CITY OF POMONA
PLANNING COMMISSION REPORT

DATE: **April 12, 2017**

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 4607-2016) AND TENTATIVE TRACT MAP (TTM 4947-2016):**
An application for Tentative Tract Map No. 74367 (TTM 4947-2016) which proposes to subdivide two lots totaling approximately 46,550 square feet for residential detached condominium purposes, and Conditional Use Permit (CUP 4607-2016) for a proposed fourteen-unit residential development at 1198-1236 S. San Antonio Ave. in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone.

STAFF RECOMMENDATION

The Planning Division recommends Planning Commission adopt the attached PC Resolution approving Tentative Tract Map (TTM 4947-2016) (Attachment 1) and Conditional Use Permit (CUP 4607-2016) (Attachment 3), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location:	**1198-1236 S. San Antonio Ave.**
APN Information:	8327-005-007 & 8327-005-008
Project Applicant:	Shahram Tork
Property Owner:	Tork, Inc.
City Council District:	**District #3**
Redevelopment Area:	Not Applicable
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable

PROJECT DISCRIPTION

The proposed project was previously heard by the Planning Commission on January 11, 2017. During the public hearing, the Planning Commission expressed concerns with the density of the

project and the potential impact that the number of occupants would have on parking and traffic on the site and in the surrounding area. Additionally, the Planning Commission questioned whether the proposed project would fit in with the existing development in the vicinity. The Planning Commission heard testimony from adjacent property owners and occupants who were concerned with the shadow that may be cast by the proposed two-story buildings on the agricultural use taking place on single-family residential property to the north. The owner of the property to the north, Rishi Kumar, provided the Planning Commission with two petitions with signatures against the proposed project (Attachment 12). The Planning Commission requested to continue this item to allow the applicant the opportunity to potentially redesign the project and have a shade and shadow analysis completed.

The subject site is located on the east side of San Antonio Ave., north of Grand Avenue (Attachment 5). Both of the subject parcels are currently vacant. The applicant is proposing to construct fourteen new two-story residential condominium units with two-car garages in six buildings. Each unit will have enclosed private open space areas. Vehicular access into the off-street parking facilities of the project will be through a common driveway access from San Antonio Avenue. The project is designed with common areas, including driveways, walkways, guest parking, planting, and recreational amenities (Attachment 6). This project is located in the R-2 zone with an "S" (Supplemental Overlay), which requires the applicant to obtain a conditional use permit to develop 14 residential units on the project site.

Applicable Code Sections

Pursuant to Chapter 29 of the Pomona City Code (Subdivision) and the State Subdivision Map Act, a Tentative Tract Map is required for the subdivision for condominium purposes. Pursuant to Section .440 of the Pomona Zoning Ordinance, the approval of a conditional use permit by the Planning Commission is required for residential projects in zones with an "S" – Supplemental overlay. Section .580 of the Pomona Zoning Ordinance establishes criteria for approval of a Conditional Use Permit and Section .280 of the Pomona Zoning Ordinance establishes requirements for the R-2 zone.

Surrounding Land Use Information

The surrounding properties to the north and east are developed with residential uses. The surrounding properties to the south are developed with commercial and residential properties. The property to the west is Washington Park. The zoning, General Plan and existing land use designations for the surrounding properties are delineated in the following table:

Land Use Summary Table

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Vacant Lot	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood

North	Residential, Multiple-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
South	Residential, Multiple-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
East	Residential, Multiple-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
West	Recreational Facility (Washington Park)	O, Publicly Owned Land	Open Space

ZONING COMPLIANCE ANALYSIS

Site Development Standards

Based on staff's analysis, the project meets and/or exceeds the minimum development standards of the R-2 zone. In order to provide the Planning Commission with a comparison of the required development standards and that of the proposed project, staff has prepared the following table for consideration.

Project Summary Table

Standard	R-2 Zone Requirement	Proposed Project	Compliance Determination
Lot Size	3,000 sf min.	46, 550 sf	Yes
Lot Width	70 ft min.	165.58 ft	Yes
Lot Depth	100 ft min.	280.90 ft	Yes
Density	7-15 units per net acre	14 units per acre	Yes
Unit Size	1,300 sf for 3 bedrooms 1,500 sf for 4 bedrooms	Unit 1: 1,622 sf Unit 2: 1,638 sf Unit 3, 5, 6 & 8: 1,630 sf Unit 9-14: 1,700 sf	Yes
Front Yard	25 ft min.	25 ft	Yes
Side Yard	9.5 ft, based on equal to one-half the adjacent building wall height (19')	10 ft and 27'-6"	Yes
Rear Yard	19 ft based on the height of the wall facing the rear	19 ft	Yes

	yard (19 ft)		
Building Separation	15 ft between buildings	15 ft and 56'-4"	Yes
Building Height	35 ft/ 2 stories	27'-1"/2 stories	Yes
Private Open Space	150 square feet, minimum per unit	Unit 1, 12 & 13: 270 sf Unit 2, 3, 5 & 8: 300 sf Unit 4 & 7: 325 sf Unit 6 & 7: 320 sf Unit 9: 275 sf Unit 10 & 11: 360 sf Unit 14: 350 sf	Yes
Common Open Space	7,500 sf	8,400 sf	Yes
Off-Street Parking	Two-car garage per each unit Four guest parking spaces	Fourteen two-car garages Eleven guest parking spaces	Yes

Site Plan

The applicant is proposing to construct a total of 14 condominium residential dwelling units. The size of the units will vary from 1,622 square feet to 1,700 square feet. Each unit will have an attached two-car garage. All 14 units will be two stories in height, and each unit will have private open space that range from 270 to 360 square feet. As originally proposed, each unit was to have four bedrooms. However, the applicant is now proposing nine three-bedroom units and five four-bedroom units.

The applicant is proposing to provide common open space areas throughout the project, one of which will consist of a BBQ and permanent seating area at 3,050 square feet. The remaining open space areas are spread out throughout the site and consist of landscaped open areas. The project meets the common open space requirements.

ISSUES ANALYSIS

Issue 1: General Plan Conformity

The project is consistent with the City's General Plan in that the proposed residential use is consistent with the "Residential Neighborhood" place type site shown on the General Plan Land Use Map. The project furthers the following goal of the General Plan in that the project, as designed, with its amenities, contributes to ensuring a *safe, family-oriented, human-scaled, walkable, and livable residential neighborhoods (Goal 6G.P3).*

Goal 6G.G6 states that to ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods and as part of the City's

Subdivision ordinance, gated entrances and restricted public access are discouraged in subdivision/residential streets. As such a condition of approval has been included that would prohibit the installation of a gated entrance in conformance with the General Plan.

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposal in terms of conformance to the development standards of the R-2 zone. As provided in the Zoning Compliance Analysis section, the project conforms to the development standards of the R-2 zone. Therefore, the granting of the Conditional Use Permit will not adversely affect the intent and purpose of the Pomona Zoning Ordinance.

Issue 3: Land Use Compatibility

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed total of 14 units on the subject site, equal to a density of approximately 14 units per acre, is consistent with the densities allowed on surrounding properties also zoned R-2 zone. Based on these factors, staff finds that the residential project is compatible in the context of the surrounding neighborhood and will be a positive addition to the area.

Issue 4: Architectural Elevations

The proposed architectural theme of the proposed project is Spanish. The proposed elevations have various architectural treatments that have been used to enhance the aesthetic appeal of this project. The use of arched openings, smooth stucco and barrel tile roofing support the proposed architectural style. Additionally, stone veneer around the base of dwellings, recessed windows, and pop-out trim are proposed to enhance the architectural design.

Issue 5: Project Circulation & Access

The entrance to the project site will be located on San Antonio Avenue. The garages for the units and the guest parking spaces will be accessed from the proposed 26 foot wide driveway. The driveway will "T" off at the end of the driveway in order to provide an adequate Fire Department turnaround. Pedestrian access through the site to the units and common open spaces will be provided along paths throughout the setbacks along the sides and rear of the property.

Issue 6: Shade Analysis

At the previous public hearing, the Planning Commission heard testimony from the adjacent property owner, Rishi Kumar, regarding the shadow that may be cast on their property by the proposed two-story buildings. Mr. Kumar asserted that the proposed two-story buildings would cast a large shadow on his property threatening the agricultural use at the rear of the property. Prior to the public hearing, Mr. Kumar provided the Planning Division with a letter and shade and shadow analysis that he prepared.

The applicant has provided a shade and shadow analysis (Attachment 9). The analysis shows that the proposed project will cast a shadow along the southern property line of Mr. Kumar's property during November, December, January and February. Based on analysis provided, the shade/shadow will not be cast on the agricultural use in the rear of the property and will not negatively impact Mr. Kumar's use.

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 has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA. The proposed project is consistent with the City's General Plan and Zoning Ordinance; the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on March 30, 2017 in the Inland Valley Daily Bulletin and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on March 27, 2017 (Attachment 7). Prior to the January 11, 2017 public hearing, staff was contacted by adjacent property owners in opposition of the project (Attachment 11). Staff also received written correspondence from members of the public in opposition to the project after the public hearing (Attachment 10).

CONCLUSION

The proposed project is consistent with the place type designation contained in the City's General Plan and meets or exceeds the minimum development standards of the Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Further, the project has been designed in a manner that will enhance the aesthetics of the site and complement the existing character of the surrounding area.

RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016), subject to conditions.

Respectfully Submitted:

Brad Johnson
Development Services Manager

Prepared By:

Cecily Session-Goins
Assistant Planner

ATTACHMENTS:

1) Draft PC Resolution Approving TTM 4947-2016
2) Draft PC Resolution Denying TTM 4947-2016
3) Draft PC Resolution Approving CUP 4607-2016
4) Draft PC Resolution Denying CUP 4607-2016
5) Location Map and Aerial Photograph
6) Project Plan Reductions
7) 400' Radius Map and Public Hearing Notice
8) Excerpt From Minutes from Planning Commission Hearing on January 11, 2017
9) Shade Analysis Provided by Applicant
10) Public Correspondence Received After Hearing on January 11, 2017
11) Letter Dated January 4, 2017 From Adjacent Property Owner
12) Petitions Provided by Adjacent Property Owner
13) Full Size Plans (Separate Cover)

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PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING CONDITIONAL USE PERMIT (CUP 4607-2016) FOR A FOURTEEN-UNIT CONDOMINIUM RESIDENTIAL DEVELOPMENT, ON PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.

WHEREAS, the applicant, Shahram Tork, has submitted an application for Conditional Use Permit (CUP 4607-2016) to allow a fourteen-unit multiple-family residential condominium development, including the subdivision (Tentative Tract Map 4947-2016) of the subject site into fourteen condominium units. The subject site is located at 1198-1236 S. San Antonio 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 Tentative Tract Map No. 74367 (TTM 4947-2016) in conjunction with Conditional Use Permit 4607-2016;

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 April 12, 2017, concerning the requested Conditional Use Permit (CUP 4607-2016); 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. The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 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) the project will not have significant effects upon the environment; and 5) the site can adequately be served by utilities and public services.

SECTION 2. In accordance with Section .580.B of the Zoning Ordinance, the Planning Commission must make five (5) findings in order to approve Conditional Use Permit (CUP 4607-2016). 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 well being of the neighborhood or community.*

   The proposed use of the subject site for residential development, specifically, the development of fourteen new residences at this particular location will contribute to the general well being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

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 not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of the R-2 zone. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

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 46,550 square feet in size. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2 zone while compatible with other uses in the vicinity.

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 San Antonio Avenue, which is a collector street. Local access to the site is provided via Grand Avenue, a minor arterial and Ninth Street, a local street, located to the south and north, respectively, of the subject site along San Antonio Avenue. San Antonio Avenue, Grand Avenue, and Ninth Street 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 approves Conditional Use Permit (CUP 4607-2016), subject to the following conditions:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on April 12, 2017, and as illustrated in the stamped approved plans dated April 12, 2017. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.

2. The approved Conditional Use Permit (CUP 4607-2016) shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by April 11, 2018. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval

3. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.

4. The project shall be subject to an appeal period of twenty (20) days. Written appeals may be filed with the City Clerk 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.

5. 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.

6. The applicant or property owner shall retain a copy of this resolution on the premises at all times and shall be prepared to produce it immediately upon the request of any City representative.

7. In case of a violation of any of the conditions of approval and/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 violations 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.

Conditional Use Permit Conditions

8. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Conditional Use Permit.

9. The property shall be maintained free of weeds and debris prior, during and after the construction period.

10. Landscaping is to include a variation of trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site. All landscape areas shall be provided with an automated underground irrigation system. Prior to receiving building permit final, the applicant shall obtain the approval from the Planning Division of a precise landscape and irrigation plan prepared by a licensed Landscape Architect, which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELO) and any modification as adopted by the City of Pomona.

11. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Development Services Manager.

12. All plumbing fixtures shall utilize low flow or low water usage appliances (toilets, sinks, water hose, etc.).

13. Any proposed fencing on the subject site shall be in compliance with Section .503-I of the Pomona Zoning Ordinance and subject to review and approval of a Fence and Wall Permit by the Planning Division prior to receiving a final sign-off on building permits.

14. Window and wall trim shall be provided with durable treatment material subject to the review and approval of the Development Services Manager. No foam trim shall be installed on the first floor portions of any structures.

15. The project driveway shall not be used for the repair of vehicles.

16. The provided “Common Open Space” shall be available to all residents of the project and their guests.

17. The applicant shall conform to Section .5809-24 of the Pomona Zoning Ordinance pertaining to public art requirements for private development by complying with one of the following two options:

a) Placement of an approved Public Art on the Project site.

i) The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.

ii) A Final Design Plan of the Public Art to be installed on Project site shall be approved by the Commission before issuance of a building or grading permit for the Project.

iii) The Public Art shall be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project. In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond shall be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond shall not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.

b) Payment of an In-lieu Contribution.

i) Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution shall be submitted to the City and deposited into the Public Art Fund before issuance of any building or grading permit for the Project.

ii) Use of In-lieu Contributions shall comply with the following:

(1) In-lieu Contributions shall be used for the acquisition and installation of Public Art on public or private property in the City, except that up to 1/3 of the In-lieu Contribution may be used for maintenance of the proposed Public Art or an existing Public Art that is listed on the City's registry of Public Art.

(2) In-lieu Contributions may be aggregated with other funds contained in the Public Art Fund for the purpose of providing a single qualifying Public Art project.

18. Prior to the issuance of building permits, cut-sheets for interior courtyard amenities shall be incorporated into the building plan check submittal, subject to Development Services Manager review and approval. Future modifications to the originally approved interior court yard amenities and areas shall be subject to review and approval from the Development Services Manager.

19. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the greatest extent feasible. The applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to a six (6) foot high decorative wall located entirely within the subject property. Additionally, the applicant must provide proof of attempted coordination in the form of certified mail receipt, correspondence from the adjacent property owner denying such coordination, or similar to the Planning Division. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by the property owners of adjacent property. The plans shall identify materials, seep holes and drainage.

20. All property line walls shall be constructed using decorative block and shall utilize a cap.

21. The majority of the hardscape within the interior community courtyard, shall be provided with decorative elements to include, but not limited to, patterned stained/colored concrete, stamped concrete, stone, concrete overlays or other similar treatment.

22. Prior to the issuance of building permits, Development Services Manager approval, during the Plan Check process, shall be obtained for the design and materials of the hardscape decorative paving to be installed within the interior community courtyard.

23. Garage areas shall not be used for storage to the exclusion of parking of vehicles.

24. Red paint and “No Parking” indications shall be applied to curb areas along the project driveway. No vehicles shall be parked at any time within “no parking” areas and red curb areas.

25. 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, and 7 of this CUP 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.

26. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.

27. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, et seq., and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.

28. Prior to issuance of building permits, the applicant shall submit, concurrently with the Plan Check process, and obtain the approval from the Planning Division of a lighting plan (photometric) demonstrating a minimum one foot-candle of illumination of parking, driveway, walkways, and common areas. The lighting plan shall include a site plan showing the locations of ground-mounted and building-mounted light fixtures, design and photometric information on fixtures, and shielding to orient light away from adjacent properties and buildings.

CODE COMPLIANCE UNIT

29. All off-street parking spaces provided for guests on the subject site shall be limited to 72 hours in accordance with Pomona City Code (PCC) 58-234(c). Signs stating such shall be provided.

30. There shall be no parking of Recreational Vehicles (RV) within the subject site.

31. The trash enclosure shall be provided with self-closing doors.

BUILDING AND SAFETY DIVISION

32. The undergrounding of utility facilities is required. (PMC 62-31)

33. This project falls under section .5809-24 of the Zoning Code "Public Art requirement for private development – Public Art Allocations". (Ordinance No. 4151)

34. The design must be reviewed and stamped by an architect or engineer licensed in the State of California – (Business and Professions code Sections 5537, 5538 and 6737.1)

35. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2016 California Building Codes. (Thru 12/31/16)

36. All grading shall conform to the 2016 California Building Code, and all other relevant laws, ordinances and resolutions governing grading as adopted by the City of Pomona. The applicant shall obtain a grading permit from the Building & Safety Division prior to commencing any grading or site excavation.

37. Geotechnical and/or soils reports required in order to obtain a grading permit shall be submitted to the Building Official for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geothechnical/soils reports as approved by the City of Pomona.

38. All proposed work shall comply with the 2016 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.

39. Proposed project shall comply with the 2016 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.

40. Proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.

41. Park and Recreation Improvement Fee shall be $675 per dwelling unit for new construction. (Ordinance 3506)

42. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

43. Demolition plan will be required for existing structures.

44. The 2016 California Codes are effective 1/1/17.

LOS ANGELES COUNTY FIRE DEPARTMENT

45. 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 an all-weather access surface to be clear to the sky.

46. A copy of the Final Map shall be submitted to the Fire Department for review and approval prior to recordation.

47. The private access within the development shall be indicated as "Private Driveway" on the Final Map. The required fire apparatus access, the fire lanes and turnarounds, shall be labeled as "Fire Lane" on the Final map. Any proposed parking area, walkway or other amenities within the private driveway shall be outside the required fire lane. Clearly delineate on the Final Map and submit to the Fire Department for approval.

48. A reciprocal access agreement is required for the private driveway since multiple lots and units are sharing the same access. Submit documentation to the Fire Department for review prior to Final Map clearance.

49. Submit a minimum of three (3) copies of the water plans indicating the new fire hydrant locations to the Fire Department's Land Development Unit for review. The required public fire hydrants shall be installed prior to construction of the proposed buildings.

50. All on-site Fire Apparatus 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.

51. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

52. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.

53. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, 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 & 503.2.1

54. 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.

55. 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

56. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, 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 503.2.3

57. 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.

58. 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 sign 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.

59. A minimum five foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the build's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.

60. Fire Apparatus Access Roads shall not be obstructed in an manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.

61. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1.

62. 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 minim stroke width of 0.5 inch. Fire Code 505.1.

63. All fire hydrants shall measure 6"x4"x2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

64. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.

65. The required fire flow for the public fire hydrants for this project is 2000 gpm at 20 psi residual pressure for two hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 and Appendix B105.1.

    a) An approved NFPA 13R automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan check Unit for review and approval prior to installation.

66. Install one (2) public fire hydrant as noted on Sheet 1 of the site plan.

Water & Wastewater Operations Department

WATER

Main Line

67. There currently exists an eight-inch (8") DIP water main within San Antonio Avenue. The localized approximate static pressure for the proposed project area is 60-65 psi.

68. **The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the proposed project area.**

69. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.

70. Any private onsite water improvements are the owner's maintenance responsibility.

Domestic, Irrigation, and Fire Service Line

71. Per City billing records there are existing 5/8" domestic meters currently associated with 1198 and 1236 S. San Antonio Avenue respectively. **Define the use of these existing meters within the proposed project.**

72. **This project shall be served by use of a compound master meter for domestic water use.**

73. There are public fire hydrants within 500 feet of the proposed project site.

74. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five (5) feet from proposed driveways and parking spaces.

75. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the back of the curb per Standard No.'s 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter(s) cannot be placed in driveways, parking spaces or within the property line, in order to allow City personnel access to these meters for future maintenance.

76. All newly installed water lines shall be disinfected per the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006 before connection to the existing water main.

77. Contact the Public Works Department for information regarding meters and all applicable meter fees. The City will install meters less than or equal to two-inches (2") in size.

78. Effective January 1, 2017, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.

79. Approved backflow devices (list the brand and model) are required for the following service lines to the site:

- Reduced principal pressure devices are required for dedicated irrigation service lines to the proposed site, and
- Reduced principal pressure devices are required for all domestic services; and
- Double check detector assembly devices for all fire sprinkler service lines.

80. **Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

SEWER

81. There currently exists an eight-inch (8") VCP sewer main within San Antonio Avenue. **The existing sewer infrastructure shall be shown on the site plan.**

82. **The applicant/developer shall calculate the expected wastewater generated by the proposed development. These calculations shall be submitted to the WWOD.**

83. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.

84. New sewer laterals shall be constructed per Standard No. B-8-61 per *City of Pomona Public Works Department Standard Drawings March 2006* (Public Works Standards). Construction shall also comply with Standard No. A-26-02 per the Public Works Standards.

85. **The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.**

86. Effective January 1, 2017, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.

87. The applicant/developer shall submit and include the following items in the sewer development plan:

    a. The proposed sewer lateral(s) connection to the existing sewer main.

    b. Construction Notes:
    The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

88. **Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

PUBLIC WORKS DEPARTMENT

89. 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, including, but not 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.

90. 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. ‘

Land Development Requirements

91. Tentative Tract Map TRACTMAP 4947-2016, Tract Map TM 74367 has been submitted concurrently with the CUP 4607-2016. The tract map shall be recorded prior to the issuance of building permits.

Improvement Plans Requirements

92. Applicant/Developer shall submit the **grading, drainage and erosion control plans** for review and approval by the Public Works, Planning and Building and Safety Departments.
    a. The scale used for the plans needs to be large enough (1"= 10' is preferred) to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block.
    b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
    c. The plans shall include sufficient cross sections to show all block wall locations, parkway width and all permanent facilities that might require maintenance and access easements.
    d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.

93. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development. The proposed development shall accept the conveyance of the existing offsite drainage.

94. Prior to the issuance of the grading permit the Applicant/Developer shall provide non-interference letters from all applicable utility agencies for all utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.

95. Prior to issuance of the grading permit the Applicant/Developer shall submit a **soils and geologic report** to address the soil's stability and geological conditions of the site.

96. Applicant/Developer shall submit **public street improvement plans** to include the following:
    a. New driveway approach per City standards and ADA requirements.
    b. Removal of the existing, unused driveway approaches along San Antonio Avenue and replacement of said approaches with new sidewalk, curb and gutter per City standards
    c. New sidewalk, curb and gutter to replace all existing damaged, cracked and uplifted sections.
    d. Overlay paving of San Antonio Avenue from curb to the street centerline along the property frontage. If the required dry and/or utility trenching crosses the centerline,

the Applicant/Developer shall grind and overlay said street over its entire width (gutter to gutter lines).

e. One (1) public street light on San Antonio Avenue, in compliance with the City standards.
f. Existing sewer, water and storm drain infrastructure.
g. Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
h. Undergrounding of all existing and proposed utility lines per City of Pomona Municipal Code Section 62-31(b).
i. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496.
j. Note: It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements.
k. The demolition or relocation of all public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by the Engineering Division of the Public Works Department.

97. Applicant/Developer shall identify the existence of all City utilities that may be in conflict with the development and submit protection measures to the City Engineer for those City utilities.

98. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer and storm drain), then improvement plans proposing the relocation or abandonment of identified utilities must be submitted, reviewed and accepted by the Public Works Department. No public utility infrastructure shall be removed or modified as part of the onsite demolition plan approved by the Building and Safety Department.

99. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected "AS BUILT" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.

100. **Traffic**: Applicant/Developer shall evaluate and restrict on-street parking adjacent to project driveway(s) as necessary to ensure adequate sight distance per City standard A-34-11.

101. Applicant/Developer shall prepare a detailed **hydrology study** based on a 50-year storm event and a hydraulic analysis of the existing and proposed drainage conveyance capacity. The Developer is responsible to comply with the approved hydrology/hydraulic study recommendations necessary to meet minimum Federal, State, County and City requirements. The hydrology/hydraulic study shall be approved prior to the approval of the grading plan.

102. Prior to issuance of the grading permit Applicant/Developer shall develop and obtain the City approval of the final Standard Urban **Stormwater** Mitigation Plan (SUSMP) for the proposed project. The SUSMP shall be prepared in accordance with the City of Pomona's Low Impact Development (LID) Ordinance, the City of Pomona's Green Streets Policy and the Los Angeles Region NPDES MS4 Permit No. CAS004001, Order No. R4-2012-0175 which includes:
    a. Site Design BMPs;
    b. Source Control BMPs; and
    c. Treatment Control BMPs.

    Applicant/Developer shall utilize the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (Published February 2014) as a guidance document for the design of applicable Best Management Practices (BMPs) proposed for the project.

    Post-construction Structural and/or Treatment Control BMPs, shall be designed to mitigate (infiltrate or harvest and use) storm water run-off from the 85th percentile 24-hour rain event or 0.75-inch, 24-hour rain event, whichever is greater. The comparison must be provided in the SUSMP.

    The results of infiltration testing shall be provided as part of the SUSMP submittal. Applicant/Developer Utilize the County of Los Angeles Department of Public Works' HydroCalc program described in the LID Manual to calculate these design flows and volumes.

    The program download can be found at http://dpw.lacounty.gov/wrd/publication/. Applicant/Developer shall implement Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.

103. The project involves soil-disturbing activities in excess of 1 acre therefore the project applicant shall apply for a State General Construction Permit (Order No. CAS000002) and submit a Stormwater Pollution Prevention Plan to the City.

104. 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, parks and the project's **water and sewer connection fees**.

105. Prior to issuance of the building permits applicant/developer is responsible for paying the **development tax** associated with the proposed project.

106. Prior to the map approval Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street **Lighting and Landscaping Maintenance District**. The due assessment levy will be adjusted based on the proposed subdivision. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.

107. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain), utility easements, and the public right-of-way areas with dimensions.

Public Works Improvements Permit

All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.

108. **Prior to map approval, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, street frontage paving, street light, landscaping, existing and proposed overhead lines undergrounding, water, sewer, and storm drain improvements**.

109. 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;

    Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.

110. Permittee shall pay fees associated with and possess the City of Pomona Business License.

111. 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 12TH DAY OF APRIL, 2017.

_____
CAROLYN HEMMING
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:
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.

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PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA DENYING CONDITIONAL USE PERMIT (CUP 4607-2016) FOR A FOURTEEN-UNIT CONDOMINIUM RESIDENTIAL DEVELOPMENT, ON PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE.

WHEREAS, the applicant, Shahram Tork, has submitted an application for Conditional Use Permit (CUP 4607-2016) to allow a fourteen-unit multiple-family residential condominium development, including the subdivision (Tentative Tract Map 4947-2016) of the subject site into fourteen condominium units. The subject site is located at 1198-1236 S. San Antonio 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 Tentative Tract Map No. 74367 (TTM 4947-2016) in conjunction with Conditional Use Permit 4607-2016;

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 April 12, 2017, concerning the requested Conditional Use Permit (CUP 4607-2016); 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 five (5) findings in order to approve Conditional Use Permit (CUP 4607-2016). 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 well being of the neighborhood or community.*

   The proposed use of the subject site for residential development, specifically, the development of fourteen new residences at this particular location will contribute to the general well being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

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 may 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 fourteen 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 46,550 square feet in size. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's characteristics enable the project to conform fully to the development standards of the R-2 zone while compatible with other uses in the vicinity.

