

## **PC RESOLUTION NO.**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA DENYING CONDITIONAL USE PERMIT (CUP 4280-2016) FOR TWO ATTACHED SINGLE-FAMILY RESIDENTIAL UNITS ON PROPERTY LOCATED AT 1036 W. FERNLEAF AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.**

**WHEREAS**, the applicant, Tim Law, has submitted an application for Conditional Use Permit (CUP 4280-2016) to allow the development of two attached single-family residential units. The subject site is located at 1036 W. Fernleaf Ave., zoned R-2-S, Low Density Multiple-Family Residential with Supplemental Use Overlay.

**WHEREAS**, a conditional use permit is required for any development on property with a “S” overlay projects, pursuant to Section .440 of the Pomona Zoning Ordinance;

**WHEREAS**, the applicant has submitted a Variance (VAR 6759-2017) in conjunction with Conditional Use Permit 4280-2016;

**WHEREAS**, the subject property is on a parcel designated as "Residential Neighborhood" on the General Plan Land Use Map;

**WHEREAS**, the proposed development meets all the development standards of the R-2-S (Low Density Multiple-Family with Supplemental Overlay) zone;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 14, 2017, concerning the requested Conditional Use Permit (CUP 4280-2016); 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.** Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed action to deny is exempt per Article 18 Statutory Exemption, under Section 15270 Projects Which Are Disapproved, which states that CEQA does not apply to projects which a public agency rejects or disapproves.

**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.** In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make findings in order to approve the request for two attached single-family residential units under Conditional Use Permit (CUP 4280-2016). Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the Planning Commission hereby finds as follows:

1. *That the proposed use at the particular location will contribute to the general wellbeing of the neighborhood or community.*

The subject site is not suitable for multiple-family development due to the size of the parcel and the dwelling unit density allowable by the Pomona Zoning Ordinance. The increased density will not contribute to the general wellbeing of the neighborhood due to the potential of increased noise and traffic. The increased noise and traffic generated by the increased density will likely have a detrimental effect on the surrounding neighborhood.

2. *That 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 in the vicinity and detrimental to the use, valuation or enjoyment of property and improvements in the vicinity. The development of two multiple-family residential units will likely introduce or increase noise, traffic, and other negative impacts on the subject site.

3. *That the site of the proposed use is of adequate topography, size and shaped 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 subject sit, is relatively flat and large-sized at approximately 7,843 square feet in size. The permitted dwelling unit density in the R-2 zone is 10 dwelling units per acre. Based on the allowable dwelling unit density, the subject property is suitable for one dwelling unit. Therefore, the proposed dwelling unit density of 11 dwelling units per acre is not suitable for the subject site.

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

The subject site has street access directly to Fernleaf Avenue, which is a local street. Local access to the site is provided via Hamilton Blvd., a collector and Phillips Blvd., a minor

arterial, located to the west and south, respectively, of the subject site. Fernleaf Avenue, Hamilton Boulevard, and Phillips Boulevard are all of adequate width and improvement to carry traffic generations typical of residential development projects.

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 granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (goal 6G.P3). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby denies Conditional Use Permit (CUP 4280-2016):

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

**APPROVED AND ADOPTED THIS 14<sup>TH</sup> DAY OF JUNE, 2017.**

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CAROLYN HEMMING  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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BRAD JOHNSON  
PLANNING COMMISSION SECRETARY

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**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA    )  
COUNTY OF LOS ANGELES ) 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 California Code of Civil Procedure Section 1094.6.