTED THIS 13th DAY OF MAY 2015.

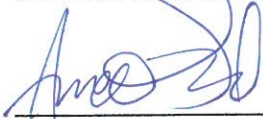


DENTON B. MOSIER
PLANNING COMMISSION CHAIRPERSON

ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY
APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

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

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."