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 San Antonio Avenue, which is a collector street. Local access to the site is provided via Grand Avenue, a minor arterial and Ninth Street, a local street, located to the south and north, respectively, of the subject site along San Antonio

Avenue. San Antonio Avenue, Grand Avenue, and Ninth Street 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 4607-2016).

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

DENIED AND ADOPTED THIS 12TH DAY OF APRIL, 2017.

_____
CAROLYN HEMMING
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:
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.

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP 4947-2016 (TENTATIVE TRACT MAP NO. 74367) FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVE.

WHEREAS, the applicant, Shahram Tork, has submitted an application for Tentative Tract Map (TTM 4947-2016) for condominium purposes at 1198-1236 S. San Antonio Avenue;

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

WHEREAS, the applicant has submitted Conditional Use Permit (CUP 4607-2016) in conjunction with Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367) application;

WHEREAS, the subject property is on a parcel designated as "Residential Neighborhood" and in the T-3 Transect Zone on the General Plan Land Use Map;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 12, 2017, concerning the requested Tentative Tract Map (TTM 4947-2016); 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:

SECTION 1. The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 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) the 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 4947-2016). 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. *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 Residential Neighborhood in the T-3 Typical Transect Zone. Further, the T-3 Transect Zone prescribes the typical development type as:

   "A variety of small scale, primarily single-family housing types as well as limited attached housing types (such as townhomes and multiplexes) that are sensitively designed and explicitly compatible with adjacent homes"

   The project is an appropriate development within the area because it is under the maximum allowable height of 2.5 stories allowed in the T-3 transect zone, and the proposed development is proposed in an established single and multi-family residential properties to the north, south, east, and west of the subject site. With the conditions of approval, the proposed residential development will 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 on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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 multiple-family residential development. Given the shape and topography of the site, at approximately 46,550 square feet in size, the subdivision design accommodates adequate land for fourteen 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 fourteen dwelling units on property approximately 46,550 square feet in size, which results in a density of approximately 14 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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. 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 easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367) 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

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on April 12, 2016, and as illustrated in the stamped approved plans dated April 12, 2016. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Planning Manager.

2. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (April 12, 2019), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one 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 project is subject to a twenty day appeal period. Written appeals may be filed with the City Clerk within twenty 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 twenty days from the date of action by the Planning Commission.

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. In case of a violation of any of the conditions of approval and/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 violations 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.

6. Pursuant to City Code Section 70-66 et seq.", prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees". Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.

7. 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 1,4,5, and 10-17 of this TTM 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.

LA COUNTY FIRE DEPARTMENT

8. 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 an all-weather access surface to be clear to the sky.

9. A copy of the Final Map shall be submitted to the Fire Department for review and approval prior to recordation.

10. The private access within the development shall be indicated as "Private Driveway" on the Final Map. The required fire apparatus access, the fire lanes and turnarounds, shall be labeled as "Fire Lane" on the Final map. Any proposed parking area, walkway or other amenities within the private driveway shall be outside the required fire lane. Clearly

delineate on the Final Map and submit to the Fire Department for approval.

11. A reciprocal access agreement is required for the private driveway since multiple lots and units are sharing the same access. Submit documentation to the Fire Department for review prior to Final Map clearance.

12. Submit a minimum of three (3) copies of the water plans indicating the new fire hydrant locations to the Fire Department's Land Development Unit for review. The required public fire hydrants shall be installed prior to construction of the proposed buildings.

13. All on-site Fire Apparatus 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.

14. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

15. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.

16. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, 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 & 503.2.1

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. 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

19. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds, 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 503.2.3

20. 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.

21. 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 sign 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.

22. A minimum five foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the build's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.

23. Fire Apparatus Access Roads shall not be obstructed in an manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.

24. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1.

25. 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 minim stroke width of 0.5 inch. Fire Code 505.1.

26. All fire hydrants shall measure 6"x4"x2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

27. All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4.

28. The required fire flow for the public fire hydrants for this project is 2000 gpm at 20 psi residual pressure for two hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 and Appendix B105.1.

    a) An approved NFPA 13R automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan check Unit for review and approval prior to installation.

29. Install one (2) public fire hydrant as noted on Sheet 1 of the site plan.

Water & Wastewater Operations Department

WATER

Main Line

30. There currently exists an eight-inch (8") DIP water main within San Antonio Avenue. The localized approximate static pressure for the proposed project area is 60-65 psi.

31. **The existing water infrastructure shall be shown on the site plan. Further design comments shall be issued by the WWOD regarding the proposed project area.**

32. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.

33. Any private onsite water improvements are the owner's maintenance responsibility.

Domestic, Irrigation, and Fire Service Line

34. Per City billing records there are existing 5/8" domestic meters currently associated with 1198 and 1236 S. San Antonio Avenue respectively. Define the use of these existing meters within the proposed project.

35. **This project shall be served by use of a compound master meter for domestic water use.**

36. There are public fire hydrants within 500 feet of the proposed project site.

37. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five (5) feet from proposed driveways and parking spaces.

38. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the back of the curb per Standard No.'s 11 and 12 of the City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006. Meter(s) cannot be placed in driveways, parking spaces or within the property line, in order to allow City personnel access to these meters for future maintenance.

39. All newly installed water lines shall be disinfected per the *City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006* before connection to the existing water main.

40. Contact the Public Works Department for information regarding meters and all applicable meter fees. The City will install meters less than or equal to two-inches (2") in size.

41. Effective January 1, 2017, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.

42. Approved backflow devices (list the brand and model) are required for the following service lines to the site:

- Reduced principal pressure devices are required for dedicated irrigation service lines to the proposed site, and
- Reduced principal pressure devices are required for all domestic services; and
- Double check detector assembly devices for all fire sprinkler service lines.

43. **Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

SEWER

44. There currently exists an eight-inch (8") VCP sewer main within San Antonio Avenue. **The existing sewer infrastructure shall be shown on the site plan.**

45. **The applicant/developer shall calculate the expected wastewater generated by the proposed development. These calculations shall be submitted to the WWOD.**

46. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.

47. New sewer laterals must be constructed per Standard No. B-8-61 per *City of Pomona Public Works Department Standard Drawings March 2006* (Public Works Standards). Construction shall also comply with Standard No. A-26-02 per the Public Works Standards.

48. **The sewer lateral separation distances, relative to water mains and laterals, shall comply with California Code of Regulations, Title 22.**

49. Effective January 1, 2017, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.

50. The applicant/developer shall submit and include the following items in the sewer development plan:

    a. The proposed sewer lateral(s) connection to the existing sewer main.

    b. Construction Notes:
    The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

51. **Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic (saved as AutoCAD v. 2010) format.**

PUBLIC WORKS DEPARTMENT

Tract Map requirements:

52. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.

53. The tentative tract map shall be recorded and developed as one tract map, but may be developed in phases.

54. All existing and proposed easements for water/sewer lines, ingress/egress, footings 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 unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the parcel 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.

55. Additionally, the applicant shall include all necessary real property dedications along San Antonio Avenue frontage to ensure the compliance with the public ultimate right-of-way requirements.

56. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.

57. 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 parcel map recordation; adequate monumentation bond is required prior to the final tract map recordation.

58. Prior to the issuance of any 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.

59. Prior to the map approval, Applicant/Developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision, including but not limited to: driveway approach, sidewalk, street frontage paving, street light, landscaping, existing and proposed overhead lines undergrounding, water, sewer, and storm drain improvements.

60. 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.

61. Prior to the map approval Property Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The due assessment levy will be adjusted based on the proposed subdivision. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.

62. 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 parcels. 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 map.

63. 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.

64. 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 12TH DAY OF APRIL, 2017.

_____
CAROLYN HEMMING
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:
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.

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA DENYING TENTATIVE TRACT MAP 4947-2016 (TENTATIVE TRACT MAP NO. 74367) FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 1198-1236 SOUTH SAN ANTONIO AVE.

WHEREAS, the applicant, Shahram Tork, has submitted an application for Tentative Tract Map (TTM 4947-2016) for condominium purposes at 1198-1236 S. San Antonio Avenue;

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

WHEREAS, the applicant has submitted Conditional Use Permit (CUP 4607-2016) in conjunction with Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367) application;

WHEREAS, the subject property is on a parcel designated as "Residential Neighborhood" and in the T-3 Transect Zone on the General Plan Land Use Map;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 12, 2017, concerning the requested Tentative Tract Map (TTM 4947-2016); 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:

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. 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 4947-2016). 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. 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 Residential Neighborhood in the T-3 Typical Transect Zone. Further, the T-3 Transect Zone prescribes the typical development type as:

"A variety of small scale, primarily single-family housing types as well as limited attached housing types (such as townhomes and multiplexes) that are sensitively designed and explicitly compatible with adjacent homes"

The project is an appropriate development within the area because it is under the maximum allowable height of 2.5 stories allowed in the T-3 transect zone, and the proposed development is proposed in an established single and multi-family residential properties to the north, south, east, and west of the subject site.

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 on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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 multiple-family residential development. Given the shape and topography of the site, at approximately 46,550 square feet in size, the subdivision design accommodates adequate land for fourteen 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 fourteen dwelling units on property approximately

46,550 square feet in size, which results in a density of approximately 14 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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. 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 easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby denies Tentative Tract Map 4947-2016 (Tentative Tract Map No. 74367).

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

DENIED AND ADOPTED THIS 12TH DAY OF APRIL, 2017.

CAROLYN HEMMING
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:
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.

Vicinity Map & Aerial Photograph

1198-1236 S. San Antonio Ave.

NEW 6' HI. BLK WALL FENCE

PROPERTY LINE 280.90'

COMMON OPEN SPACE
2,710 S.F.

B

17'-6"

270 S.F. | 270 S.F. | 270 S.F. | 270 S.F. | 270 S.F.

635 S.F. | 635 S.F.

320 S.F. | 320 S.F. | 320 S.F.

C
900 S.F.

8'-5"

42'-8"

50'-1" | 75'-2" | 75'-3" | 25'-6"

15' | 15' | 15' | 18' | 4' | 3'-6"

D | E

1 3 BEDROOMS | 2 3 BEDROOMS — BLDG-1

3 3 BEDROOMS | 4 3 BEDROOMS — BLDG-2

5 4 BEDROOMS

6 3 BEDROOMS | 7 3 BEDROOMS — BLDG-3

8 4 BEDROOMS

4'-6"

9'-6" | 9'-6"

TRASH BINS LOCATION ON COLLECTING DAY (TYP.)

PARCEL 1
APN:8327-005-007

NORTH

SAN ANTONIO ST

26' | 32' | 30'-6" | 26' | 33'-1" | 26' | 10'

TRASH BINS LOCATION ON COLLECTING DAY (TYP.)

PARCEL 2
APN:8327-005-008

9'-6" | 9'-6"

NO PARKING

28% MAX SLOPE

100 S.F. | 100 S.F.

20'

BLDG-4 | BLDG-5 | BLDG-6

9 3 BEDROOMS | 10 4 BEDROOMS

11 3 BEDROOMS | 12 4 BEDROOMS

13 3 BEDROOMS | 14 4 BEDROOMS

1,565 S.F

25' | 52'-1" | 15' | 51'-1" | 52'-1" | 4'-2" | 6'-10" | 19' | 7'-6" | 3'-6"

SIDEWALK

LAWN

4' SIDEWALK

COMMON OPEN SPACE
2,340 S.F.

LINE OF WOOD OVERHEAD (SEE ELEVATION BELOW)

42'-5"

560 S.F.

F

20' x 20' PATIO

TYP. B.B.Q.

TYP. TRASH CAN

TYP. TABLES & CHAIRS

28'-4"

620 S.F.

G

22'-4"

270 S.F. | 270 S.F. | 270 S.F. | 270 S.F. | 270 S.F. | 270 S.F.

PROPERTY LINE 280.90'

NEW 6' HI. BLK WALL FENCE

PROPERTY LINE 85.50'

NEW 6' HI. BLK WALL FENCE

PROPERTY LINE 80'

SITE PLAN
1" = 10'

LOT SIZE 24,□39 □ 22,472 S.F.
□46,511 S.F.
TOTAL □1.□7 ACRE

NUMBERS OF UNITS:
MA□IMUM ALLOWABLE UNITS : 15 UNITS / ACRE
□1.□7 □ 15 □ 16 UNITS

TOTAL NUMBER OF PROVIDED UNITS □ 14 UNITS

FOOT PRINT
BLDS □ □2.294 □ 6,95□ □ 4,54□ □ 2,37□□
□ 16,162 S.F.

UNIT MIX:
9 UNITS 3 BDRMS □ LOFT □ 2.5 BATH □2 CAR GARAGE
5 UNITS 4 BDRMS □ 2.5 BATH □2 CAR GARAGE

LOT COVERAGE:
16,162 S.F. / 46,511 □ 34.7 □

REQUIRED OPEN SPACE
PRIVATE OPEN SPACE : 15□S.F. /UNIT
COMMON OPEN SPACE :
BR. 4□□ S.F. □ 1□□ S.F. FOR EACH ADD. BEDROOM
9□3 BEDROOMS UNITS □ 9□5□□ □ 4,5□□ S.F.
5□4 BEDROOMS UNITS □ 5□6□□ □ 3,□□□ S.F.

TOTAL RE□UIRED OPEN SPACE:
4,5□□ □ 3,□□□ □ 7,5□□ S□. FT.

PROVIDED OPEN SPACE

COMMON:	AREA □A□□	2,34□	S.F.
	□B□□	2,71□	S.F.
	□C□□	9□□	S.F.
	□D□□	635	S.F.
	□E□□	635	S.F.
	□F□□	56□	S.F.
	□G□□	62□	S.F.
TOTAL		□ □4□□	S.F. OK
PRIVATE :	UNITS □1,2 ,3,4,5, 9,1□,11,12,13,14		□27□ S.F. EACH
	UNITS □6 ,7, □		□32□ S.F. EACH

PRIVATE OPEN SPACE PER UNIT 26□ S.F. TO 36□S.F. .OK

PAVED AREA
TOTAL □ 9,3□□ S.F. DRIVEWAYS
1,□7□ S.F. PARKING AREAS
11,17□ / 46,511 □24 □

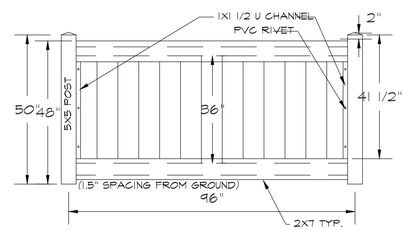
TOTAL LANDSCAPING AREA :
1,565□65□□2,34□□62□□7,545 □NORTH□ □ 12,72□ S.F.
12,72□/ 46,511 □ 27.3 □

PARKING REQUIRED:
2 CAR GARAGE PER UNIT
14 UNITS □ 2 □ 2□
1 GUEST SPACE / 4 UNITS
14 UNITS / 4 □ 3.5 SPACES

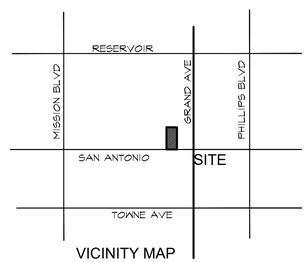
TOTAL RE□UIRED 2□□4 □32 STALLS

PARKING PROVIDED:
2 CAR GARAGE / UNIT □2□
OPEN SPACE GARAGE □1□
HANDICAPPED GARGAGE □1

TOTAL PROVIDED 39 STALLS



VINYL FENCING
PATIO ENCLOSURE DETAIL



VICINITY MAP
NOT TO SCALE

REVISIONS

DATE	△

OWNER
TORK INC.
639 E. YALE ST.
ONTARIO, CA 91764

PRO□ECT
CASPIAN CONDOS
NEW 14 CONDOMINIUMS
119□ AND 1236
S. SAN ANTONIO AVE.
POMONA, CA 91766

LICENSED ARCHITECT
GEORGE BEHNAM
No. C 16997
RE: 09-30-2017
STATE OF CALIFORNIA
NOT VALID WITHOUT WET SIGNATURE

GEORGE BEHNAM
A R C H I T E C T
115□E. ORANGETHORPE □ 1:9
PLACENTIA, CA 92□7□
□714.572.23□4 FA□714.572.23□5
E-mail : GBehnam@sbcglobal.net

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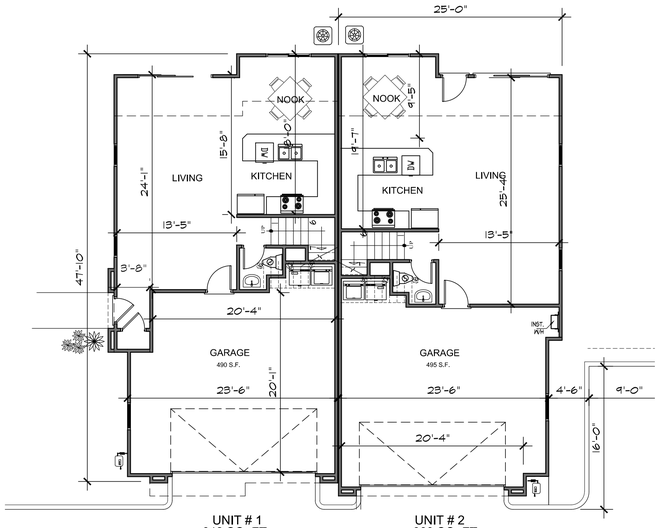
PROJECT NO:	140106
CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

SHEET TITLE:
SITE PLAN

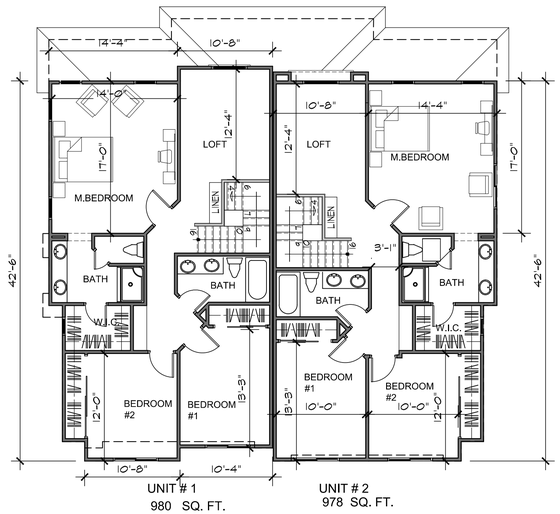
SHEET
SP
1 OF 6

P:\Arch\Projects\2016\140106 Mary Sue Avenue\Submittal 3\Sue Avenue SP-03-13-17.dwg, 3/21/2017 3:23:51 PM, DWG To PDF.pc3



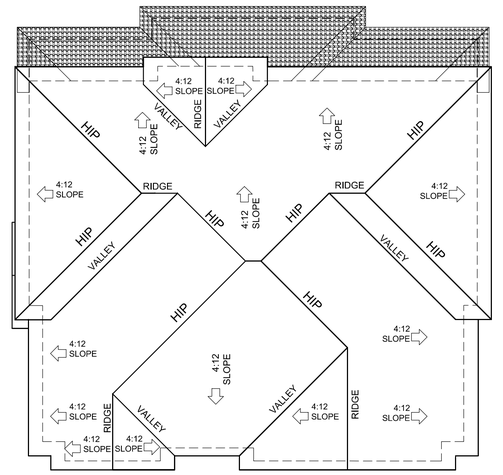
BLDG - 1 FIRST FLOOR PLAN

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



BLDG -1 SECOND FLOOR PLAN

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



BLDG -1 ROOF PLAN

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

SOUTH ELEVETION - BUILDING # 1

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

NORTH ELEVETION - BUILDING # 1

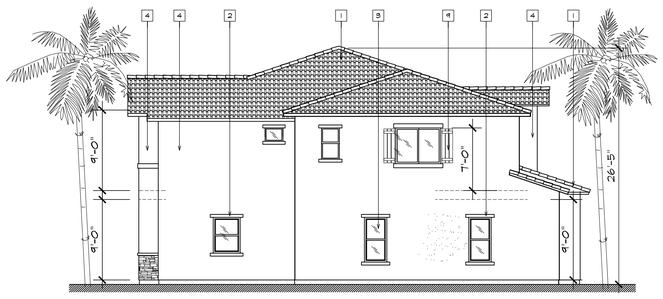
SCALE: 1/8" = 1'-0"

ELEVATIONS LEGEND

1- CONCRETE ROOF TILE BY EAGLE ICC # ESR-1900
2- STUCCO WINDOW SURROUNDING
3- VINYL WINDOWS
4- STUCCO SAND FINISH.
5- SECTIONAL GARAGE DOOR
6- LIGHTING FIXTURE
7- STUCCO CORBELS OVER FOAM. CONSO BY DUNN-EDWARDS
8- STONE VENEER (BY CORONADO WATHERED EDGE BRECKENRIDGE COLOR)
9- WINDOWS SHUTTER

NOTES

1- FIRST FLOOR STUCCO OVER WOOD TRIM AROUND WINDOWS AND DOORS
2- SECOND FLOOR STUCCO OVER FOAM TRIM AROUND WINDOWS AND DOORS



EAST ELEVATION BUILDING # 1

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

WEST ELEVATION BUILDING # 1

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

REVISIONS

DATE	

OWNER

TORK INC.
639 E. YALE ST.
ONTARIO, CA 91764

PROJECT

CASPIAN CONDOS
NEW 14 CONDOMINIUMS
119 AND 1236
S. SAN ANTONIO AVE.
POMONA, CA 91766

LICENSED ARCHITECT
GEORGE BEHNAM
No. C 16997
EXP. 09-30-2017
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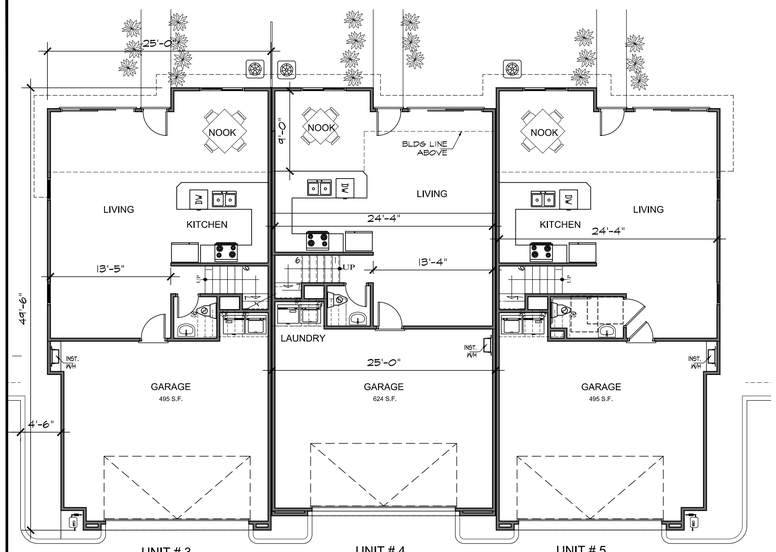
PROJECT NO:	140106
CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

SHEET TITLE:

UNITS 1 2, FLOOR PLANS
ELEVATIONS

SHEET
A1
2 OF 6

P:\Arch\Projects\Projects\2014\140106-Mary-Lee Antonio\Submittal 2\Los Antonio-SP-03-13-17.dwg, 3/27/2017 2:24:00 PM, DWG To PDF.pc3



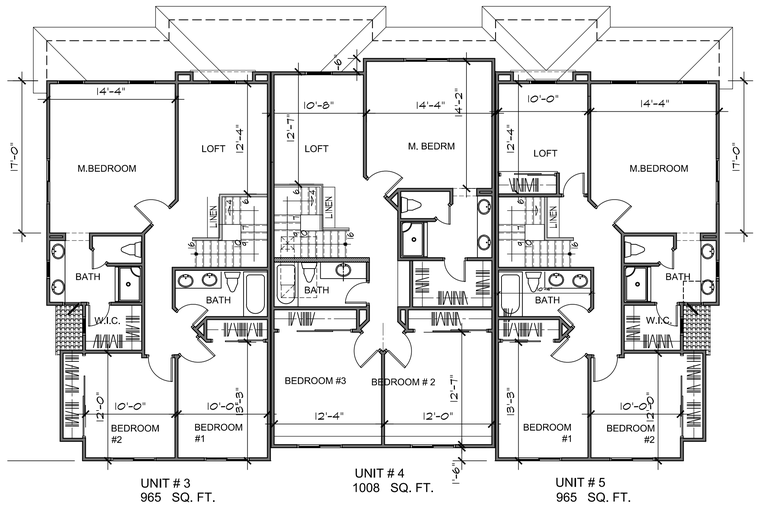
UNIT # 3
665 SQ. FT.

UNIT # 4
625 SQ. FT.

UNIT # 5
665 SQ. FT.

BLDG 2 & 3 FIRST FLOOR PLAN

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



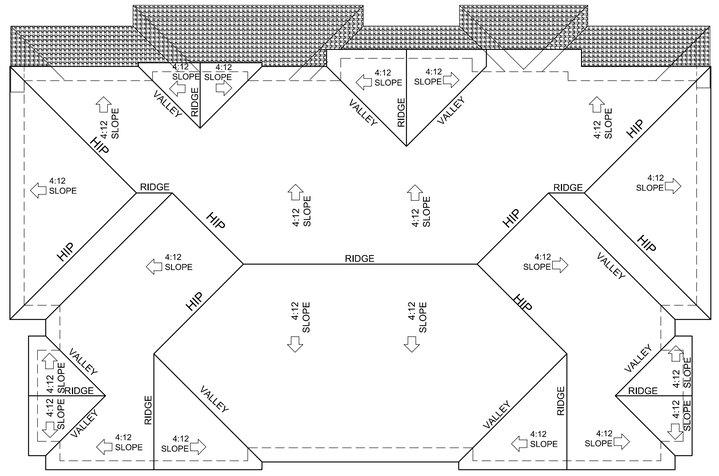
UNIT # 3
965 SQ. FT.

UNIT # 4
1008 SQ. FT.

UNIT # 5
965 SQ. FT.

