

CITY COUNCIL RESOLUTION NO. xx-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TENTATIVE TRACT MAP (TTM 4947-2016) TO DEVELOP 14 RESIDENTIAL CONDOMINIUM UNITS LOCATED AT 1198-1236 S. SAN ANTONIO AVENUE WITHIN THE R2-S ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, on, April 26, 2017, Shahram Tork, submitted an application requesting an appeal of Tentative Tract Map (TTM 4947-2016);

WHEREAS, the property located at 1198-1236 S. San Antonio Avenue is owned by Shahram Tork and located within the R2 Low Density Multiple Family with a Supplemental Overlay zoning district;

WHEREAS, the Planning Commission has, after giving notice thereof as required by law, held public hearings on January 11, 2017 and April 12, 2017, concerning the request to develop 14 attached residential condominium units and not approved a Resolution either for approval or denial; and

WHEREAS, the City Clerk has, subject to requirements of the Pomona Zoning Ordinance placed the application on the June 19, 2017 City Council agenda, for the requested appeal of non-action; and

WHEREAS, the City Council has carefully considered any pertinent testimony and the staff report offered in the case presented at the City Council meeting.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. The City Council 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. Pursuant to Section 66474 of the California Government Code (Subdivision Map Act) and the City's Subdivision Ordinance, the City Council 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 City Council 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 3. Based on the above findings, the City Council hereby approves Tentative Tract Map (TTM 4947-2016) for development of 14 attached single family condominium units.

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 unreasonably 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 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

APPROVED AND PASSED THIS 19th DAY OF JUNE, 2017.

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 19th day of June, 2017 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk

“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.”