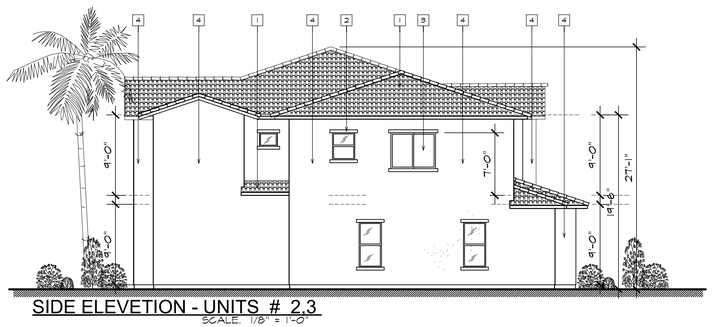
BLDG 2 & 3 SECOND FLOOR PLAN

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



BLDG 2 & 3 ROOF PLAN

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



SIDE ELEVETION - UNITS # 2,3

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

NORTH ELEVETION - BUILDINGS 2 & 3

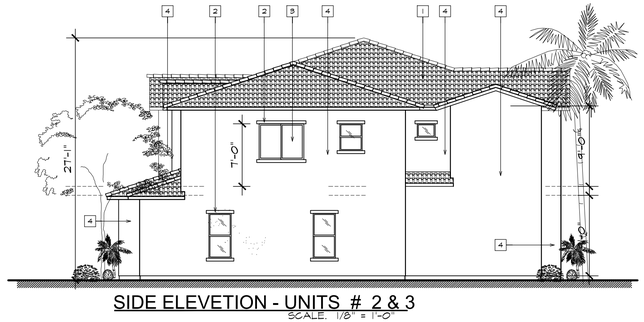
SCALE: 1/8" = 1'-0"

ELEVATIONS LEGEND

1- CONCRETE ROOF TILE BY EAGLE ICC # ESR-1900
2- STUCCO WINDOW SURROUNDING
3- VINYL WINDOWS
4- STUCCO SAND FINISH.
5- SECTIONAL GARAGE DOOR
6- LIGHTING FIXTURE
7- STUCCO CORBELS OVER FOAM. CONGO BY DUNN-EDWARDS
8- STONE VENEER (BY CORONADO WATHERED EDGE BRECKENRIDGE COLOR)
9- WINDOWS SHUTTER

SOUTH ELEVETION - BUILDINGS 2 & 3

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



SIDE ELEVETION - UNITS # 2 & 3

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

NOTES

1- FIRST FLOOR STUCCO OVER WOOD TRIM AROUND WINDOWS AND DO
2- SECOND FLOOR STUCCO OVER FOAM TRIM AROUND WINDOWS AND D

REVISIONS

DATE	△

OWNER
TORK INC.
639 E. YALE ST.
ONTARIO, CA 91764

PROJECT
CASPIAN CONDOS
NEW 14 CONDOMINIUMS
119 AND 1236
S. SAN ANTONIO AVE.
POMONA, CA 91766

LICENSED ARCHITECT
GEORGE BEHNAM
No. C 16997
RE 09-30-2017
STATE OF CALIFORNIA
NOT VALID WITHOUT WET SIGNATURE

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PROJECT NO:	140106
CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

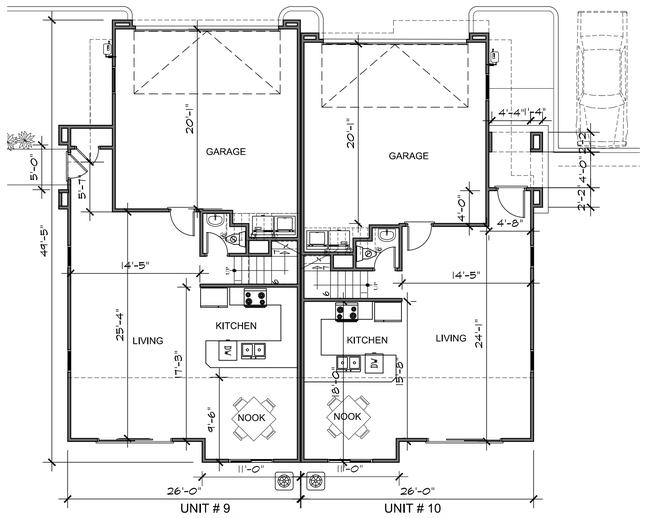
SHEET TITLE:

UNITS 3, 4, 5
6, 7,
FLOOR PLANS

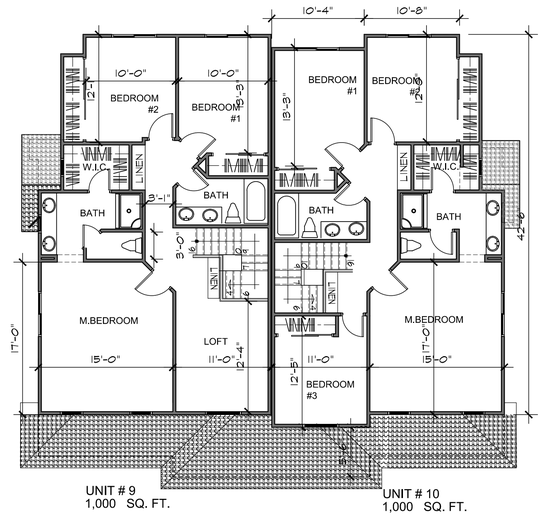
ELEVATIONS

SHEET
A3
3 OF 6

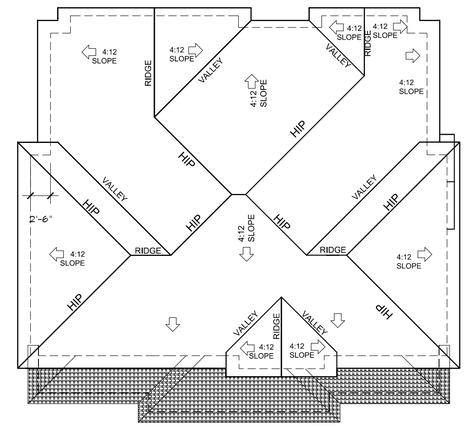
P:\NEW Job Projects\Projects\2014\140106 Mary-San Antonio\Submittal 1\Set Antonio SP-10-13-17.dwg, 3/27/2017 1:34:07 PM, DWG To PDF.pc3



BLDG - 4 FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



BLDG - 4 SECOND FLOOR PLAN
SCALE. 1/8" = 1'-0"



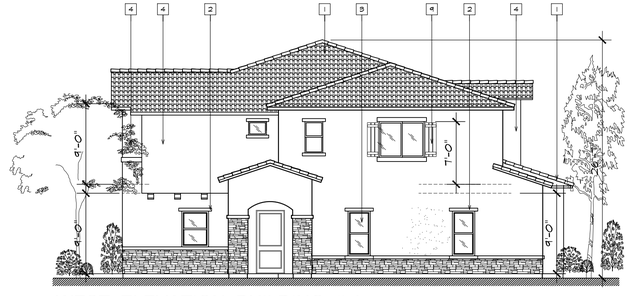
BLDG - 4 ROOF PLAN
SCALE. 1/8" = 1'-0"

SOUTH ELEVETION - BUILDING # 4
SCALE. 1/8" = 1'-0"

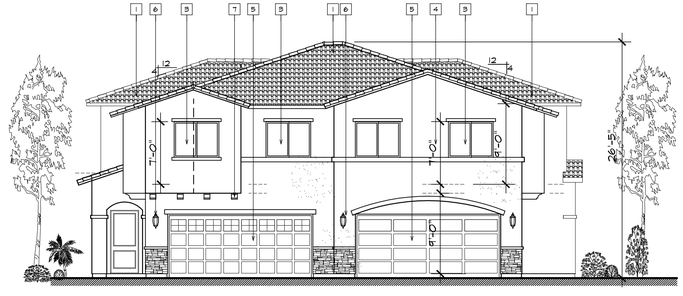
EAST ELEVATION BUILDING # 4
SCALE. 1/8" = 1'-0"

ELEVATIONS LEGEND

1- CONCRETE ROOF TILE BY EAGLE ICC # ESR-1900
2- STUCCO WINDOW SURROUNDING
3- VINYL WINDOWS
4- STUCCO SAND FINISH.
5- SECTIONAL GARAGE DOOR
6- LIGHTING FIXTURE
7- STUCCO CORBELS OVER FOAM. CONGO BY DUNN-EDWARDS
8- STONE VENEER (BY CORONADO WATHERED EDGE BRECKENRIDGE COLOR)
9- WINDOWS SHUTTER



WEST ELEVATION BUILDING # 4
SCALE. 1/8" = 1'-0"



NORTH ELEVETION - BUILDING # 4
SCALE. 1/8" = 1'-0"

NOTES

1- FIRST FLOOR STUCCO OVER WOOD TRIM AROUND WINDOWS AND DO
2- SECOND FLOOR STUCCO OVER FOAM TRIM AROUND WINDOWS AND D

REVISIONS

DATE	△

OWNER
TORK INC.
639 E. YALE ST.
ONTARIO, CA 91764

PROJECT
CASPIAN CONDOS
NEW 14 CONDOMINIUMS
119□ AND 1236
S. SAN ANTONIO AVE.
POMONA, CA 91766

LICENSED ARCHITECT
GEORGE BEHNAM
No. C 16997
REN. 09-30-2017
STATE OF CALIFORNIA
NOT VALID WITHOUT WET SIGNATURE

GEORGE BEHNAM
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115□ E. ORANGETHORPE □ 1□9
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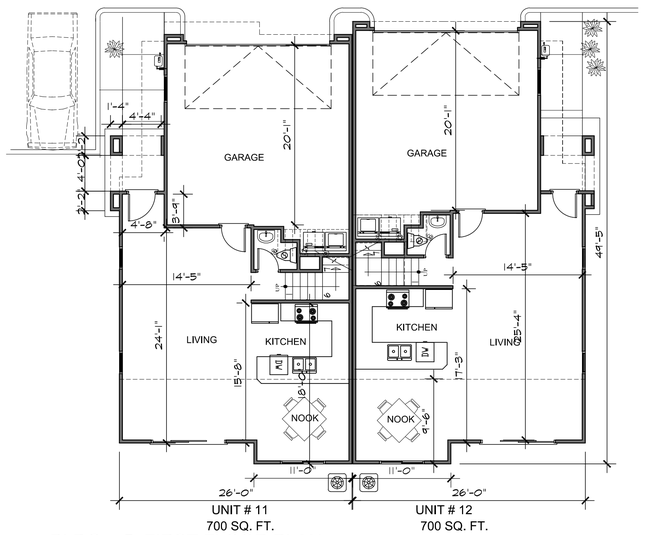
PROJECT NO:	140106
CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

SHEET TITLE:

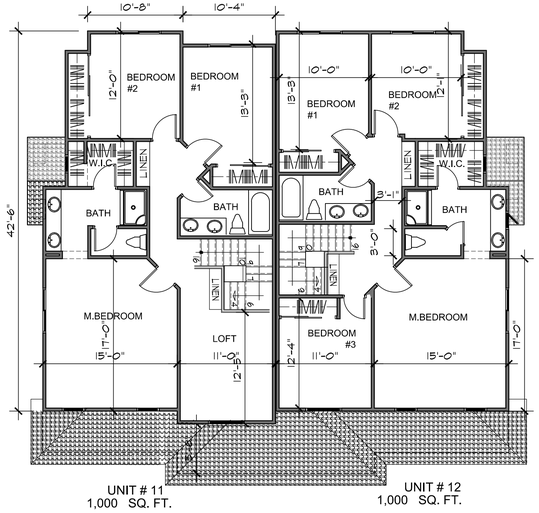
UNITS 9, 1□, FLOOR PLANS □ ELEVATIONS

SHEET
A□3
4 OF 6

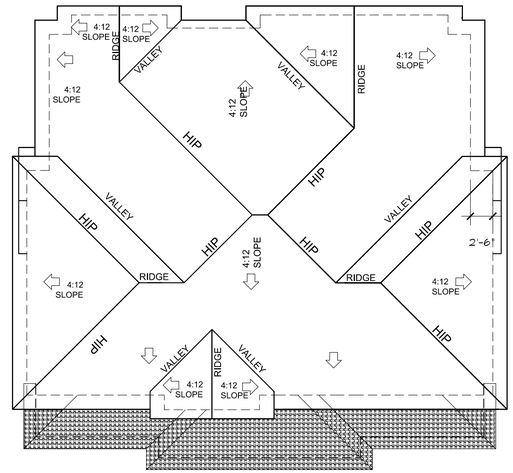
P:\NEDA\Projects\Projects\2014\2409\Mstr\San Antonio\Submittal 1\San Antonio SP-93-13 1.0.dwg, 3/27/2017 1:24:13 PM, DWG To PDF.pc3



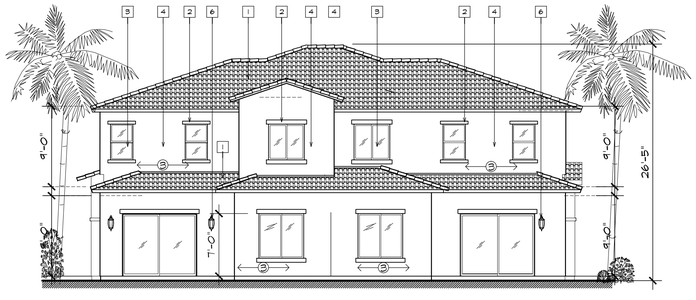
BLDG - 5 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



BLDG - 5 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



BLDG - 5 ROOF PLAN
SCALE: 1/8" = 1'-0"



SOUTH ELEVETION - BUILDING # 5
SCALE: 1/8" = 1'-0"

EAST ELEVATION BUILDING # 5
SCALE: 1/8" = 1'-0"

ELEVATIONS LEGEND

1- CONCRETE ROOF TILE BY EAGLE
ICC # ESR-1900
2- STUCCO WINDOW SURROUNDING
3- VINYL WINDOWS
4- STUCCO SAND FINISH.
5- SECTIONAL GARAGE DOOR
6- LIGHTING FIXTURE
7- STUCCO CORBELS OVER FOAM.
CONGO BY DUNN-EDWARDS
8- STONE VENEER (BY CORONADO
WATHERED EDGE BRECKENRIDGE COLOR)
9- WINDOWS SHUTTER

WEST ELEVATION BUILDING # 5
SCALE: 1/8" = 1'-0"

NORTH ELEVETION - BUILDING # 5
SCALE: 1/8" = 1'-0"

NOTES

1- FIRST FLOOR STUCCO OVER WOOD TRIM AROUND WINDOWS AND DO
2- SECOND FLOOR STUCCO OVER FOAM TRIM AROUND WINDOWS AND D

REVISIONS

DATE	△

OWNER
TORK INC.
639 E. YALE ST.
ONTARIO, CA 91764

PROJECT
CASPIAN CONDOS
NEW 14 CONDOMINIUMS
119 AND 1236
S. SAN ANTONIO AVE.
POMONA, CA 91766

LICENSED ARCHITECT
GEORGE BEHNAM
No. C 16997
EXP. 09-30-2017
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GEORGE BEHNAM
ARCHITECT
115 E. ORANGETHORPE 11:9
PLACENTIA, CA 92.7
714.572.23.4 FA. 714.572.23.5
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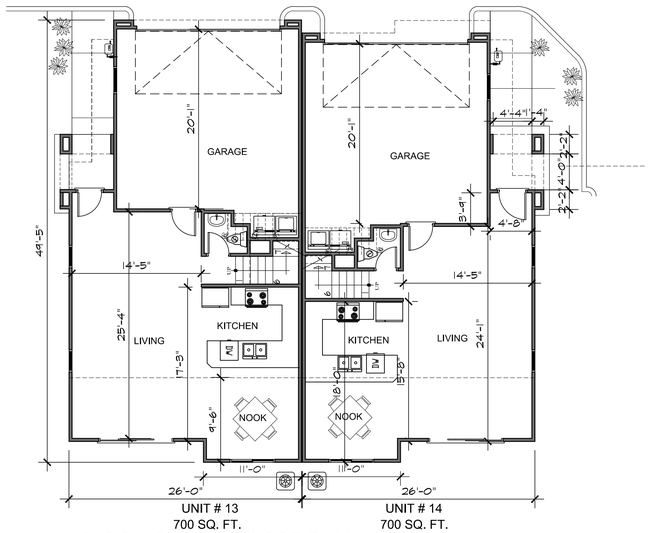
PROJECT NO:	140106
CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

SHEET TITLE:

UNITS 11,12
FLOOR PLANS
□
ELEVATIONS

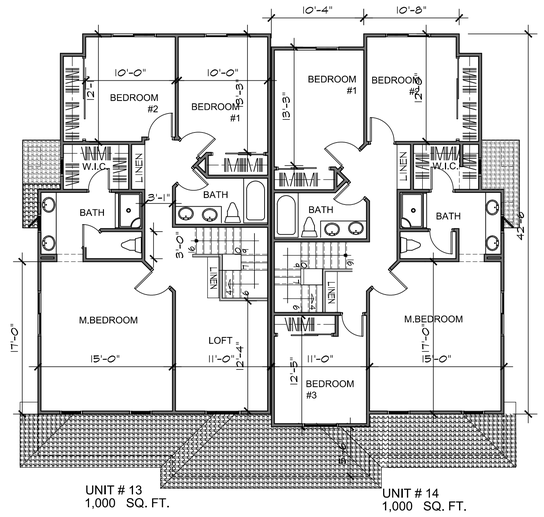
SHEET
A□4
5 OF 6

P:\NeDrive\Projects\2016\160106-Mary-San Antonio\Submittal 1\San Antonio SP-03-13 1.dwg, 3/27/2017 1:24:23 PM, DWG To PDF.pc3



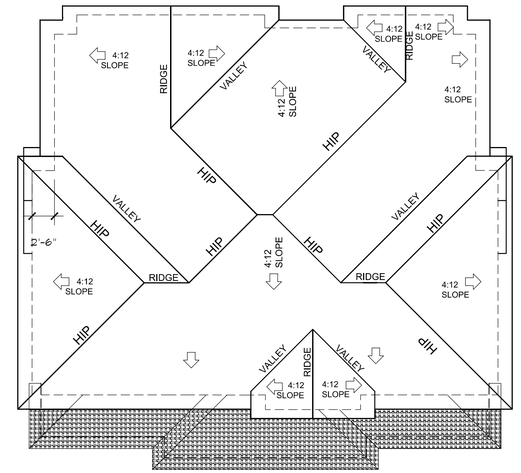
BLDG - 6 FIRST FLOOR PLAN

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



BLDG - 6 SECOND FLOOR PLAN

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

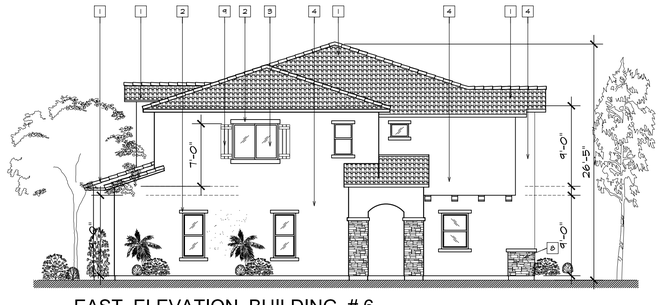


BLDG - 6 ROOF PLAN

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

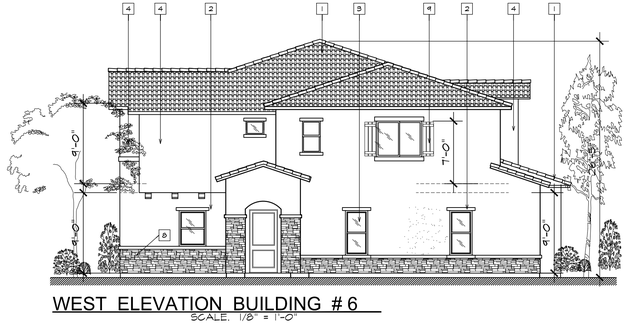
SOUTH ELEVETION - BUILDING # 6

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



EAST ELEVATION BUILDING # 6

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



WEST ELEVATION BUILDING # 6

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

NORTH ELEVETION - BUILDING # 6

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

ELEVATIONS LEGEND

1- CONCRETE ROOF TILE BY EAGLE ICC # ESR-1900
2- STUCCO WINDOW SURROUNDING
3- VINYL WINDOWS
4- STUCCO SAND FINISH.
5- SECTIONAL GARAGE DOOR
6- LIGHTING FIXTURE
7- STUCCO CORBELS OVER FOAM. CONGO BY DUNN-EDWARDS
8- STONE VENEER (BY CORONADO WATHERED EDGE BRECKENRIDGE COLOR)
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NOTES

1- FIRST FLOOR STUCCO OVER WOOD TRIM AROUND WINDOWS AND DO
2- SECOND FLOOR STUCCO OVER FOAM TRIM AROUND WINDOWS AND I

REVISIONS

DATE	△

OWNER
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639 E. YALE ST.
ONTARIO, CA 91764

PROJECT
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No. C 16997
RE: 09-30-17
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NOT VALID WITHOUT WET SIGNATURE

GEORGE BEHNAM
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CAD DWG FILE:	
DRAWN BY:	E.T.
CHECKED BY:	M.M.
DRAWING SCALE:	NOTED
DATE :	03-20-17

SHEET TITLE:

UNITS 13, 14
FLOOR PLANS
&
ELEVATIONS

SHEET
A 5
6 OF 6

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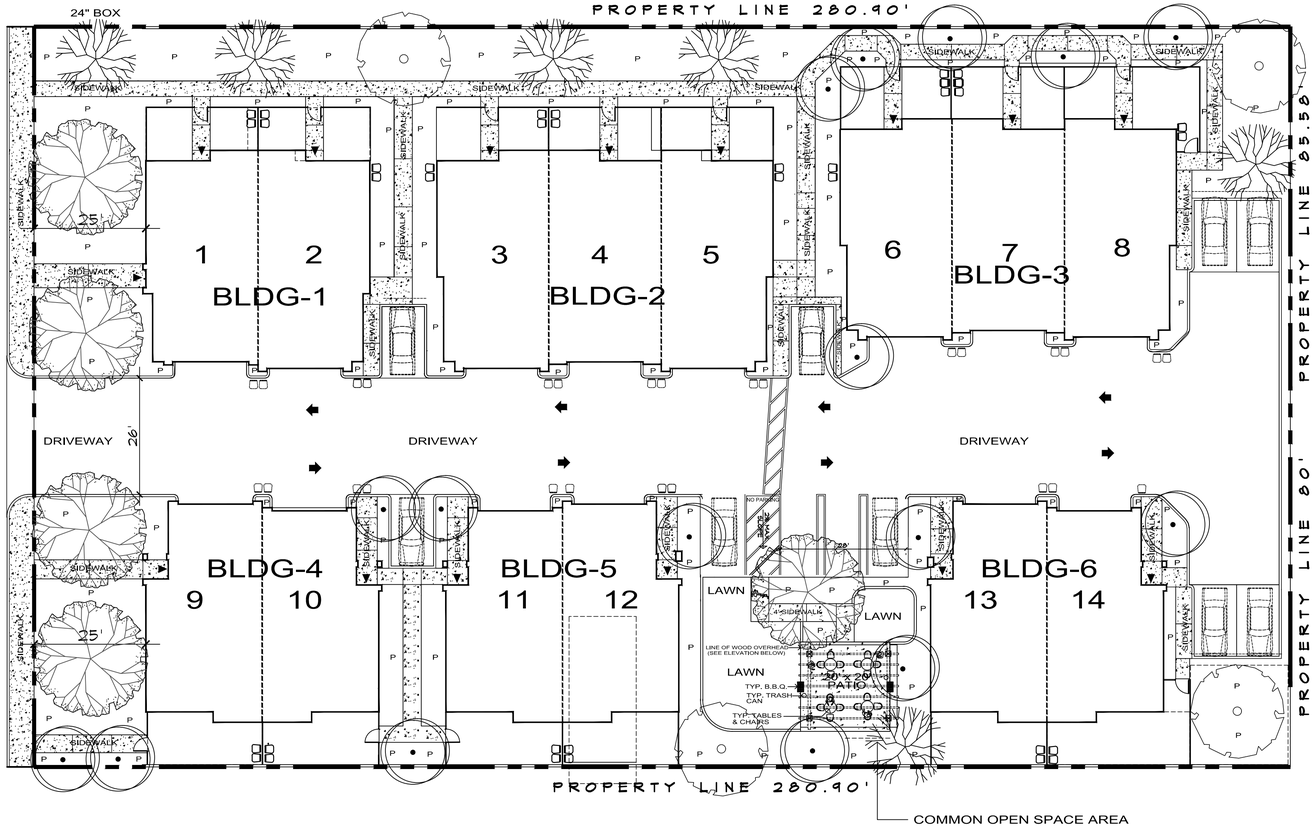
NORTH

1/16" = 1'-0"



CONCEPTUAL PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	SIZE	W/UCOLS
TREES:					
	ARBUTUS UNEDO (TREE STANDARD)	STRAWBERRY TREE	5	24" BOX	.3 (LOW)
	CERCIDIUM 'DESERT MUSEUM' (TREE STANDARD)	PALO VERDE	6	24" BOX	.3 (LOW)
	GEIJERA PARVIFLORA	AUSTRALIAN WILLOW	4	24" BOX	.3 (LOW)
	LAGERESTROEMIA 'CHEROKEE' (TREE STANDARD)	CRAPE MYRTLE TREE	16	15 GAL.	.4 (LOW)

SHRUBS (P): TECOMA X 'SUNRISE' YELLOW TRUMPET FLOWER; WESTRINGIA F. 'MORNING LIGHT'; EURYOPS PECTINATUS (SHRUB DAISY); SALVIA SPECIES; OSMANTHUS H. 'GOSHIKI'; NANDINA DOMESTICA (HEAVENLY BAMBOO); MYRTUS C. 'COMPACTA VARIEGATA'; LAVANDULA S. 'OTTO QUAST' (SPANISH LAVENDER); LIGUSTRUM TEXANUM (TEXAS PRIVET); EUPHORBIA 'BLACKBIRD'. (BLACKBIRD SPURGE); HEMEROCALLIS SPECIES (DAYLILY); ANIGOZANTHOS SPECIES (KANGAROO BUSH); GAURA L. 'WHIRLING BUTTERFLIES'

PLANTING NOTES:

1. LAWN SHALL BE HYBRID BERMUDA SOD 'TIFGREEN' FROM SOUTHLAND SOD, 888-274-8402
2. (P) DENOTES SHRUB PLANTER AREAS. REFER TO 'CONCEPTUAL PLANTING LEGEND' THIS SHEET FOR LIST OF SHRUBS THAT MAY BE USED FOR THE PLANTING DESIGN.
3. TREES LOCATED WITHIN 5' OF CONCRETE SIDEWALKS OR CURBS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED PER DETAIL, SHEET L-3. BARRIER SHALL BE 'DEEP ROOT' LB 24-2. BARRIER SHALL RUN 5' CONTINUOUSLY ON EITHER SIDE OF TREE TRUNK LOCATION OR A TOTAL OF 10'.
4. A 3" LAYER OF WALK-ON BARK SHALL BE APPLIED TO ALL SHRUB PLANTERS BEFORE GROUND COVER IS PLANTED. USE AGUINAGA FERTILIZER CO. 'FOREST FLOOR' (0-2") SHREDDED WALK-ON BARK, (949)786-9558.
5. SEPARATE LAWN AREAS FROM PLANTER AREAS WITH A 6" WIDE CONCRETE MOWING EDGE.

SQUARE FOOTAGE AREAS:

TOTAL H.O.A. LANDSCAPE AREA:	11,014 SQ. FT.
TOTAL SHRUB PLANTER AREA:	9,673 SQ. FT.
TOTAL LAWN AREA:	1,341 SQ. FT.

NOTE: PRIVATE HOMEOWNER REAR YARD AREAS NOT INCLUDED

OUTDOOR PATIO TABLES:

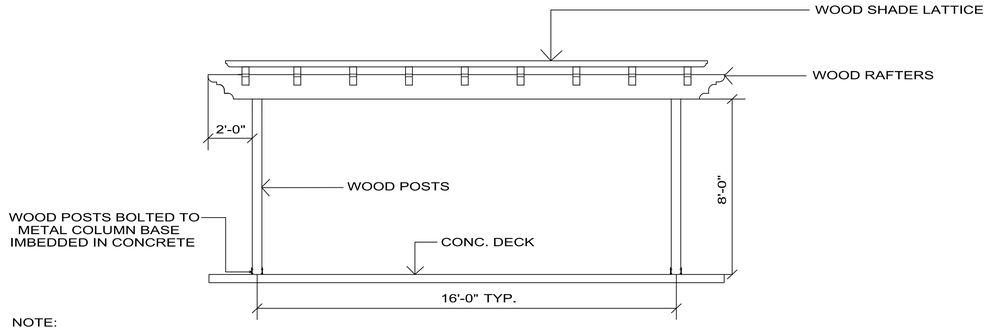
1. THREE TABLES SHALL BE 'ULINE' OUTDOOR FURNITURE, 46" ROUND METAL TABLE WITH SEATS - MODEL # H-2127.
2. ONE TABLE SHALL BE 'ULINE' OUTDOOR FURNITURE, 46" ROUND METAL TABLE WITH SEATS - MODEL ADA (HANDICAP), MODEL #H-2671.
3. ALL TABLE LEGS SHALL BE BOLTED TO CONCRETE WITH 'UNLINE' METAL STRAPS PER MANUFACTURER'S INSTRUCTIONS.
4. TELEPHONE NO. 1-800-295-5510.

PATIO BARBEQUES:

1. TWO BARBEQUE GRILLS FROM 'PARK FURNITURE' - KAY PARK MODEL #KPSB16, 15" DEEP X 20" WIDE CHARCOAL BARBEQUE.
2. BARBEQUE GRILL SHALL BE GROUND MOUNTED PER MFR'S. INSTRUCTIONS.
3. TELEPHONE NO. 1-800-775-8409.

OUTDOOR TRASH REPTACLE:

1. TWO OUTDOOR 32 GAL. RECEPTACLES FROM 'PARK FURNITURE', MODEL 'KOLOR CAM' KCS7802A-02 WITH LID. COLOR SHALL BE GREEN 075.
2. RECEPTACLES SHALL BE SURFACED MOUNTED PER MANUFACTURER'S RECOMMENDATIONS.
3. TELEPHONE NO. 1-800-775=8409.



NOTE:
WOOD OVERHEAD SHALL BE STRUCTURALLY ENGINNERED

WOOD OVERHEAD ELEVATION
(NO SCALE)

REVISIONS	
DATE	△

CONTACT: MARY GOLBAKHSH, MG CAPITAL GROUP, 562-858-2469

PROJECT: MULT-UNIT DEVELOPMENT, 1984 & 1236 S. SAN ANTONIO, POMOMA, CALIFORNIA

RICHARD M GARCIA, No. 1873, REG. 11-20, LICENSED LANDSCAPE ARCHITECT, STATE OF CALIFORNIA

SHEET TITLE: CONCEPTUAL PLANTING PLAN

RICHARD . M . GARCIA
LANDSCAPE ARCHITECTURE
1918 KEMPER AVE. , SANTA ANA CA 92705
PHONE/ FAX : 714-538-6000 EMAIL: rmglandarch@sbcglobal.net
CALIFORNIA LANDSCAPE ARCHITECT NO. 1873

DRAWN	R. GARCIA
DATE	3- 22- 2017
SCALE	1/16" = 1'-0"
JOB NO.	
SHEET	L-1

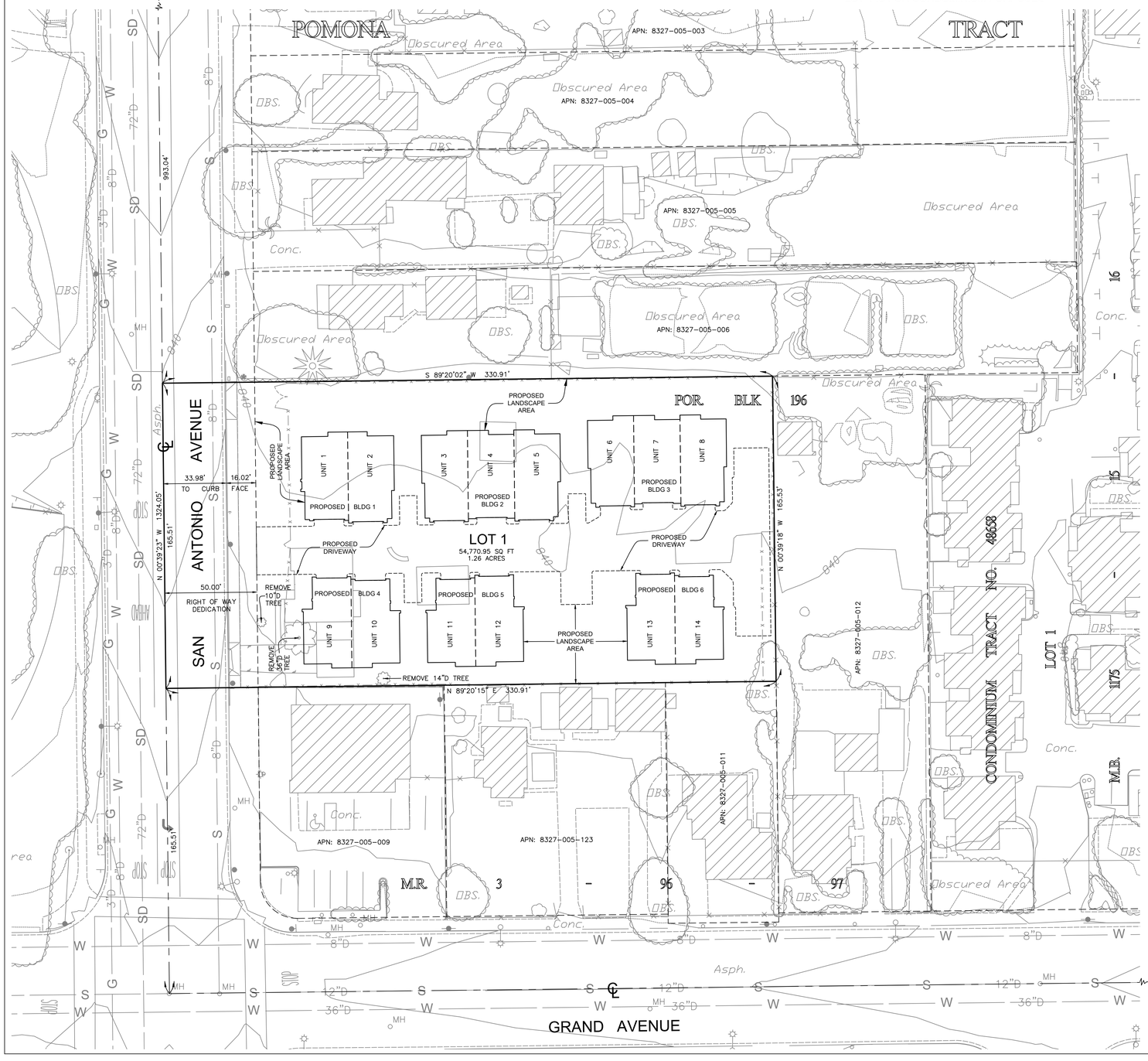
1 OF 1

TENTATIVE
TRACT MAP NO. 74367

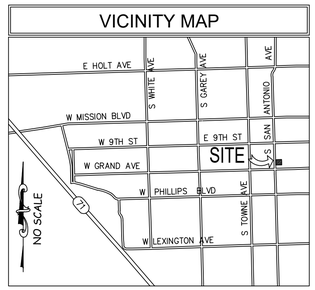
IN THE CITY OF POMONA

BEING A PROPOSED SUBDIVISION OF A PORTION OF BLOCK 196 OF POMONA TRACT, AS PER MAP RECORDED IN BOOK 3, PAGES 96 AND 97 OF MISCELLANEOUS RECORDS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

LOT 1 IS FOR CONDOMINIUM PURPOSES



VICINITY MAP



LEGEND

- AWNING
- BUILDING
- CONCRETE PAD
- CONTOUR
- FENCE
- FIRE HYDRANT
- GATE
- MH MANHOLE
- MISCELLANEOUS
- OBSCURED AREA
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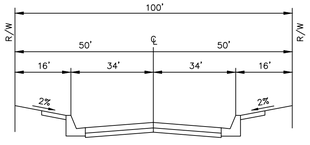

S. SAN ANTONIO AVENUE
TYPICAL CROSS-SECTION

PROPERTY ADDRESS:
1198–1236 S. SAN ANTONIO AVE.
POMONA, CA 91764

OWNER/DEVELOPER:
TORK, INC.
639 E. YALE ST.
ONTARIO, CA 91764
C/O MARY GOLBAKHSH
(562)858–2469

LAND SURVEYOR:
PAYAN SURVEYING, INC.
2404 MARY CLARE ST.
CORONA, CA 92882
(951) 858–6812

IMPERVIOUS AREA:
EXISTING: 3,653 S.F.
PROPOSED: 30,608 S.F.

LEGAL DESCRIPTION:
THE LAND REFFERRED BELOW IS SITUATED IN THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTH HALF OF THE SOUTH HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF BLOCK 196 OF THE POMONA TRACT, IN THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGES 96 AND 97, MISCELLANEOUS RECORDS OF SAID COUNTY, AND IN BOOK 32, PAGES 67 TO 70 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE SOUTH 80.00 FEET OF SAID LAND.

PARCEL 2:

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APN: 8327–005–007 AND 8327–005–008

BENCHMARK:
COUNTY OF LOS ANGELES BENCHMARK NO. G 4970
ELEVATION = 878.469 FEET (NAVD 88 DATUM) 2005
DPW BM TAG IN S CB 1M(3.3 FT) E/O BCR @ SE COR FIRST ST & SAN ANTONIO AVE 21 M(69 FT) W/O & 6M(19.7FT) S/O C/L INT

GENERAL PLAN:
RESIDENTIAL NEIGHBORHOOD

ZONING:
R–2 (LOW DENSITY MULTIPLE FAMILY)

LAND USE:
EXISTING: VACANT
PROPOSED: MULTI–FAMILY

FLOOD INFORMATION:
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP NUMBER 06037C–1750F, COMMUNITY PANEL NO. 060149 DATED SEPTEMBER 26, 2008. THIS PROPERTY IS LOCATED IN AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAIN. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PARK DEDICATION:
THIS DEVELOPMENT COMPLIES WITH THE CITY PARK LAND DEDICATION RESOLUTION

BUS INFORMATION:
THE NEAREST BUS STOP FROM THE DEVELOPMENT IS APPROXIMATELY 960 FEET

PREPARED BY ME OR UNDER MY DIRECTION AND SUPERVISION

Atanacio Payan
Registration No. 7796
in the State of California

10–25–2016
DATE

LICENSED LAND SURVEYOR
ATANACIO PAYAN
P.L.S. 7796
STATE OF CALIFORNIA

NOTICE OF PUBLIC HEARING

Project Title: Conditional Use Permit (CUP 4607-2016)
Tentative Tract Map (TTM 4947-2016)

Project Applicant: Shahram Tork

Project Location: 1198-1236 S. San Antonio Ave.

Project Description: Tentative Tract Map (TTM 4947-2016) to subdivide two lots totaling approximately 46,550 square feet in size into fourteen condominium units and Conditional Use Permit (CUP 4607-2016) for the development of fourteen multiple-family residential units on property located at 1198-1236 S. San Antonio Ave. in the R-2-S (Low Density multiple family with Supplemental overlay) zone.

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

Public Hearing Date & Location/Time: The public hearing is scheduled for **Wednesday, April 12, 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 15332, (Class 32 – Infill Development Projects), 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 April 12, 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 April 6, 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 Información en Español, llame (909) 620-2191.

Date: March 28, 2017

Brad Johnson
Development Services Manager

Publication Date: March 31, 2017

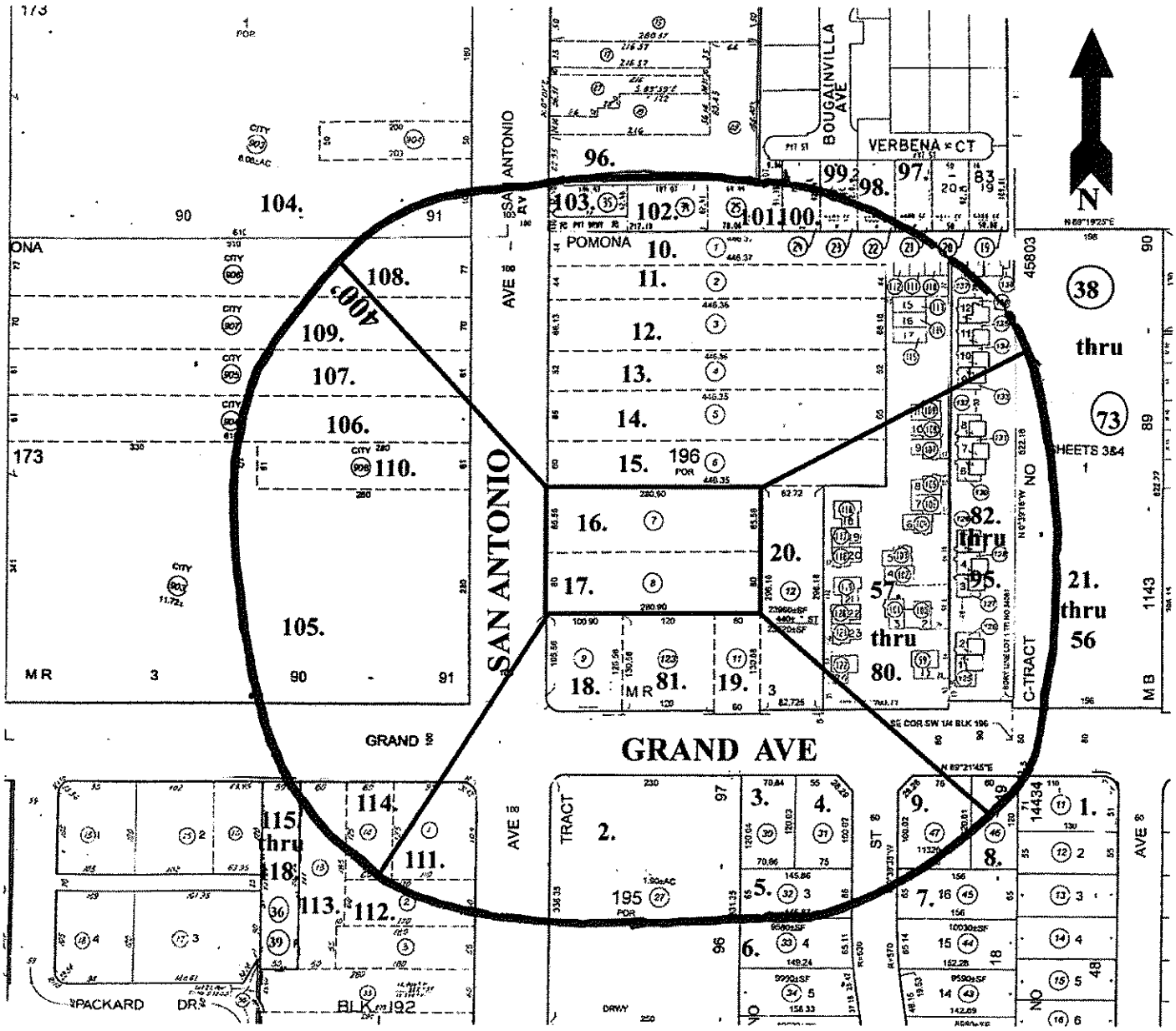
Eva Buice
City Clerk, City of Pomona

\\STORAGE\CH-Depts\Planning\Master Planning\PLANNING COMMISSION\PUBLIC HEARING NOTICES\2017\1198-1236 S. San Antonio Ave. (CUP 4607-2016 & TTM 4947-2016).doc

Advanced Listing Services Inc
Ownership Listings & Radius Maps
P.O. Box 2593 • Dana Point, CA • 92624
Office: (949) 361-3921 • Cell: (949) 310-6869
www.Advancedlisting.com denise@advancedlisting.com

Subject APN: 8327-005-007 8327-005-008
400' Radius

Address: 1198 & 1236 S SAN ANTONIO
POMONA CA 91766



DECLARATION OF MAILING

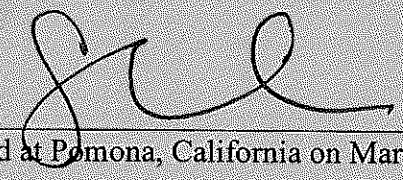
I, Sandra Elias, say that on the 30th of March, 2017 a copy of the notice attached hereto was mailed to each of the persons whose name and address appears on the attached list. Said mailing was done at the US Post Office, located at 580 W. Monterey Avenue, Pomona, California.

Address: 1198-1236 S. San Antonio Avenue

Project: Conditional Use Permit (CUP 4607-2016) & Tentative Tract Map (TTM 4607-2016)

Meeting Date: P.C. Public Hearing – April 12, 2017

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



Executed at Pomona, California on March 30, 2017

TENTATIVE
TRACT MAP NO. 74367

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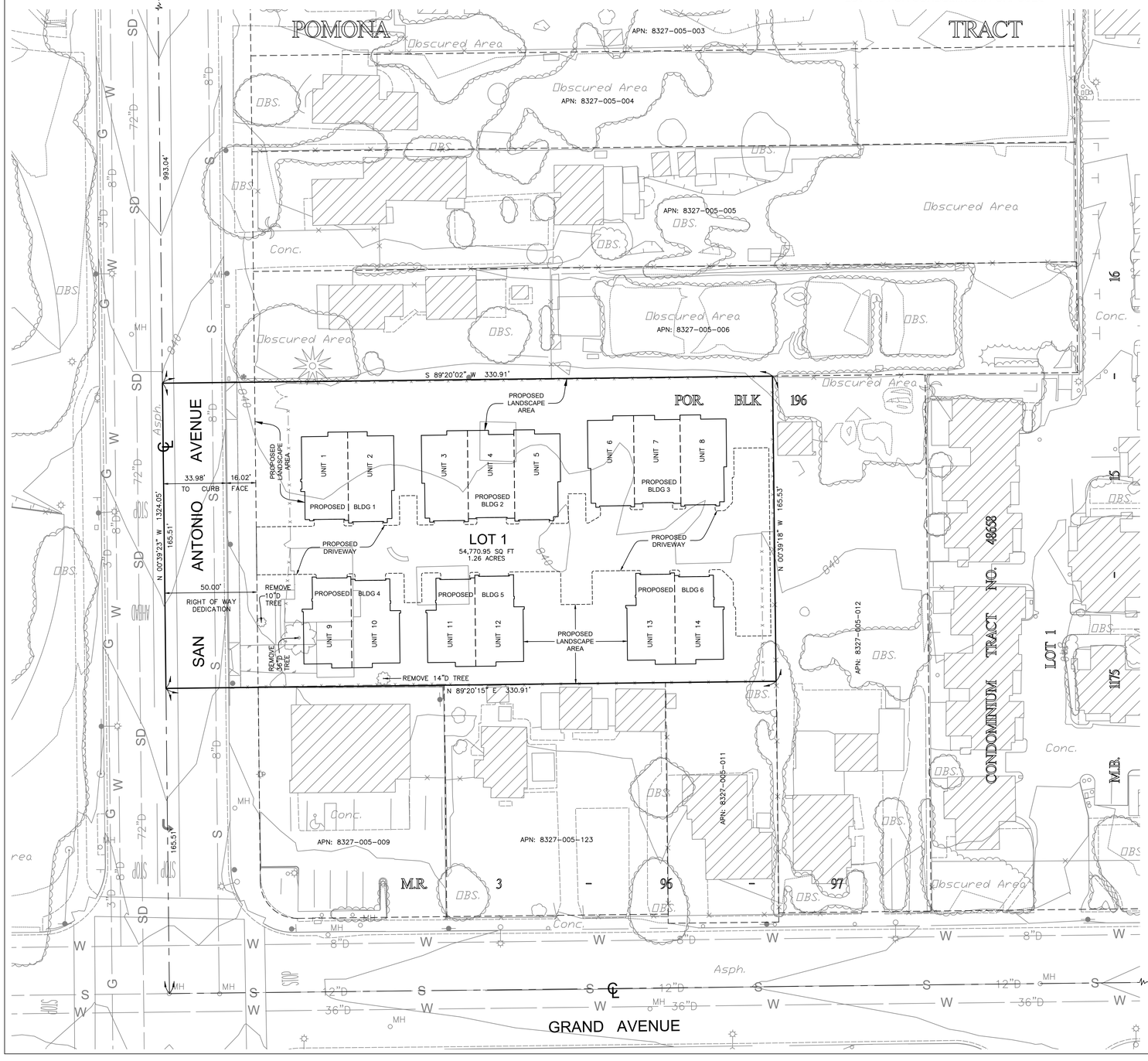

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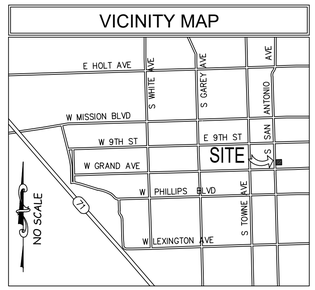

LEGEND

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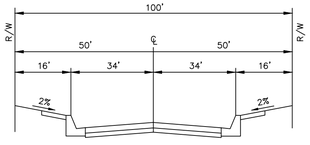

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PARK DEDICATION:
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BUS INFORMATION:
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PREPARED BY ME OR UNDER MY DIRECTION AND SUPERVISION

Atanacio Payan
Registration No. 7796
in the State of California

10–25–2016
DATE

LICENSED LAND SURVEYOR
ATANACIO PAYAN
P.L.S. 7796
STATE OF CALIFORNIA

WIRELESS COMMUNICATION FACILITY DISGUISED AS A BROADLEAF TREE AND RELATED GROUND EQUIPMENT ON A PROPERTY LOCATED IN THE CITY GATEWAY SEGMENT OF THE CORRIDOR SPECIFIC PLAN LOCATED AT 625 E. FOOTHILL BOULEVARD. *(Continued from December 14, 2016)*

Chair Hemming opened the public hearing to continue the item to January 25, 2017.

Motion by Commissioner Juarez, seconded by Chair Hemming, carried by a unanimous vote of the members present (7-0-0-0), continuing Wireless Communication Facility (WIRE 4071-2016) to the January 25, 2017 Planning Commission Meeting.

F-2 PUBLIC HEARING – TENTATIVE TRACT MAP (TRACTMAP 4947-2016) TO SUBDIVIDE TWO LOTS TOTALING APPROXIMATELY 46,550 SQUARE FEET IN SIZE INTO FOURTEEN CONDOMINIUM UNITS AND CONDITIONAL USE PERMIT (CUP 4607-2016) FOR THE DEVELOPMENT OF FOURTEEN MULTIPLE-FAMILY RESIDENTIAL UNITS ON PROPERTY LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE IN THE R-2-S (LOW DENSITY MULTIPLE FAMILY WITH SUPPLEMENTAL OVERLAY) ZONE. *(Continued from December 14, 2016)*

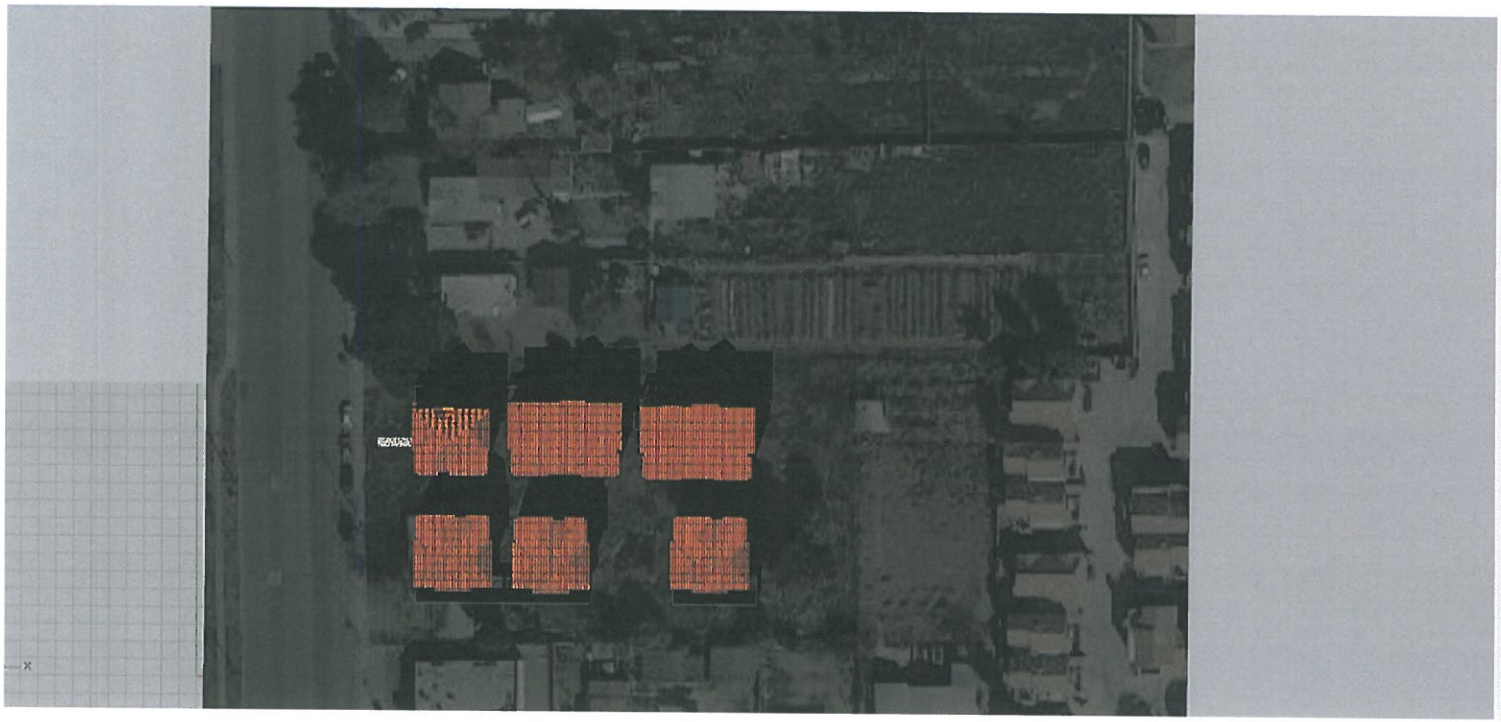
Assistant Planner Session-Goins provided a staff report regarding a request for a subdivision of two lots and the development of fourteen multiple-family residential units. Commissioners Ramos, Juarez and Ursua stated a concern regarding the density of the project and parking. Assistant Planner Session-Goins stated the project would provide double the parking spaces than the code required. Commissioner Juarez requested a parking plan and emphasized the use of stronger language in the conditions regarding the visitor parking issue in the City. Chair Hemming opened the public hearing. The Developer for the project, Ms. Mary Golbakhsh, agreed with the staff report and asked the Commission to approve. In addition, to address the parking concerns she suggested registering all vehicles with the HOA and towing nonregistered vehicles at the owners' expense. Commissioner Juarez mentioned a letter submitted by the adjacent owner of the organic farm and inquired if the applicant was aware of the letter. Ms. Mary Golbakhsh stated she did speak with the neighbor and he stated he did not support the project. She stated she did what she could to adhere to all codes and clean up the area. She believed the project was improving the area and bringing a better life to the City. Commissioner Ursua inquired whether fewer units were discussed during the design process and whether the applicant would consider making adjustments to the current design. Ms. Mary Golbakhsh stated the idea of few and additional units was discussed during the design process, but she wanted to comply with policies which allowed for 15 units or less. In addition, she stated she would be willing to discuss adjustments to the design. Commissioner Arias inquired whether the adjacent property had a business license. Development Services Manager Johnson stated the adjacent property did not have a business license. He stated the city had been approached to address urban farming in the ordinance. The adjacent owner was in the R-1 zone which allowed for raising crops, but not the sale of the crops. Chair Hemming invited the public for comments. Aaron Fox, PhD, professor at Cal Poly, spoke in opposition of the project due to negative effects he felt the project would have on the urban garden on the adjacent property at 1196 S. Antonio Ave. which he felt assisted with building up Pomona by providing many benefits

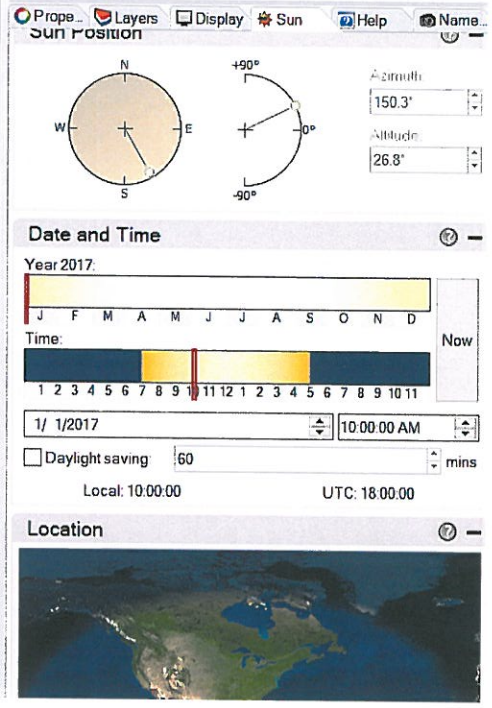
to the environment and to the health of the community. He stated a concern with the development removing the needed sunlight for the garden. Ms. Christine Olanio, one of the four residents of the adjacent property at 1196 S. Antonio Ave., stated she felt the development would be a huge detriment to the City. She stated she did not feel the development would contribute to the rich history of Pomona. She asked the Commission to deny the project as the garden contributes to the City. Ms. Eliror Crescerzi, one of the four residents of the adjacent property at 1196 S. Antonio Ave., stated she felt the garden was fundamental to the well-being of the neighborhood and community. She did not feel the proposed development would contribute to the well-being of the City and would obstruct the sunlight required for the garden. She asked the Commission to support the garden and deny the project. Ms. Lynn Fang, one of the four residents of the adjacent property at 1196 S. Antonio Ave, stated she believed in the value of gardening organically to provide nutritional food. She did not feel this was a good place for the proposed development as there were other gardens in the neighborhood and continuing to provide high density developments would hinder the ground water needed. Mr. Rishi Kumar, owner of the adjacent property at 1196 S. Antonio Ave, submitted two petitions and stated his opposition for the project which he also submitted via letter to the Commission. He stated he felt the development would be detrimental to the health, safety, and peace of the area. He stated his garden and his neighbor's garden had been providing food to their families and neighbors for the past 5 years and the proposed development would mask the sunlight needed for the garden. He asked the Commission to deny the request. Chair Hemming inquired whether the homeowner had a business license for the garden. Mr. Rishi Kumar stated the garden was a neighborhood garden which he did not gain profit. Commissioner Arias stated a concern with vehicles being parked on the grass at Mr. Kumar's home which violated city code and which could pollute the soil for the garden. Commissioners Juarez, Ramos, and Grajeda inquired Mr. Kumar's main concern regarding the development and whether Mr. Kumar would be open to a revised design. Mr. Rishi Kumar stated his main concern was the request for two story units as the remainder of the neighborhood was single story and many homes were historic as they were built in the 1920s. He stated he felt the project would stand out and create additional traffic in the neighborhood. He stated if the buildings were single story he would not have an issue. Ms. Andrea Torres, Pomona resident, stated she wished the Commission could see the beautiful garden and the rows of beautiful food. She stated Mr. Kumar had created a community and had inspired others to grow their own garden. The garden had created community and safety for the neighborhood and the project would create additional traffic. Mr. Charles Young stated he had an interest in the garden as one of the residents was a student of his and he was also a cancer survivor and the garden had been providing him fresh vegetables. He stated he felt the garden supported important educational activities and was an important part of the community. The development would have a negative impact on the garden and the Commission should know the impacts before approving. Mr. Andrew Quinones, resident of Pomona, stated his support for the neighborhood garden at 1196 S. Antonio Ave. as he felt it was an important part of the community. Mr. Charles Allen, resident of Claremont, stated his support for the garden as thousands of pounds of food was produced in this garden. He stated the garden was a benefit to the environment and he asked the Commission not to harm the quality of the garden. Ms. Karen Lenz, resident of Pomona, stated an interest in the allowing the garden to continue as she felt it was important to have good local food. She stated a concern with the two story development potentially having a negative effect on the garden. Dr. John Barkman, tenant at 1059 E. Grand Ave., stated he and his wife garden in their space which is where they obtained a quarter of their food. He stated a concern regarding the proposed two story development's high density and lack of parking. Ms. Manju Kumar, mother of Rishi Kumar, stated her family purchased the property due to the large lot. They were concerned about the proposed development. If the developer would like to sell the property she would be interested in the discussion. She stated if the Commission is moving towards high density development she felt the community should be surveyed because that was not what

they want. Mr. Michael Morcos, representing the architect, stated he understood the concern regarding the shade, but if the plans were reviewed the two stories did not sit on the property line and he did not feel it would cause shade to the garden. Commissioner Brown inquired whether the Architect provided a shade analysis. Mr. Michael Morcos stated a shade analysis was not provided, but one could be. Ms. Mary Golbakhsh stated she believed Mr. Kumar purchased the property about a year ago. The project had been going on for the past three years and she found it hard to believe Mr. Kumar did not do research before purchasing the property. She stated she had improved the community by moving the homeless and drug dealers out. She is in support of organic gardening, but she had difficulty understanding why organic growing was important, but removing the drug dealing in the neighborhood was not important. She had not studied the shade analysis and she would like to know the exact percentage of time the sun would be blocked by her development. The added electricity for the lighting needed during the time the sun is lost. She stated Ms. Kumar offered to purchase her property and she was offering the same to her. She stated the city needed to be improved and the drug dealers removed. Chair Hemming closed public hearing. Chair Hemming stated she felt the proposed project was excellent. She felt vacant lots encouraged crime and problems in the city. She stated the Commission may not agree on the density or parking of the project, but the City had set standards and the applicant had met and in some areas exceeds all the City's standards. This project has been going on for three years and someone purchased a neighboring property a year ago and did not check the zoning. She was not convinced the proposed development would destroy the garden. The garden stated it was not a business, but yet crops were being picked and removed from the property so some trade must take place. She stated parking could be an issue with single family residences as with the adjacent property where they were parking on the grass. She stated she felt the garden would continue even with the proposed development. Commissioner Brown stated he felt it was an excellent idea to develop the property, but the Commission was asked to look at the adverse impacts the development would have on surrounding properties. He stated infill development is important, but he felt the Commission needed to look at how the development would fit within the community. Commissioner Brown explained he is having a hard difficulty finding this project to be a beneficial to the surrounding neighborhood. He stated he thinks a shade analysis would assist with understanding the impacts and he was concerned with the existing tree at 1196 S. Antonio Ave. Chair Hemming requested a condition be included addressing protection of the tree. Commissioner Ursua moved for denial of the project and recommended the project design be reconfigured. Vice Chair Arias stated he felt the parking issue could be addressed by strong CC&Rs and enforcement. He felt the proposed project fell within the thresholds which were set. The Commission was to determine land use, livability issues should be dealt with by the City Council. He stated he believed a shade analysis was important to assist with determining the impacts as he believed the garden and project could coexist. He would like to see the item continued to work on the mentioned issues. He motioned to continue the item. Commissioner Juarez stated he felt there was a density issue. He felt he could support the proposed project if it was redesigned with lower density as green space and organic farming was important. Commissioner Grajeda stated he felt the proposed project could be worked out as both parties seemed agreeable to compromise. He felt a redesigning to one story units would solve the problem.

The Commission discussed and agreed to reopen the public hearing to continue the item to the March 8, 2017 Planning Commission meeting.

Motion by Vice Chair Arias, seconded by Commissioner Ramos, carried by a unanimous vote of the members present (7-0-0-0), continuing Tentative Tract Map (TRACTMAP 4947-2016) and Conditional Use Permit (CUP 4607-2016) to the March 8, 2017 Planning Commission meeting.

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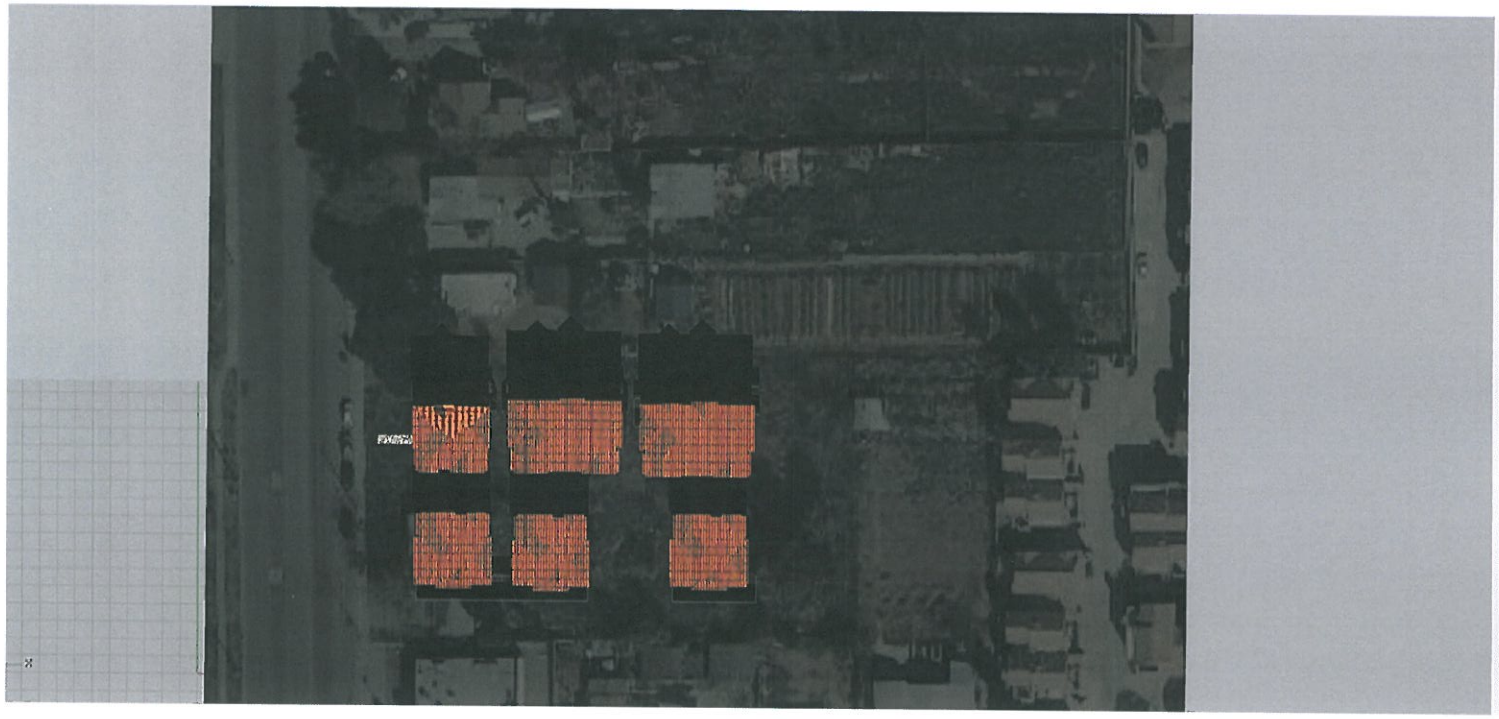

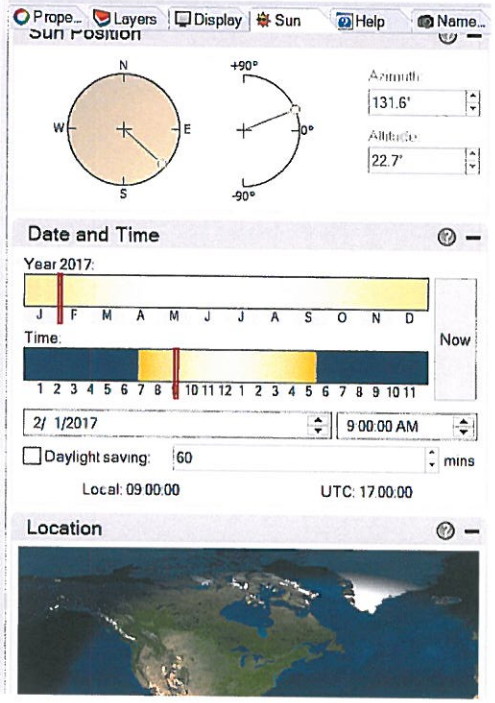
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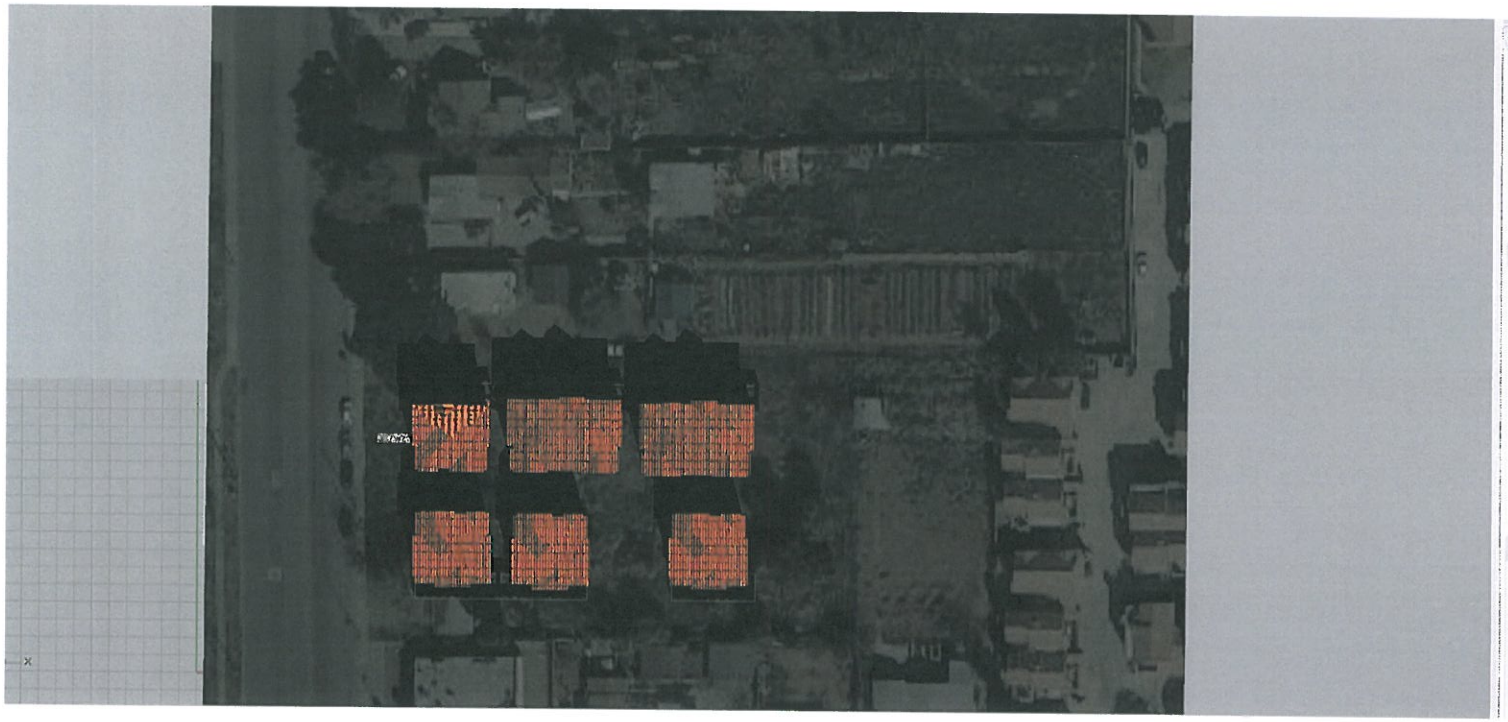

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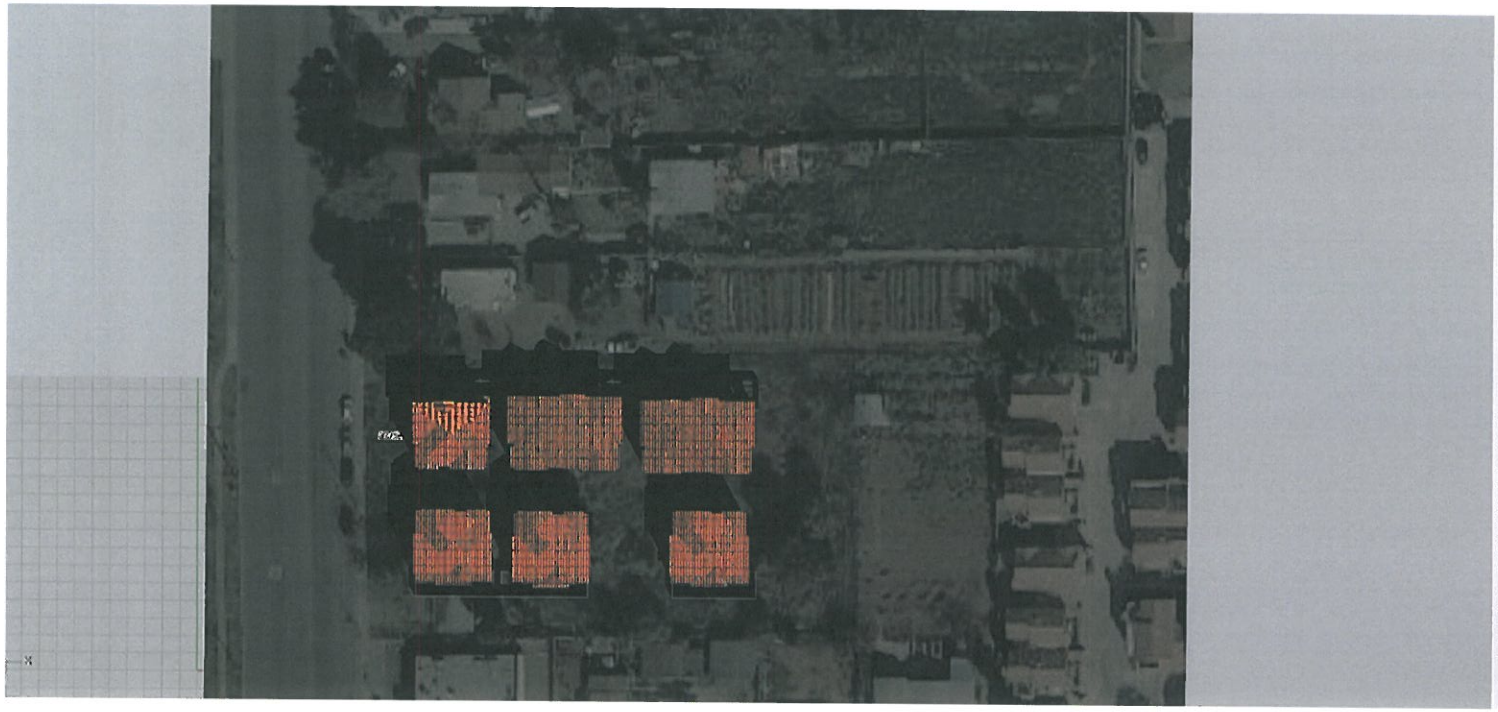

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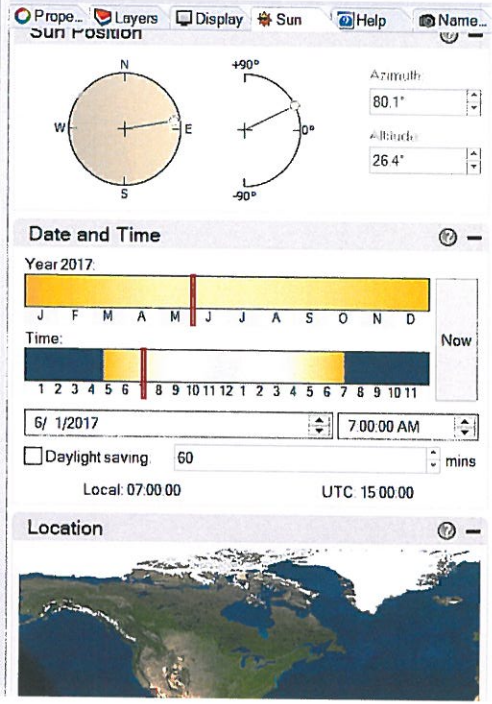
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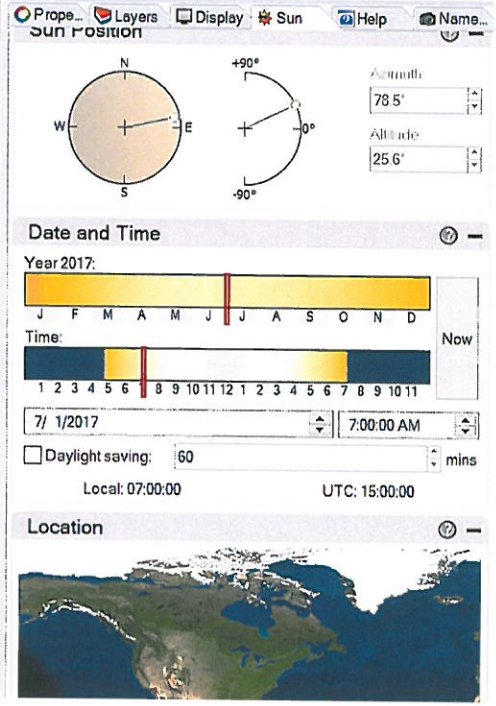
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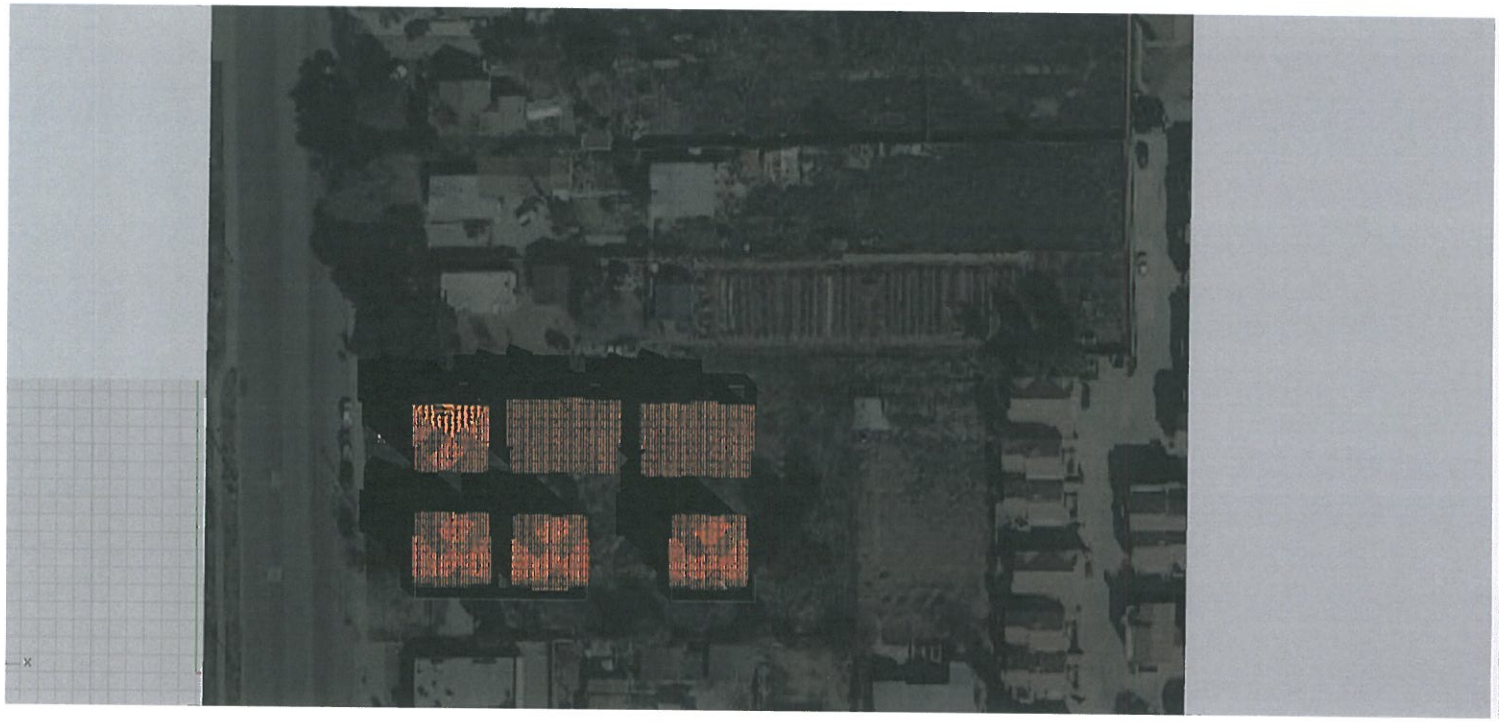

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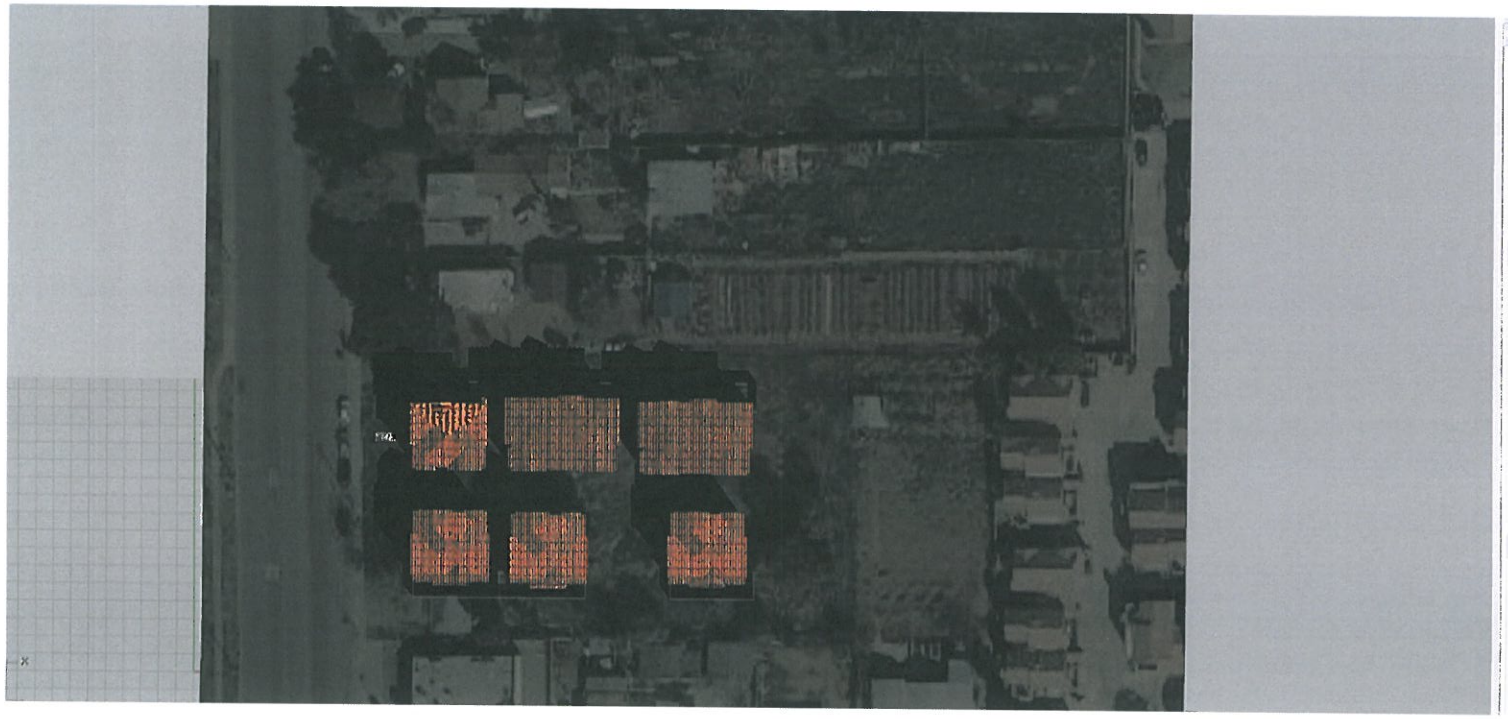

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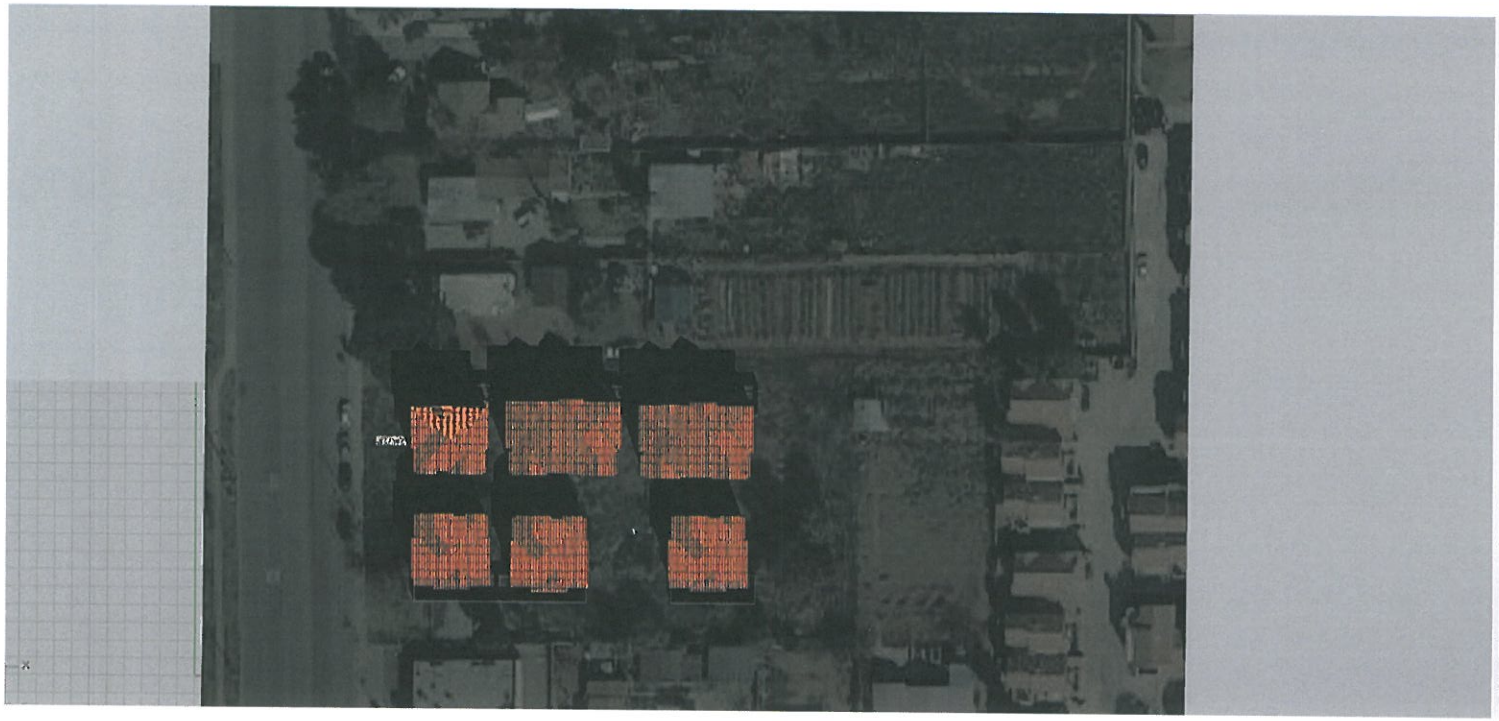

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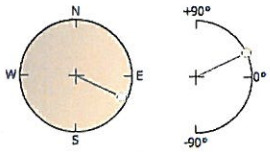

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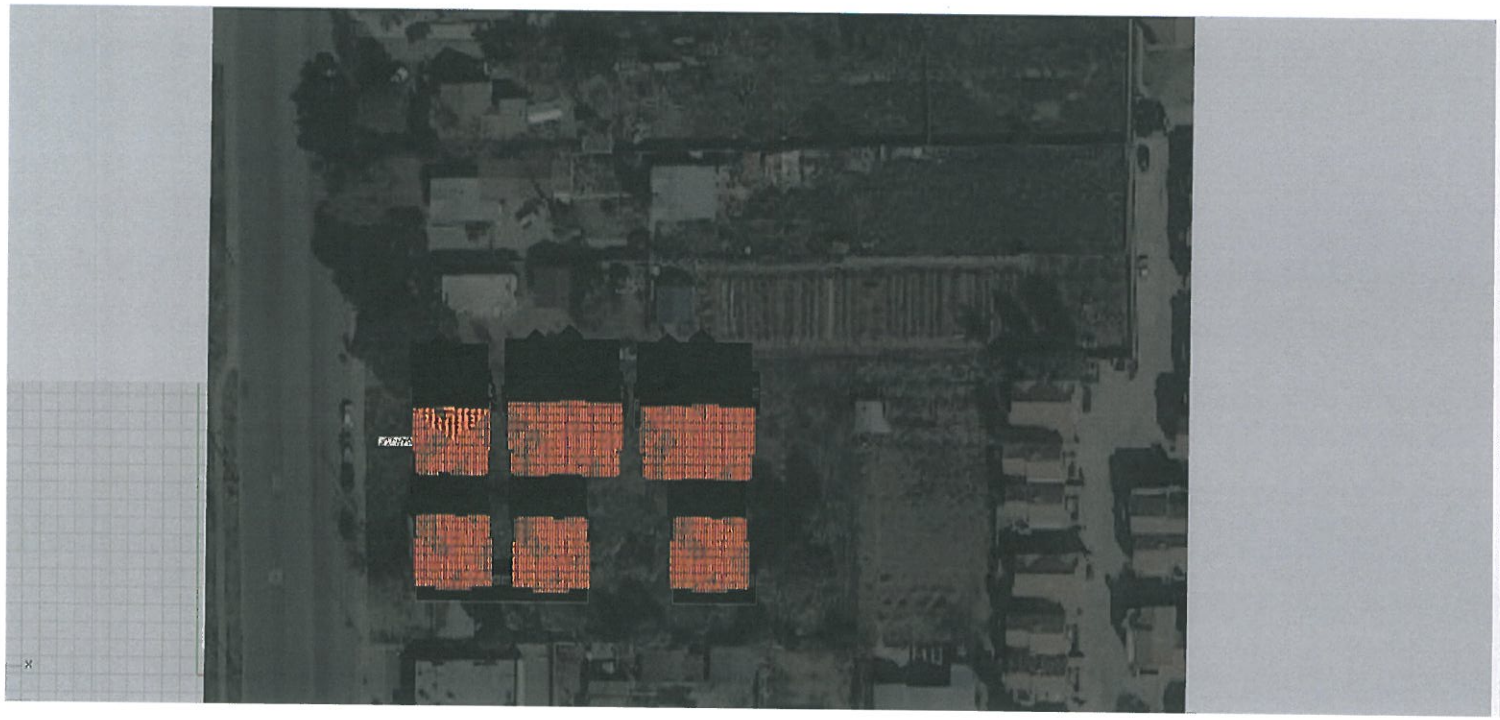

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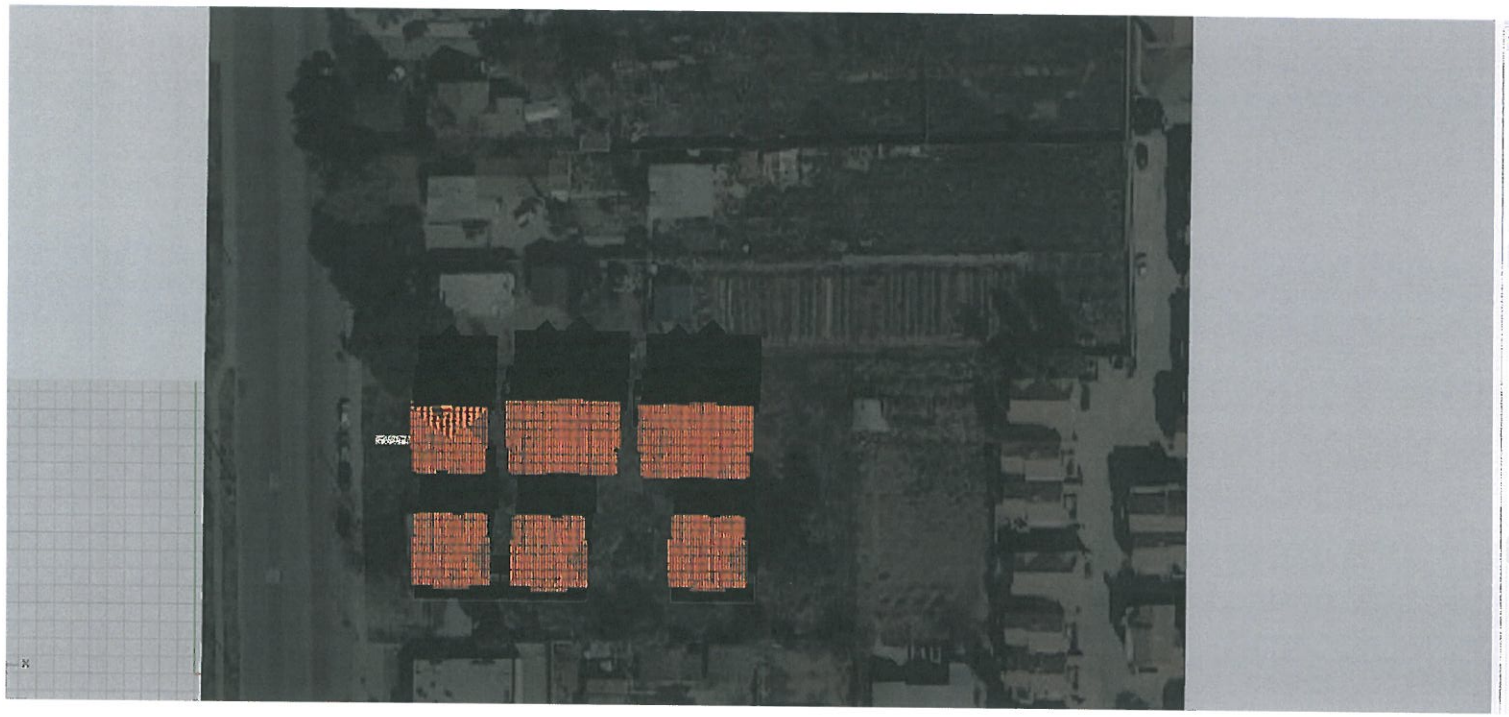

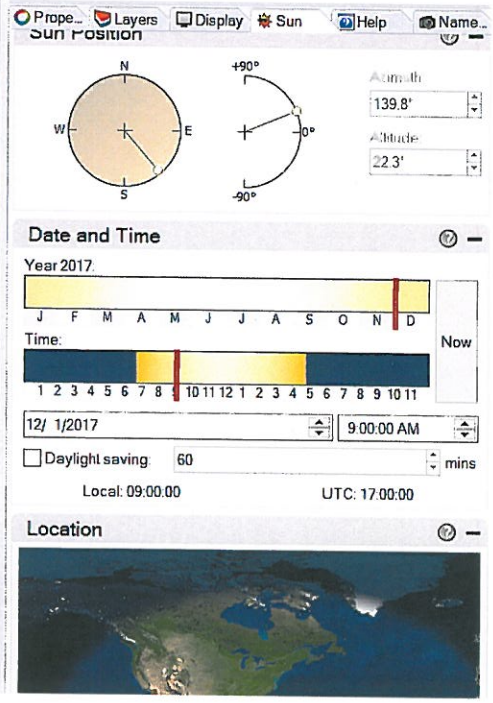
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Claremont Monthly Meeting
of the
Religious Society of Friends

RECEIVED
FEB 13 2017
By

To the City of Pomona Planning Commission February 10, 2017]

Re: The Neighborhood Garden at 1196 South San Antonio Avenue

The neighborhood garden at 1196 South San Antonio Ave is important to the the City of Pomona. There is nothing like this garden in the neighborhood, city or in neighboring cities (including where I live in Claremont). It is an amazing organic garden but also much more than a garden. The residents at 1196 South San Antonio Ave have a mission to educate their community about the many benefits of transforming urban and suburban lands into sources of natural beauty and food productivity in environmentally enhancing ways. This is a major service and inspiration to the community. I would hate to see their important work seriously limited or impaired by the proposed construction of new structures next door.

In 2014, members of our congregation, the Claremont Friends Meeting, were concerned about our excessive use of water for grass maintenance . We decided to change a large area of irrigated lawn, about 7,000 square feet, which we shared with the Pilgrim Place retirement home - our neighbor who agreed to join this project .

Through one of our congregation who helps out at the garden, we met Rishi Kumar and his associates. We learned of the very practical ways that we could immediately begin to take better care of our land through urban ecological farming. We invited them to work with us to transform and rejuvenate our landscape, not just saving water but putting the water we still used to much better use.

The process began in the fall of 2015 and was carried out gradually mostly by volunteers and during weekend workshops organized with the help of the people from the neighborhood garden. Together we transformed the lawn-based landscape into an ecological garden, designed to to harvest and store rainfall, provide habitat for wildlife, and grow food for the community. Through these workshops, we covered over the grass, spread multiple layers of mulch and natural fertilizer, converted the watering system, and planted over 50 fruit trees of more than 15 different species from Avocados to Tangerines. We also planted multiple California natives.

Our water usage fell by half even though we still had a substantial area of grass remaining on a different part of the property. Most of the cost of this transformation was covered by a rebate from the Metropolitan District Water Authority.

The restoration of the land created a place of natural beauty and peacefulness. Many have commented that the new landscape is an oasis of tranquility for them as they pass by. We came to see this approach as consistent with our spiritual values and the best form of stewardship for the property which was our responsibility.

We know that city governments are concerned about preserving and enhancing the property values within their community for the benefit of their citizens as well as a source of needed tax revenues. Value is often measured by the dollar value of the properties.

I believe the neighborhood garden at 1196 S San Antonio Ave provides a different and equally important form of value to city of Pomona and surrounding communities - educating and inspiring others to become more aware of possibilities to make better use of the land. It can be regenerated and transformed to become more alive, diverse, productive and beautiful. I invite you to envision a broader and more comprehensive form of development - to design our human environment to become one with nature.

Sincerely,

Wesley Mason, Clerk of the Sustainability and Administration Committee,
Claremont Friends Meeting, Claremont, California

Elias, Sandra

From: Kyle Brown <kylebrown977@yahoo.com>
Sent: Monday, January 09, 2017 5:54 PM
To: Elias, Sandra
Cc: Lazzaretto, Mark
Subject: Fwd: Planning Commission Item #2 on 1/11/17

Received in advance of Wednesday's PC meeting.

Sent from my iPhone

Begin forwarded message:

From: Laurette Lavin <rette@handmadepi.com>
Date: January 9, 2017 at 4:36:59 PM PST
To: kylebrown977@yahoo.com
Subject: Planning Commission Item #2 on 1/11/17
Reply-To: Laurette Lavin <rette@handmadepi.com>

Dear Dr. Brown,

I own a home in Lincoln Park and I am the Volunteer Coordinator for "Lincoln Park Pesticide Free."

I wanted to urge you to vote AGAINST granting a conditional use permit for the project at 1198-1236 S. San Antonio. I am strongly against two story apartments being built at that location because of the substantial negative impact they will have on the vegetable gardens at 1196 S. San Antonio due to the shade that they will create. The Kumar family has the most amazing urban garden in probably all of Pomona. It is an inspiration and learning environment to many of us who strive to build our own backyard vegetable gardens and spread the urban gardening movement all around Pomona. It is a movement that is ONLY good for Pomona land and Pomona residents, and I see it as one of the keys to Pomona's future success. Please don't destroy the fruit of much labor and love by voting to grant this permit.

Sincerely,

Laurette Lavin

366 Lincoln Avenue

Pomona, CA 91767

Elias, Sandra

From: Kyle D. Brown <kylebrown977@yahoo.com>
Sent: Thursday, January 12, 2017 11:45 AM
To: Elias, Sandra
Cc: Lazzaretto, Mark
Subject: Fwd: proposed project at 1198 and 1236 South Antonio Ave.
Attachments: letter to Comissioner Brown.pdf

I did not receive this letter until 8:45 this AM (Thursday, January 12th, 2017). But this should be shared with all Commissioners when this item returns to the agenda.

Kyle

-------- Forwarded Message --------
Subject:proposed project at 1198 and 1236 South Antonio Ave.
Date: Thu, 12 Jan 2017 16:45:47 +0000
From: Eileen Wallis <evwallis@cpp.edu>
To:kylebrown977@yahoo.com <kylebrown977@yahoo.com>

Dear Commissioner Brown:
Please see the attached letter about the proposed project at 1198 and 1236 South San Antonio Ave. in Pomona.
Thank you for your time.

Sincerely,
Eileen V. Wallis
Professor and Chair
History Department
CPP

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA

History Department
College of Letters, Arts, and Social Sciences

January 10, 2017

Dear Commissioner Brown,

My name is Eileen V. Wallis and I am a board member of the Historical Society of the Pomona Valley as well as chair of the History Department at Cal Poly Pomona. I am contacting you regarding the proposed development at the properties of 1198 South San Antonio Avenue and 1236 South San Antonio Avenue, which is seeking a Conditional Use Permit for development. As a board member of the Historical Society, I am saddened to see the continued depletion of Pomona's historical character by the development of townhomes and condos that do not reflect Pomona's spirit or culture and only provide profit to corporations and individuals based outside of the city's borders

I further oppose this development because of the clear and undeniable detrimental effects on neighboring properties. The projects two primary neighbors are historical homes which are being used by their residents for their historical use: gardening. Long skinny lots such as those in the project's neighborhood were originally developed as homestead lots, and these neighbors are returning their properties to their original intended use, bringing a part of Pomona's history back to life and adding to the unique character of the neighborhood. The proposed development would severely hinder these neighbors gardening activities, which have become points of community connection and security within the neighborhood.

I urge you and all other Planning Commissioners to stop this development or at least limit it to housing fitting the historic character of the neighborhood. Please also pass this message along to other Planning Commissioners before tomorrow's Public Hearing.

Thank you,

Dr. Eileen Wallis
History Department
CPP
3801 W. Temple Ave.
Pomona, CA 91768

Rishi Kumar
1196 S. San Antonio Avenue
Pomona, CA 91766

January 04, 2017

City of Pomona Planning Commission
505 Garey Avenue
Pomona, CA 91766

Re: 1198-1236 S. San Antonio Avenue, Case Nos. CUP-4067-2016, TMM-4947-2016.

Dear Honorable Commissioners:

I am writing to you on behalf of myself, and several neighbors and community members who are concerned with and opposed to the proposed Caspian Condos development project ("Project") which requests a conditional use permit from the City of Pomona to construct fourteen new townhome style condominium units on the property located at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue. Each unit will be two-stories tall with an attached two-car garage.

This proposed development will negatively affect our neighborhood, and we want to make our oppositions clear to the City Council, the Planning Commission, and Mayor Sandoval. Below, we have outlined our concerns regarding this development.

I. The Conditional Use Permit Must be Denied Because the Caspian Condos Project Fails to Satisfy the Requirements of the Pomona Zoning Code.

Pursuant to Pomona Zoning Code § .58011, a conditional use permit is required any time ten or more dwelling units are proposed to be constructed. Before a conditional use permit may be granted, the City of Pomona Planning Commission ("Commission") must find that "[t]he building height, size, scale, location and relationship of the proposed development [is] compatible with and not detrimental to both the existing or proposed surrounding development[.]" Pomona Zoning Code § .58011.

For the reasons described below, including but not limited to the substantial impact of the proposed Project on adjacent agricultural practices, the building height, size, scale and location of the Project is not compatible with and will detrimentally impact the existing adjacent and surrounding low-density residential and agricultural development.

Furthermore, pursuant to Pomona Zoning Code § 580, a conditional use permit cannot be granted unless (1) "the proposed use at the particular location will contribute to the general well-being of the neighborhood or community;" and (2) the proposed use "will not ... 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 developer fails to show, and indeed cannot show, that these conditions have been satisfied. The Commission must find that the proposed development does not satisfy the requirements of the Pomona Zoning Code because of the serious, deleterious, and adverse impacts on the community from the proposed project as described below.

II. The Project Will Have Significant Adverse Environmental Impacts:

The proposed development does not serve the general well-being of the neighborhood or community. South Pomona is in desperate need of public services and affordable housing which would serve the interests of the historically-oppressed and middle to lower-income community that resides in the area. The park across the street from the development is continually occupied by people without homes and limited access to food. This proposed development, which will occupy a large area of land in a central area of South Pomona, will not serve the interests of our community and will instead serve the interest of a private developer with a strictly financial interest in Pomona and its residents. The developer, Tork Inc., is based in Tustin, CA and has no history or roots in the vibrant City of Pomona. The proposed development does not include any affordable housing which could serve the well-being of the local community, but instead proposes to develop top-dollar townhomes which will change the character of and gentrify the neighborhood.

This top-dollar development will continue a trend which is pushing existing, low-income communities out of Pomona. An increase in modern townhomes is already driving up rents and decreasing availability of affordable housing within Pomona. Profit-driven developments such as the Project do not take into account the well-being of our community, and instead only account for the well-being of the developer advocating for them.

The construction of the Project will negatively impact the health of neighbors. Construction projects create a variety of toxic and hazardous dusts that will negatively affect the organic fruits, vegetables, and herbs grown on the adjacent properties at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. These crops provide the sustenance for residents at both properties and their contamination will negatively affect the health of these residents. No analysis has been completed regarding these potentially significant environmental impacts.

Gentrification caused by the development will negatively affect the safety and general welfare of nearby low-income and homeless residents. The neighborhood is currently home to a large number of low-income, working class families. In addition, a substantial number of homeless residents live at Washington Park across the street from the proposed development. Gentrification caused by this development may negatively affect these existing residents, who may become increasingly harassed and intimidated by new, foreign, wealthier neighbors.

The quiet and peace of the neighborhood will be disturbed by the densified development of condos, which will increase traffic congestion in a low-density residential neighborhood. The increased traffic will make safe and accessible parking for existing neighborhood residents scarce. In addition, this congestion will negatively affect community access to Washington Park.

The construction of this large Project will be detrimental to the use, valuation and enjoyment of property and improvements of adjacent neighbors. The adjacent neighbors at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue both conduct organic farming on their respective properties. If the construction process and the resulting effluents and toxic dusts are not carefully monitored and managed, the construction process will lead to contamination of the organic fruits, vegetables, and herbs grown by these neighboring residents. The current developments plans do not show any special considerations for these concerns or their negative impact on the adjacent neighbors' use and enjoyment of their respective properties.

The construction project will also negatively affect the historic tree that is situated on the border of 1196 S. San Antonio Avenue and 1198 S. San Antonio Avenue. This tree is of historic importance, improves local air quality, and provides beauty and precious shade to the community. The tree is also of economic importance to the residents of 1196 S. San Antonio Avenue, as it provides cooling shade to the residence throughout the warm Pomona summers. The residents of 1196 S. San Antonio Avenue save hundreds of dollars annually due to this tree, because they have no need to use air conditioning because of it.

Damage to the tree would therefore lead to an economic loss for the residents of 1196 S. San Antonio Avenue. Damage to the tree due to construction, or as a result of pruning, could lead to loss of life and/or property, as the tree could fall directly on the residence at 1196 S. San Antonio Avenue. The value of this tree must be thoroughly examined before any construction takes place so near to it or any pruning takes place.

The physical structure and management of the proposed development will devalue and materially impact existing agricultural uses at adjacent properties by creating significant shade and thereby adversely impacting aesthetic views. The developer of the proposed development is seeking a Conditional Use Permit to build two-story townhomes adjacent to 1196 S. San Antonio Avenue and 1059 E. Grand Avenue, where agricultural activity is the existing and established use. These two-story structures would cast physical shade onto both properties, negatively impacting both the light and temperature essential to healthy plant growth and thus limiting the agricultural activities which have been taking place on both properties for over 5 years.

Below are three diagrams showing an estimate of how the proposed development would cast shade onto the growing fruits, vegetables, and herbs at 1196 S. San Antonio Avenue. and 1059 E. Grand Avenue. The diagrams show that the proposed development would severely affect the ability for both properties to continue their agricultural activities by casting significant shade over existing crop-growing areas. Please note that the satellite image is outdated, and does not show the current crop-growing areas on either property, which now cover the entirety of both properties.

The image below shows an estimate of the shadow cast by the proposed 26.5 foot tall building situated at the northeast corner of 1198 S. San Antonio Avenue. After 3 p.m. every day, on days near the Winter Solstice, the building would cast a shadow completely across the eastern crop-growing areas of 1196 S. San Antonio Avenue.

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As the two diagrams above show, significant shade would be cast over crop-growing areas at 1196 S. San Antonio Avenue by the three northern buildings of the proposed development, especially during the months when the sun's path is low in the sky (November, December, January).

The image below shows an estimate of the shadow cast by the two proposed 26.5 foot tall buildings situated at the east edge of 1236 S. San Antonio Avenue. After 5 p.m. every day, on days near the Spring and Fall Equinox, the buildings would cast a shadow completely across the central and northern crop-growing areas of 1059 E. Grand Avenue.

As the diagram above shows, significant shade would be cast over the crop-growing areas at 1059 E. Grand Avenue, by the two easternmost buildings of the proposed development, especially during the months when the sun's path is most directly overhead (late February, March, early April, late August, September, and early October,).

Additionally, management of the landscape at the proposed development will likely include the use of toxic pesticides, herbicides, and fertilizers which would contaminate the fruits, vegetables, and herbs being grown on both adjacent properties.

The proposed development does not fit the existing character of the neighborhood. "Protecting the character of neighborhoods while ensuring safety and sufficient parks, public services, and access is an important part of the community's vision." (City of Pomona (2014) General Plan at 76, http://www.ci.pomona.ca.us/mm/comdev/plan/pdf/General_Plan.pdf.) The existing homes on the block of San Antonio Avenue, north of Grand Avenue and south of Mission Boulevard are exclusively single-story, single-family homes.

The homes north of Grand Avenue and south of 9th Street are not just single-story, single-family homes, but also historical homes which define the character of the neighborhood. "Policies for neighborhood design establish a basis for neighborhood configuration, architectural treatments, and standards for a high quality of environment as essential elements of new residential neighborhood development." (City of Pomona (2014) General Plan at 76.) In addition, these homes sit primarily on large, open properties--a unique and distinct characteristic of the neighborhood.

Nearby homes on S. San Antonio Avenue:
1188 S. San Antonio Avenue - Built 1927 - .67 acres
1196 S. San Antonio Avenue - Built 1927 - .6 acres
1164 S. San Antonio Avenue - Built 1928 - .53 acres
1140 S. San Antonio Avenue - Built 1928 - .68 acres
1116 S. San Antonio Avenue - Built 1922 - .45 acres
1108 S. San Antonio Avenue - Built 1928 - .46 acres
1096 S. San Antonio Avenue - Built 1930 - Condo
1098 S. San Antonio Avenue - Built 1997 - Condo
1074 S. San Antonio Avenue - Built 1924 - .64 acres
1072 S. San Antonio Avenue - Built 1977 - 9482 sq. ft. (0.22 acres)
1070 S. San Antonio Avenue - Built 1962 - 800 sq. ft. (0.02 acres)

The Project proposes a strip-mall type sprawl development lacking in character, consisting of six multi-family, multi-story buildings tightly packed into a small area, which is completely at odds with the existing character of the neighborhood. A project can have a potentially significant impact under the California Environmental Quality Act (CEQA) if "[t]he project would cause or contribute to a change in the overall character of the area (e.g., from ... single-family to multi-family, etc.) and/or new development would contrast with existing architectural styles or themes[.]" City of Los Angeles (2006) L.A. CEQA Thresholds Guide, at A.I-5. The Project will be an eyesore in our neighborhood.

III. The Project Does not Qualify for an Exemption from CEQA Because of Potentially Significant Environmental Impacts and Further Environmental Review is Required.

The developer asserts that the Project qualifies for a Class 32 exemption, from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15332, which exempts infill development project. Exemptions from CEQA must be narrowly construed and may not be expanded or broadened beyond the reasonable scope of their

statutory language. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 792.) The Project is not exempt pursuant to § 15332 for the following reasons:

- Section 15332 (a) requires that "[t]he project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."
    - **Argument:** The Project is not consistent with the Pomona Zoning Code, as described supra in Part I & II. Furthermore, the Project is not consistent with the City of Pomona General Plan which requires that new development match the character and density of surrounding properties. (*See* City of Pomona (2014) General Plan at 76.) The General Plan also requires that "'streetscapes' of residential streets serve as attractive green places and settings for homes and are consequently an important component of residential open space; residential streetscapes also play a part in providing buffering (and supporting livability and value) to both individual homes and neighborhoods facing onto larger streets." (City of Pomona (2014) General Plan at 28.) Converting an existing open space into densely concentrated condominium units in a single-family home neighborhood consisting primarily of historic homes, and which will shade out existing agricultural land uses, fails to comply with this important policy described in the General Plan. The General Plan also discourages development of "placeless sprawl" but rather to concentrate new development in places of activity, like Downtown Pomona, while maintaining "more openness and greenery where neighborhoods border on natural open spaces." (City of Pomona (2014) General Plan at 146.)
- Section 15332 (b) applies to projects when: "[t]he proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."
    - **Argument:** The proposed development is NOT substantially surrounded by urban uses. Two of the adjacent properties, 1196 South San Antonio Avenue and 1059 East Grand Avenue, are currently under agricultural use and have been for several years. These two properties represent 445 ft. out of 730 ft. of contiguous boundary, or 60%, of the perimeter properties to the proposed development. The proposed development is therefore not substantially surrounded by urban uses, and these agricultural activities will be substantially and adversely impacted by shade from the project.

- *Section 15300.2 (b)* provides that "[a]ll exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."
    - **Argument:** Infill developments, such as this proposed development, have been and are continuing to be built all around Pomona. The cumulative impact of these developments must therefore be considered. Projects such as these result in open ground being paved over with concrete and asphalt, leading to significant decreases in water infiltration to Pomona's ground water supply. Since Pomona relies on local groundwater for 75% of its water supply, the cumulative impact of these developments must be studied, such that there is information regarding the effects on local groundwater quantity and quality.
- *Section 15300.2 (d)* states "Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR[.]"
    - **Argument:** The proposed development would negatively impact a very large, historic, and scenic tree located on the Southwest corner of the property at 1196 S. San Antonio Avenue. This tree is approximately 90 years old and was planted by the original resident of 1236 S. San Antonio Avenue. Nearly 50% of the tree's roots are established in 1198 S. San Antonio Avenue, and would be negatively impacted by any proximate developments. The proposed development would build a 6 foot concrete wall and a residential building within the tree's root zone. Without adequate study of the tree's root zone, damaging effects that result from neighboring construction may not be apparent for several years and may lead to the demise of this historic tree.
- *Section 15300.2 (f)* states: "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."
    - **Argument:** This section also applies to the aforementioned tree. The tree is a historical resource. It was planted by a historical resident of Pomona and remains one of the city's oldest trees. Furthermore, many of the homes in this neighborhood are historic homes located primarily on large, open properties creating a unique and distinct characteristic of the neighborhood. The impact of the Project on these properties must be analyzed under CEQA.

The above facts show that the proposed development does not qualify for a categorical exemption from CEQA.

Furthermore, even if a categorical exemption may apply, public agencies may not use categorical exemptions when there are "unusual circumstances" and a fair argument can be made that "there is a reasonable possibility of a significant effect on the environment due to unusual circumstances." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1115, as modified (May 27, 2015) (quoting Cal. Code Regs., tit. 14, § 15300.2, subd. (c)).)

The Project is located unusually close to agricultural land uses and historic homes that will be significantly adversely impacted by the project. Agriculture is a shadow-sensitive use, and sunlight is of importance to the growing crops in the adjacent properties of 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. As depicted above, the Project will shade out substantial portions of crop-growing areas on both properties, and will thereby substantially degrade the existing visual character or quality of surrounding properties. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklsit Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.; *see* City of Los Angeles (2006) *L.A. CEQA Thresholds Guide*, at A.3-1, A.3-2, http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf.) Furthermore, the Project will have a potentially significant environmental impact "due to [its] location or nature," because it "could result in conversion of Farmland, to non-agricultural use" by shading out existing agricultural land uses. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklist Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.)

IV. Proposed Alternative

The existing community of South Pomona is underserved and underprivileged, with few local opportunities and resources for upward mobility. The properties at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue should serve this community. The obvious way to serve this community would be to develop affordable housing, which could house some of the thousands of people who have lost their homes in the Great Recession. And while affordable housing would be beneficial to the community, there are possibilities for even more creative development which could serve the broader community.

The land, which is across the street from a large park frequented by thousands of residents throughout the year, could be converted into a Community Center. A Community Center would provide a variety of health, personal, and educational services to the community.

Given the large land area of the properties, a community garden or farm could be developed to bring fresh and healthy fruits and vegetables to local residents. Such a garden could also educate local residents about growing food at home. This type of education, would encourage local residents who have large properties to use their land to grow healthy fruits and vegetables for their families, neighbors, and the local community, thereby growing a vibrant and unique City of Pomona.

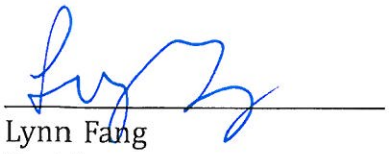
If creative and beneficial developments are not possible, new development should at the bare minimum fit into the existing character of the neighborhood. This character is defined by the surrounding homes, which are single-family, single-story homes.

Signatories

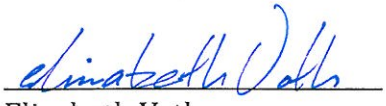
This letter represent the views of the following signatories, representing local neighbors, Pomona residents, and neighborhood stakeholders.

Rishi Kumar
Owner and resident
1196 S. San Antonio Ave.

Elinor Crescenzi
Resident
1196 S. San Antonio Ave.



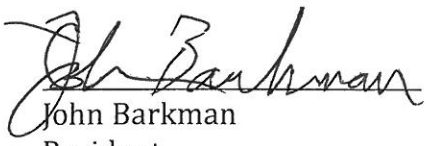
Lynn Fang
Resident
1196 S. San Antonio Ave.



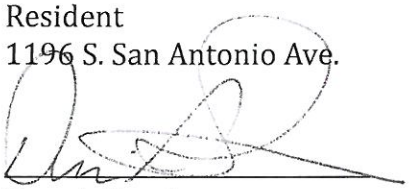
Elizabeth Voth
Resident
1196 S. San Antonio Ave.

Christine Olanio
Resident
1196 S. San Antonio Ave.

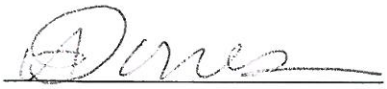
Linda Barkman
Resident
1059 Grand Ave.



John Barkman
Resident
1059 Grand Ave.



Dennis Sanchez
Resident
1140 S. San Antonio Ave.



Andrea Torres
Resident
786 Cameo Ct.

Rishi Kumar
1196 S. San Antonio Avenue
Pomona, CA 91766

January 04, 2017

City of Pomona Planning Commission
505 Garey Avenue
Pomona, CA 91766

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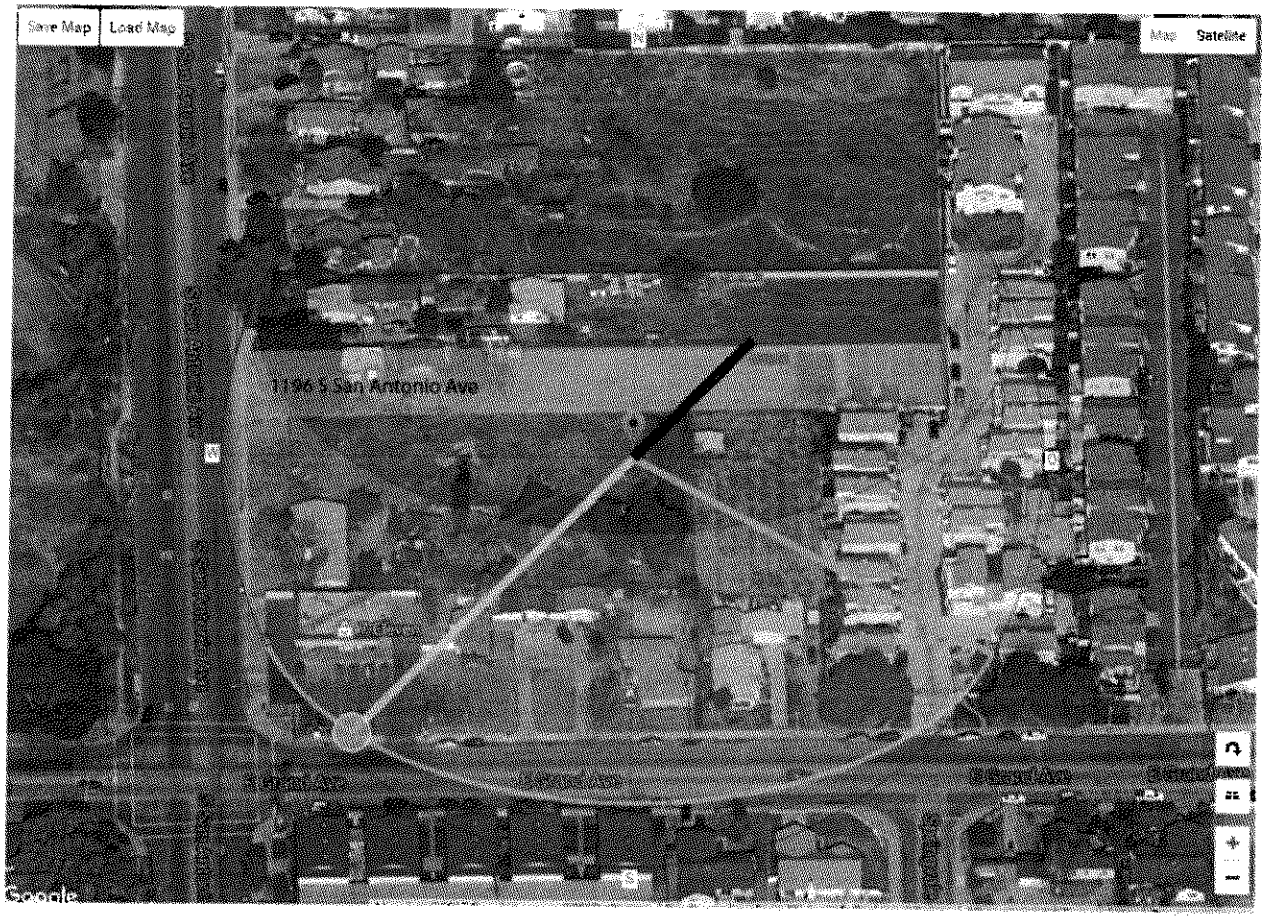

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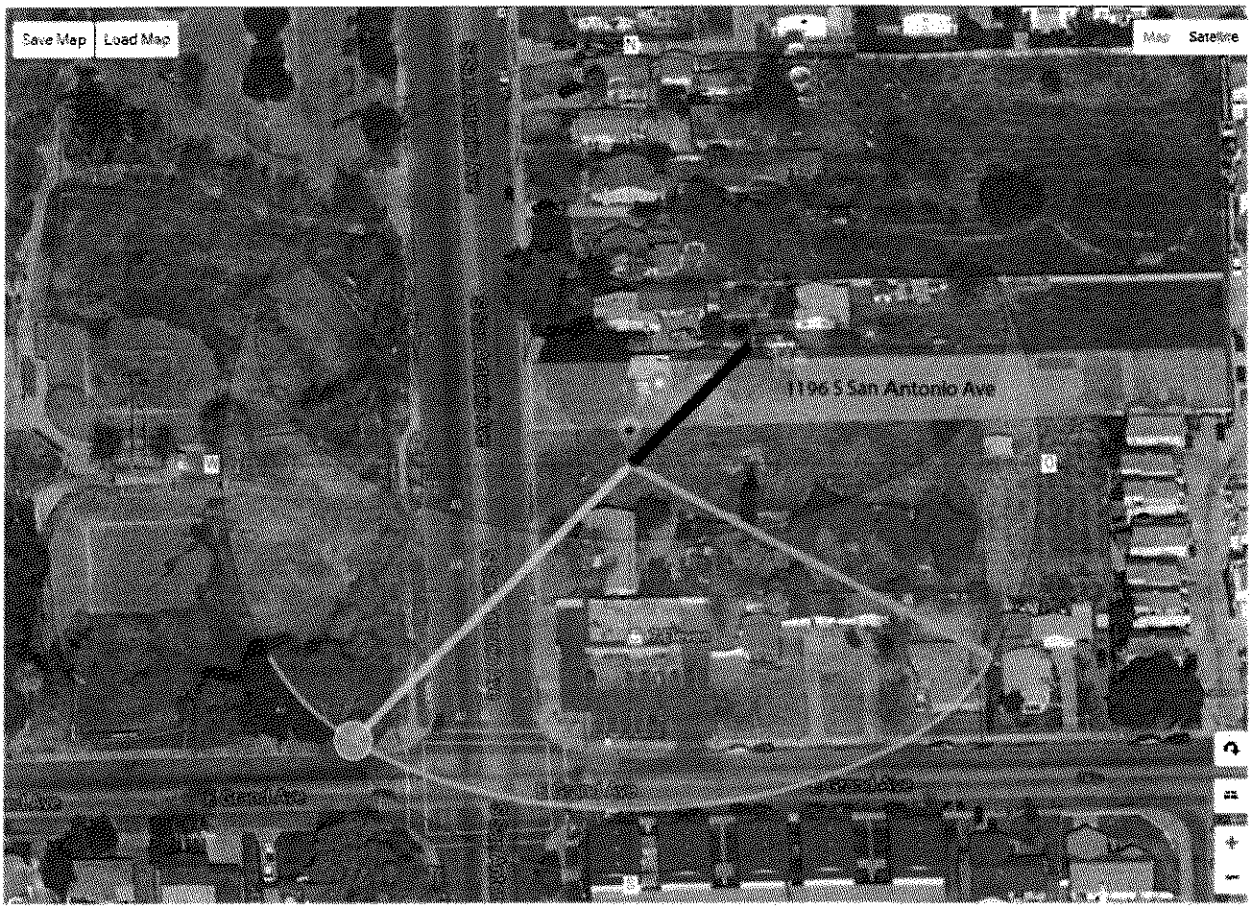

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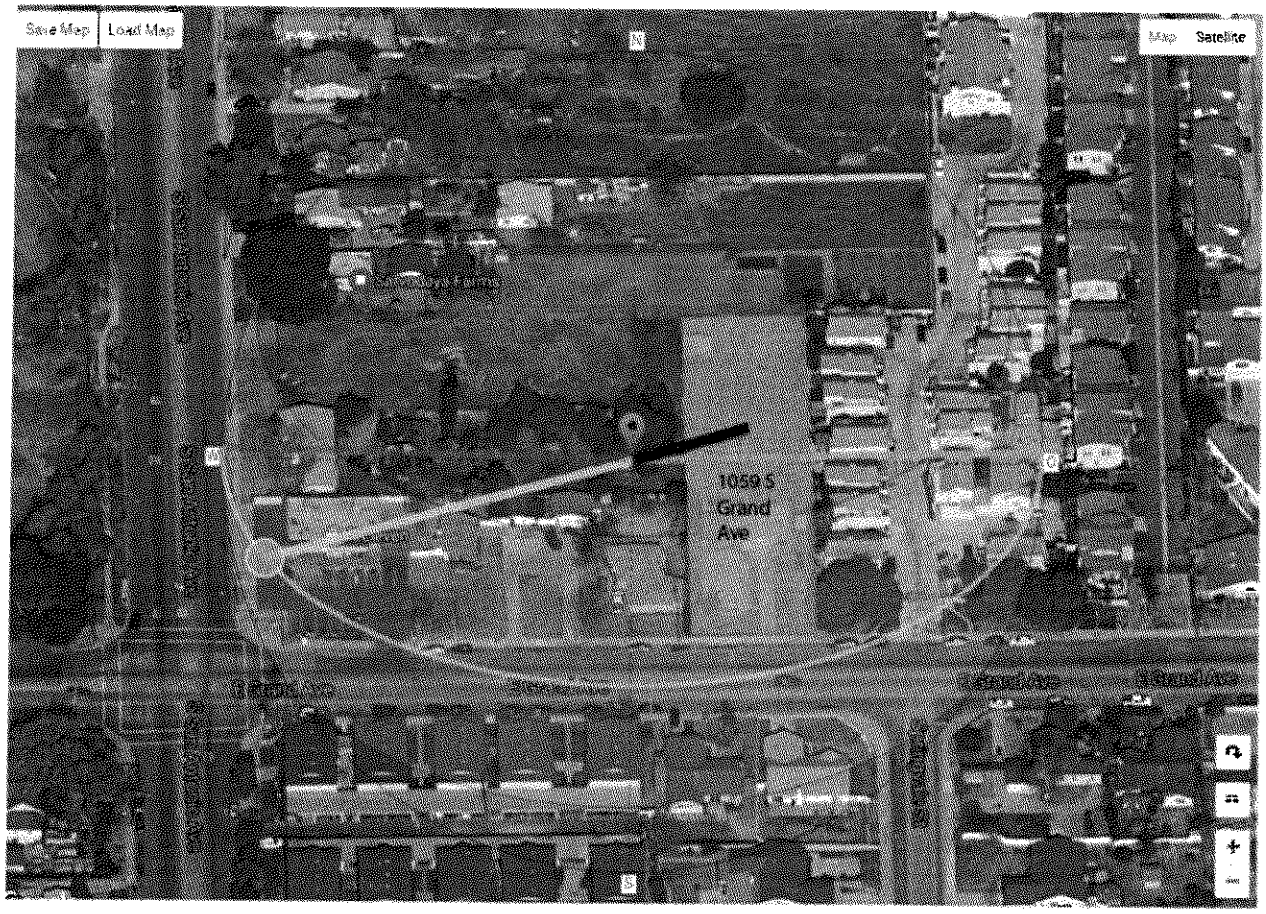

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The homes north of Grand Avenue and south of 9th Street are not just single-story, single-family homes, but also historical homes which define the character of the neighborhood. "Policies for neighborhood design establish a basis for neighborhood configuration, architectural treatments, and standards for a high quality of environment as essential elements of new residential neighborhood development." (City of Pomona (2014) General Plan at 76.) In addition, these homes sit primarily on large, open properties--a unique and distinct characteristic of the neighborhood.

Nearby homes on S. San Antonio Avenue:
1188 S. San Antonio Avenue - Built 1927 - .67 acres
1196 S. San Antonio Avenue - Built 1927 - .6 acres
1164 S. San Antonio Avenue - Built 1928 - .53 acres
1140 S. San Antonio Avenue - Built 1928 - .68 acres
1116 S. San Antonio Avenue - Built 1922 - .45 acres
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1072 S. San Antonio Avenue - Built 1977 - 9482 sq. ft. (0.22 acres)
1070 S. San Antonio Avenue - Built 1962 - 800 sq. ft. (0.02 acres)

The Project proposes a strip-mall type sprawl development lacking in character, consisting of six multi-family, multi-story buildings tightly packed into a small area, which is completely at odds with the existing character of the neighborhood. A project can have a potentially significant impact under the California Environmental Quality Act (CEQA) if "[t]he project would cause or contribute to a change in the overall character of the area (e.g., from ... single-family to multi-family, etc.) and/or new development would contrast with existing architectural styles or themes[.]" City of Los Angeles (2006) L.A. CEQA Thresholds Guide, at A.I-5. The Project will be an eyesore in our neighborhood.

III. The Project Does not Qualify for an Exemption from CEQA Because of Potentially Significant Environmental Impacts and Further Environmental Review is Required.

The developer asserts that the Project qualifies for a Class 32 exemption, from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15332, which exempts infill development project. Exemptions from CEQA must be narrowly construed and may not be expanded or broadened beyond the reasonable scope of their statutory

language. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 792.) The Project is not exempt pursuant to § 15332 for the following reasons:

- Section 15332 (a) requires that "[t]he project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."
    - **Argument:** The Project is not consistent with the Pomona Zoning Code, as described supra in Part I & II. Furthermore, the Project is not consistent with the City of Pomona General Plan which requires that new development match the character and density of surrounding properties. (*See* City of Pomona (2014) General Plan at 76.) The General Plan also requires that "'streetscapes' of residential streets serve as attractive green places and settings for homes and are consequently an important component of residential open space; residential streetscapes also play a part in providing buffering (and supporting livability and value) to both individual homes and neighborhoods facing onto larger streets." (City of Pomona (2014) General Plan at 28.) Converting an existing open space into densely concentrated condominium units in a single-family home neighborhood consisting primarily of historic homes, and which will shade out existing agricultural land uses, fails to comply with this important policy described in the General Plan. The General Plan also discourages development of "placeless sprawl" but rather to concentrate new development in places of activity, like Downtown Pomona, while maintaining "more openness and greenery where neighborhoods border on natural open spaces." (City of Pomona (2014) General Plan at 146.)
- Section 15332 (b) applies to projects when: "[t]he proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."
    - **Argument:** The proposed development is NOT substantially surrounded by urban uses. Two of the adjacent properties, 1196 South San Antonio Avenue and 1059 East Grand Avenue, are currently under agricultural use and have been for several years. These two properties represent 445 ft. out of 730 ft. of contiguous boundary, or 60%, of the perimeter properties to the proposed development. The proposed development is therefore not substantially surrounded by urban uses, and these agricultural activities will be substantially and adversely impacted by shade from the project.

- *Section 15300.2 (b)* provides that "[a]ll exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."
    - **Argument:** Infill developments, such as this proposed development, have been and are continuing to be built all around Pomona. The cumulative impact of these developments must therefore be considered. Projects such as these result in open ground being paved over with concrete and asphalt, leading to significant decreases in water infiltration to Pomona's ground water supply. Since Pomona relies on local groundwater for 75% of its water supply, the cumulative impact of these developments must be studied, such that there is information regarding the effects on local groundwater quantity and quality.
- *Section 15300.2 (d)* states "Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR[.]"
    - **Argument:** The proposed development would negatively impact a very large, historic, and scenic tree located on the Southwest corner of the property at 1196 S. San Antonio Avenue. This tree is approximately 90 years old and was planted by the original resident of 1236 S. San Antonio Avenue. Nearly 50% of the tree's roots are established in 1198 S. San Antonio Avenue, and would be negatively impacted by any proximate developments. The proposed development would build a 6 foot concrete wall and a residential building within the tree's root zone. Without adequate study of the tree's root zone, damaging effects that result from neighboring construction may not be apparent for several years and may lead to the demise of this historic tree.
- *Section 15300.2 (f)* states: "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."
    - **Argument:** This section also applies to the aforementioned tree. The tree is a historical resource. It was planted by a historical resident of Pomona and remains one of the city's oldest trees. Furthermore, many of the homes in this neighborhood are historic homes located primarily on large, open properties creating a unique and distinct characteristic of the neighborhood. The impact of the Project on these properties must be analyzed under CEQA.

The above facts show that the proposed development does not qualify for a categorical exemption from CEQA.

Furthermore, even if a categorical exemption may apply, public agencies may not use categorical exemptions when there are "unusual circumstances" and a fair argument can be made that "there is a reasonable possibility of a significant effect on the environment due to unusual circumstances." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1115, as modified (May 27, 2015) (quoting Cal. Code Regs., tit. 14, § 15300.2, subd. (c)).)

The Project is located unusually close to agricultural land uses and historic homes that will be significantly adversely impacted by the project. Agriculture is a shadow-sensitive use, and sunlight is of importance to the growing crops in the adjacent properties of 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. As depicted above, the Project will shade out substantial portions of crop-growing areas on both properties, and will thereby substantially degrade the existing visual character or quality of surrounding properties. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklsit Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.; *see* City of Los Angeles (2006) *L.A. CEQA Thresholds Guide*, at A.3-1, A.3-2, http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf.) Furthermore, the Project will have a potentially significant environmental impact "due to [its] location or nature," because it "could result in conversion of Farmland, to non-agricultural use" by shading out existing agricultural land uses. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklist Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.)

IV. Proposed Alternative

The existing community of South Pomona is underserved and underprivileged, with few local opportunities and resources for upward mobility. The properties at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue should serve this community. The obvious way to serve this community would be to develop affordable housing, which could house some of the thousands of people who have lost their homes in the Great Recession. And while affordable housing would be beneficial to the community, there are possibilities for even more creative development which could serve the broader community.

The land, which is across the street from a large park frequented by thousands of residents throughout the year, could be converted into a Community Center. A Community Center would provide a variety of health, personal, and educational services to the community.

Given the large land area of the properties, a community garden or farm could be developed to bring fresh and healthy fruits and vegetables to local residents. Such a garden could also educate local residents about growing food at home. This type of education, would encourage local residents who have large properties to use their land to grow healthy fruits and vegetables for their families, neighbors, and the local community, thereby growing a vibrant and unique City of Pomona.

If creative and beneficial developments are not possible, new development should at the bare minimum fit into the existing character of the neighborhood. This character is defined by the surrounding homes, which are single-family, single-story homes.

Signatories

This petition represent the views of the following signatories, representing local neighbors, Pomona residents, and neighborhood stakeholders.

Signature: [signature] Name: Rishi Kumar

Circle One or Both: ~~Resident~~ Owner

Date: 1/11/17 Address: 1196 S San Antonio Ave

Signature: [signature] Name: Manju Kumar

Circle One or Both: Resident ~~Owner~~

Date: 1/11/17 Address: 24218 Doeskin Pl. Diamond Bar, CA

Signature: [signature] Name: Lynn Fang

Circle One or Both: Resident Owner

Date: 1/11/17 Address: 1196 South San Antonio Ave Pomona

Signature _____ Name Elinor Crescenzi

Circle One or Both: (Resident) Owner

Date 1/4/17 Address 196 S. San Antonio Ave Pomona

Signature _____ Name Christine

Circle One or Both: Resident Owner

Date _____ Address _____

Signature Karen Chapman Lenz Name Karen Chapman Lenz

Circle One or Both: (Resident) (Owner)

Date Jan. 11, 2017 Address 693 Parkwood Ln Pomona 91767

Elizabeth Voth — Elizabeth Voth
Signature — Name

Circle One or Both: (Resident) Owner

1/8/2017 — 1140 S. San Antonio Ave.
Date — Address

Lynn Fang — Lynn Fang
Signature — Name

Circle One or Both: (Resident) Owner

1/8/2017 — 1196 South San Antonio Ave
Date — Address

DENNIS SANCHEZ
Signature — Name

Circle One or Both: (Resident) Owner

1.8.2017 — 1140 S. SAN ANTONIO
Date — Address

Andrea Torres

Signature | Name

Circle One or Both: (Resident) Owner

1-8-17 | 786 Cameo Ct. Pomona 91766

Date | Address

Angel MENDOZA

Signature | Name

Circle One or Both: (Resident) Owner

1-8-17 | 1124 S San Antonio Ave

Date | Address

ROBERTO CABRERA

Signature | Name

Circle One or Both: (Resident) Owner

1/8/17 | 930 S San Antonio Ave Pomona CA 91766

Date | Address

Raul Quintana — Signature

Raul — Name

Circle One or Both: (Resident) Owner

1-08-17 — Date

930 S San Antonio — Address

Michelle Crane — Signature

Michelle Crane — Name

Circle One or Both: (Resident) Owner

1/8/2017 — Date

934 S San Antonio Ave — Address

Maria Gutierrez — Signature

Maria Gutierrez — Name

Circle One or Both: (Resident) Owner

1/8/2017 — Date

934 S San Antonio Ave — Address

M. Yerena	Mario Yerena
Signature	Name
Circle One or Both: (Resident)	Owner
1/8/2017	934 San Antonio Ave
Date	Address

Claudia Gutierrez	Claudia Gutierrez
Signature	Name
Circle One or Both: (Resident)	Owner
1-8-17	936 S. San Antonio Ave
Date	Address

[illegible]	Maria Mtz
Signature	Name
Circle One or Both: (Resident)	Owner
1-8-17	918 San Antonio ave
Date	Address

Signature	Name: JOSE REGAS
Circle One or Both: Resident	Owner
Date: 1-8-17	Address: 914 S. SAN ANTONIO AVE

Signature	Name: Martha P. De Anda
Circle One or Both: Resident	Owner
Date: 1/8/17	Address: 916 S. San Antonio Ave. Pmc. Ca

Signature	Name: Jose G. De Anda
Circle One or Both: Resident	Owner
Date: 1/8/17	Address: 916 S. San Antonio Ave. Pmc. Ca

Francisco Murillo
Signature Name

Circle One or Both: (Resident) Owner

1/8/16 9165 San Antonio Ave Pomona
Date Address

Laura C DeAnda Laura C DeAnda
Signature Name

Circle One or Both: (Resident) Owner

1/08/16 9165. San Antonio Ave #3
Date Address

Signature Name

Circle One or Both: Resident (Owner)

1/8/17 South San Antonio.
Date Address

Vicente — Vicente Duran Jr.
Signature — Name

Circle One or Both: Resident (Owner)

1/8/17 — 985 SUR ANTONIO AVE
Date — Address

Joseph M. Gonzales — Joseph M. Gonzales
Signature — Name

Circle One or Both: (Resident) Owner

1/8/17 — 935 S SAN ANTONIO POM. CA
Date — Address

Celso G. Sapien
Signature — Name

Circle One or Both: Resident (Owner)

1-8-17 — 1049 E. GRAND AVE Pomona CA. 91766
Date — Address

Signature: _____ Name: Emmanuel Sanchez

Circle One or Both: (Resident) Owner

Date: 1/8/17 Address: 1327 S. San antonio AVE

Signature: _____ Name: Susana de Sanchez

Circle One or Both: Resident Owner

Date: 1-8-17 Address: 1327 S San antonio Av.

Signature: _____ Name: Susie B. Rowe

Circle One or Both: (Resident) Owner

Date: 1-8-17 Address: 1309 S. San Antonio Ave. Pomona, Ca 91766

Anthony Ruiz
Signature

Anthony Ruiz
Name

Circle One or Both: (Resident) Owner

1-8-17
Date

1317 S. San Antonio
Address

Sandra Beltran
Signature

Sandra Beltran
Name

Circle One or Both: (Resident) Owner

1/8/17
Date

1365 S. SAN ANTONIO
Address

Karina Rocha
Signature

Karina Rocha
Name

Circle One or Both: (Resident) Owner

1/8/17
Date

1365 S. San Antonio Ave
Address

Signature	Name: Nancy Alameda.
Circle One or Both: Resident Owner	
Date: 01/09/17.	Address: 1963 Munhall Ave.
Signature	Name
Circle One or Both: Resident Owner	
Date	Address
Signature	Name
Circle One or Both: Resident Owner	
Date	Address

Signature	Name: Laurette Lavin
Circle One or Both: Resident	Owner
Date: 1/9/17	Address: 366 Lincoln Avenue Pomona CA 91767
Signature	Name: CHERYL SIMPLISS
Circle One or Both: Resident	Owner
Date: 1/9/17	Address: 1038 Blakely CT
Signature	Name
Circle One or Both: Resident	Owner
Date	Address

Signature	Name
Circle One or Both: Resident	Owner
Date	Address
Signature	Name
Circle One or Both: Resident	Owner
Date	Address
Signature	Name
Circle One or Both: Resident	Owner
Date	Address

Rishi Kumar
1196 S. San Antonio Avenue
Pomona, CA 91766

January 04, 2017

City of Pomona Planning Commission
505 Garey Avenue
Pomona, CA 91766

Re: 1198-1236 S. San Antonio Avenue, Case Nos. CUP-4067-2016, TMM-4947-2016.

Dear Honorable Commissioners:

I am writing to you on behalf of myself, and several neighbors and community members who are concerned with and opposed to the proposed Caspian Condos development project ("Project") which requests a conditional use permit from the City of Pomona to construct fourteen new townhome style condominium units on the property located at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue. Each unit will be two-stories tall with an attached two-car garage.

This proposed development will negatively affect our neighborhood, and we want to make our oppositions clear to the City Council, the Planning Commission, and Mayor Sandoval. Below, we have outlined our concerns regarding this development.

I. The Conditional Use Permit Must be Denied Because the Caspian Condos Project Fails to Satisfy the Requirements of the Pomona Zoning Code.

Pursuant to Pomona Zoning Code § .58011, a conditional use permit is required any time ten or more dwelling units are proposed to be constructed. Before a conditional use permit may be granted, the City of Pomona Planning Commission ("Commission") must find that "[t]he building height, size, scale, location and relationship of the proposed development [is] compatible with and not detrimental to both the existing or proposed surrounding development[.]" Pomona Zoning Code § .58011.

For the reasons described below, including but not limited to the substantial impact of the proposed Project on adjacent agricultural practices, the building height, size, scale and location of the Project is not compatible with and will detrimentally impact the existing adjacent and surrounding low-density residential and agricultural development.

Furthermore, pursuant to Pomona Zoning Code § 580, a conditional use permit cannot be granted unless (1) "the proposed use at the particular location will contribute to the general well-being of the neighborhood or community;" and (2) the proposed use "will not ... 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 developer fails to show, and indeed cannot show, that these conditions have been satisfied. The Commission must find that the proposed development does not satisfy the requirements of the Pomona Zoning Code because of the serious, deleterious, and adverse impacts on the community from the proposed project as described below.

II. The Project Will Have Significant Adverse Environmental Impacts:

The proposed development does not serve the general well-being of the neighborhood or community. South Pomona is in desperate need of public services and affordable housing which would serve the interests of the historically-oppressed and middle to lower-income community that resides in the area. The park across the street from the development is continually occupied by people without homes and limited access to food. This proposed development, which will occupy a large area of land in a central area of South Pomona, will not serve the interests of our community and will instead serve the interest of a private developer with a strictly financial interest in Pomona and its residents. The developer, Tork Inc., is based in Tustin, CA and has no history or roots in the vibrant City of Pomona. The proposed development does not include any affordable housing which could serve the well-being of the local community, but instead proposes to develop top-dollar townhomes which will change the character of and gentrify the neighborhood.

This top-dollar development will continue a trend which is pushing existing, low-income communities out of Pomona. An increase in modern townhomes is already driving up rents and decreasing availability of affordable housing within Pomona. Profit-driven developments such as the Project do not take into account the well-being of our community, and instead only account for the well-being of the developer advocating for them.

The construction of the Project will negatively impact the health of neighbors. Construction projects create a variety of toxic and hazardous dusts that will negatively affect the organic fruits, vegetables, and herbs grown on the adjacent properties at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. These crops provide the sustenance for residents at both properties and their contamination will negatively affect the health of these residents. No analysis has been completed regarding these potentially significant environmental impacts.

Gentrification caused by the development will negatively affect the safety and general welfare of nearby low-income and homeless residents. The neighborhood is currently home to a large number of low-income, working class families. In addition, a substantial number of homeless residents live at Washington Park across the street from the proposed development. Gentrification caused by this development may negatively affect these existing residents, who may become increasingly harassed and intimidated by new, foreign, wealthier neighbors.

The quiet and peace of the neighborhood will be disturbed by the densified development of condos, which will increase traffic congestion in a low-density residential neighborhood. The increased traffic will make safe and accessible parking for existing neighborhood residents scarce. In addition, this congestion will negatively affect community access to Washington Park.

The construction of this large Project will be detrimental to the use, valuation and enjoyment of property and improvements of adjacent neighbors. The adjacent neighbors at 1196 S. San Antonio Avenue and 1059 E. Grand Avenue both conduct organic farming on their respective properties. If the construction process and the resulting effluents and toxic dusts are not carefully monitored and managed, the construction process will lead to contamination of the organic fruits, vegetables, and herbs grown by these neighboring residents. The current developments plans do not show any special considerations for these concerns or their negative impact on the adjacent neighbors' use and enjoyment of their respective properties.

The construction project will also negatively affect the historic tree that is situated on the border of 1196 S. San Antonio Avenue and 1198 S. San Antonio Avenue. This tree is of historic importance, improves local air quality, and provides beauty and precious shade to the community. The tree is also of economic importance to the residents of 1196 S. San Antonio Avenue, as it provides cooling shade to the residence throughout the warm Pomona summers. The residents of 1196 S. San Antonio Avenue save hundreds of dollars annually due to this tree, because they have no need to use air conditioning because of it.

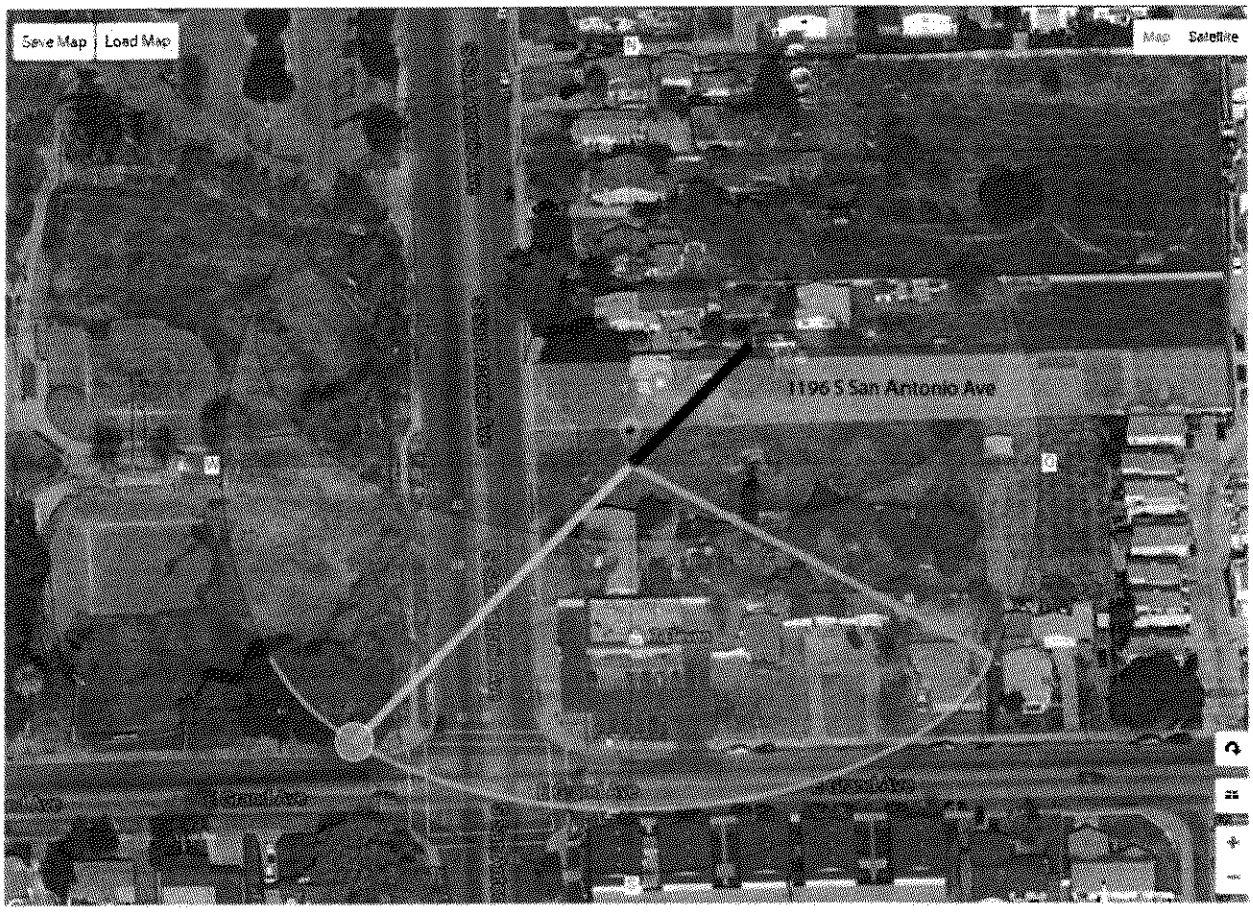
Damage to the tree would therefore lead to an economic loss for the residents of 1196 S. San Antonio Avenue. Damage to the tree due to construction, or as a result of pruning, could lead to loss of life and/or property, as the tree could fall directly on the residence at 1196 S. San Antonio Avenue. The value of this tree must be thoroughly examined before any construction takes place so near to it or any pruning takes place.

The physical structure and management of the proposed development will devalue and materially impact existing agricultural uses at adjacent properties by creating significant shade and thereby adversely impacting aesthetic views. The developer of the proposed development is seeking a Conditional Use Permit to build two-story townhomes adjacent to 1196 S. San Antonio Avenue and 1059 E. Grand Avenue, where agricultural activity is the existing and established use. These two-story structures would cast physical shade onto both properties, negatively impacting both the light and temperature essential to healthy plant growth and thus limiting the agricultural activities which have been taking place on both properties for over 5 years.

Below are three diagrams showing an estimate of how the proposed development would cast shade onto the growing fruits, vegetables, and herbs at 1196 S. San Antonio Avenue. and 1059 E. Grand Avenue. The diagrams show that the proposed development would severely affect the ability for both properties to continue their agricultural activities by casting significant shade over existing crop-growing areas. Please note that the satellite image is outdated, and does not show the current crop-growing areas on either property, which now cover the entirety of both properties.

The image below shows an estimate of the shadow cast by the proposed 26.5 foot tall building situated at the northeast corner of 1198 S. San Antonio Avenue. After 3 p.m. every day, on days near the Winter Solstice, the building would cast a shadow completely across the eastern crop-growing areas of 1196 S. San Antonio Avenue.

The image below shows an estimate of the shadow cast by the proposed 26.5 foot tall building situated at the northwest corner of 1198 S. San Antonio Ave. After 3 p.m. every day, on days near the Winter Solstice, the building would cast a shadow completely across the western crop-growing areas of 1196 S. San Antonio Avenue.



As the two diagrams above show, significant shade would be cast over crop-growing areas at 1196 S. San Antonio Avenue by the three northern buildings of the proposed development, especially during the months when the sun's path is low in the sky (November, December, January).

The image below shows an estimate of the shadow cast by the two proposed 26.5 foot tall buildings situated at the east edge of 1236 S. San Antonio Avenue. After 5 p.m. every day, on days near the Spring and Fall Equinox, the buildings would cast a shadow completely across the central and northern crop-growing areas of 1059 E. Grand Avenue.

As the diagram above shows, significant shade would be cast over the crop-growing areas at 1059 E. Grand Avenue, by the two easternmost buildings of the proposed development, especially during the months when the sun's path is most directly overhead (late February, March, early April, late August, September, and early October,).

Additionally, management of the landscape at the proposed development will likely include the use of toxic pesticides, herbicides, and fertilizers which would contaminate the fruits, vegetables, and herbs being grown on both adjacent properties.

The proposed development does not fit the existing character of the neighborhood. "Protecting the character of neighborhoods while ensuring safety and sufficient parks, public services, and access is an important part of the community's vision." (City of Pomona (2014) General Plan at 76, http://www.ci.pomona.ca.us/mm/comdev/plan/pdf/General_Plan.pdf.) The existing homes on the block of San Antonio Avenue, north of Grand Avenue and south of Mission Boulevard are exclusively single-story, single-family homes.

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III. The Project Does not Qualify for an Exemption from CEQA Because of Potentially Significant Environmental Impacts and Further Environmental Review is Required.

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- *Section 15300.2 (d)* states "Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR[.]"
    - **Argument:** The proposed development would negatively impact a very large, historic, and scenic tree located on the Southwest corner of the property at 1196 S. San Antonio Avenue. This tree is approximately 90 years old and was planted by the original resident of 1236 S. San Antonio Avenue. Nearly 50% of the tree's roots are established in 1198 S. San Antonio Avenue, and would be negatively impacted by any proximate developments. The proposed development would build a 6 foot concrete wall and a residential building within the tree's root zone. Without adequate study of the tree's root zone, damaging effects that result from neighboring construction may not be apparent for several years and may lead to the demise of this historic tree.
- *Section 15300.2 (f)* states: "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."
    - **Argument:** This section also applies to the aforementioned tree. The tree is a historical resource. It was planted by a historical resident of Pomona and remains one of the city's oldest trees. Furthermore, many of the homes in this neighborhood are historic homes located primarily on large, open properties creating a unique and distinct characteristic of the neighborhood. The impact of the Project on these properties must be analyzed under CEQA.

The above facts show that the proposed development does not qualify for a categorical exemption from CEQA.

Furthermore, even if a categorical exemption may apply, public agencies may not use categorical exemptions when there are "unusual circumstances" and a fair argument can be made that "there is a reasonable possibility of a significant effect on the environment due to unusual circumstances." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1115, as modified (May 27, 2015) (quoting Cal. Code Regs., tit. 14, § 15300.2, subd. (c)).)

The Project is located unusually close to agricultural land uses and historic homes that will be significantly adversely impacted by the project. Agriculture is a shadow-sensitive use, and sunlight is of importance to the growing crops in the adjacent properties of 1196 S. San Antonio Avenue and 1059 E. Grand Avenue. As depicted above, the Project will shade out substantial portions of crop-growing areas on both properties, and will thereby substantially degrade the existing visual character or quality of surrounding properties. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklsit Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.; *see* City of Los Angeles (2006) *L.A. CEQA Thresholds Guide*, at A.3-1, A.3-2, http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf.) Furthermore, the Project will have a potentially significant environmental impact "due to [its] location or nature," because it "could result in conversion of Farmland, to non-agricultural use" by shading out existing agricultural land uses. (Cal. Office of Research & Planning (2016) Appendix G, CEQA Environmental Checklist Form, at 4, https://www.opr.ca.gov/docs/Inital_Study_Checklist_Form.pdf.)

IV. Proposed Alternative

The existing community of South Pomona is underserved and underprivileged, with few local opportunities and resources for upward mobility. The properties at 1236 S. San Antonio Avenue and 1198 S. San Antonio Avenue should serve this community. The obvious way to serve this community would be to develop affordable housing, which could house some of the thousands of people who have lost their homes in the Great Recession. And while affordable housing would be beneficial to the community, there are possibilities for even more creative development which could serve the broader community.

The land, which is across the street from a large park frequented by thousands of residents throughout the year, could be converted into a Community Center. A Community Center would provide a variety of health, personal, and educational services to the community.

Given the large land area of the properties, a community garden or farm could be developed to bring fresh and healthy fruits and vegetables to local residents. Such a garden could also educate local residents about growing food at home. This type of education, would encourage local residents who have large properties to use their land to grow healthy fruits and vegetables for their families, neighbors, and the local community, thereby growing a vibrant and unique City of Pomona.

If creative and beneficial developments are not possible, new development should at the bare minimum fit into the existing character of the neighborhood. This character is defined by the surrounding homes, which are single-family, single-story homes.

Signatories

This petition represent the views of the following signatories, representing local neighbors, Pomona residents, and neighborhood stakeholders.

Maria E. Garcia	Maria E. Garcia
Signature	Name
Circle One or Both: Resident Owner	
1-10-17	2027 Baudin St Pomona
Date	Address
Maria I Lopez	Maria I Lopez
Signature	Name
Circle One or Both: Resident Owner	
1-10-17	1308 W Eleventh st pomona.
Date	Address
Sonia Marquez	Sonia Marquez
Signature	Name
Circle One or Both: Resident Owner	
1-10-17	227 E Lexington Ave.
Date	Address

Maria A. Ramos

Signature | Name

Circle One or Both: Resident (Owner)

01-10-17 | 1453 S. San Antonio Ave. Pomona, Ca. 91766

Date | Address

Bertha Herrera

Signature | Name

Circle One or Both: Resident Owner

01-10-17 | 327 Orchid Ln. Apt. 3. Pomona CA. 91766

Date | Address

Esther Garcia

Signature | Name

Circle One or Both: (Resident) Owner

01/10/17 | 1554 S. Palomares St

Date | Address

Luzmila Rodriguez

Signature | Name

Circle One or Both: Resident (Owner)

1-10-2017 | 1015 E 3 st Pomona

Date | Address

Rosario Mora

Signature | Name

Circle One or Both: Resident Owner

1/10/2017 | Pomona

Date | Address

Esther Henderson | Esther

Signature | Name

Circle One or Both: Resident Owner

1/10/2017 | 390 W. franklin ave.

Date | Address

Dora Osorio	Dora Osorio
Signature	Name
Circle One or Both:	Resident Owner
01/10/2017	1917 W. Orange Grove Ave.
Date	Address
Elizabeth Alameda	Elizabeth Alameda
Signature	Name
Circle One or Both:	Resident Owner
1-10-17	1963 Munhall av. Pomona.
Date	Address
Signature	Name
Circle One or Both:	Resident Owner
Date	Address

Signature | Marielena Ayala
Name

Circle One or Both: Resident Owner

1-11-17 | South Pomona
Date | Address

Elvia Arenas | Elvia Arenas
Signature | Name

Circle One or Both: Resident Owner

1/11/17 | Sur Pomona
Date | Address

Maricruz Valencia | Maricruz Valencia
Signature | Name

Circle One or Both: Resident Owner

1-11-2017 | Pomona Sur
Date | Address

Subject: 1198-1236 S San Antonio Ave
Date: 2017-02-23 11:20
From: Hank Fung <hank@bleeble.org>
To: brad_johnson@ci.pomona.ca.us
Cc: tim_sandoval@ci.pomona.ca.us, elizabeth_ontiveros-cole@ci.pomona.ca.us

Please include for the record when this project is re-noticed. Thank you.

Dear Planning Commissioners:

As a longtime resident of the City of Pomona, I support the proposed project at 1198-1236 South San Antonio Avenue. This project is an appropriate density in the R-2 zone and is appropriate infill development. Opponents' concerns are heartfelt, but the rights of the private property owner to develop quality housing in the City should not be denied.

As stated in the planning commission minutes, the community garden use is a new use and should not affect the rights of other property owners to develop their land. The proposed project is within one half mile of public transit and is adequately served by schools, parks, and infrastructure. This is the kind of development we need to be encouraging regionally. The terms of approval require low impact development improvements to be installed to reduce runoff.

The neighborhood is not a single family neighborhood, as evidenced by the aerial provided by staff. Although adjacent properties may be single family, there are clearly apartment buildings and Planned Unit Developments within 500 feet of the project site, most of which are two stories in height. It is well known that Latinos, the primary ethnic group in South Pomona, have below average net worth compared to whites and Asian Americans. Part of the reason is the lack of home ownership, and as an owner occupied condo development, this project would give families the opportunity to build home equity without having to drive into the Victor Valley or the outer reaches of the Inland Empire. While project opponents cite the benefits of gardening and sustainable food, they fail to note that this project would also improve sustainability and reduce climate change by providing housing closer to jobs.

While gentrification is a regional concern, opponents have provided no evidence that there is gentrification ongoing in the area. There are existing Planned Unit Developments in the area which have existed for ten or more years. The project provides adequate parking, and indeed there is a trend to reduce parking provided to higher density development close to transit, similar to this project. The project is located on streets in the Pomona Bicycle Master Plan and is close enough to businesses and schools where walking or biking could be used for everyday trips, instead of sprawling development types in other cities. On street parking spaces are not the private property of adjacent residents. While there is development going on in Downtown Pomona, townhome type developments such as these provide housing for families who may not feel comfortable

The State of California is moving aggressively to address the housing crisis. This is occurring at all levels, not just in the affordable housing market. Denial of the project will not assist the City in meeting its Housing Element, nor its goals under the

Regional Housing Needs Assessment. State legislators are considering preempting the authority of cities to deny projects if they do not meet their RHNA targets, and these 14 units would help greatly in meeting these goals. It also meets the City's requirements to comply with the SCAG Sustainable Communities Strategy adopted in 2016. Quality projects like this are what we need to have in order to bring new residents to Pomona and improve the business climate in the City.

For these reasons, I support the project and strongly urge the Planning Commission and, should it get appealed, the City Council, to approve the project as recommended by staff.

Sincerely,
Hank Fung, P.E.
576 Lincoln Ave.
Pomona, CA 91767