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# CITY OF POMONA COUNCIL REPORT

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May 15, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mark Lazzaretto, Community Development Director

Subject: Request for Public Hearing on the Planning Commission's Denial of Conditional Use Permit (CUP 4607-2016) for a proposed fourteen-unit residential development at 1198-1236 S. San Antonio Ave., and 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, in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone. Applicant/Appellant, Shahram Tork (Council District: 3)

## OVERVIEW

**Recommendation** – That the City Council set the appeal of Tentative Tract Map (TTM 4947-2016) and Conditional Use Permit (CUP 4607-2016) for public hearing on June 5, 2017.

**Fiscal Impact** – None.

**Public Noticing Requirements** – None required.

**Previous Related Action** – On January 11, 2017, the Planning Commission held a public hearing and voted to continue the Tentative Tract Map (TTM 4947-2016) and Conditional Use Permit (CUP 4607-2016) unanimously (7-0-0-0), for a request to subdivide two lots totaling approximately 46,550 square feet to develop a fourteen-unit residential development at 1198-1236 S. San Antonio Ave. in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone. The continuance was to allow the applicant the opportunity to redesign the project in response to design concerns.

On April 12, 2017, the Planning Commission held a public hearing for Tentative Tract Map (TTM 4947-2016) and Conditional Use Permit (CUP 4607-2016), for a request to subdivide two lots totaling approximately 46,550 square feet to develop a fourteen-unit residential development at 1198-1236 S. San Antonio Ave. in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone. The vote ended up in a 3-3 tie, which resulted in no action because four votes are necessary to adopt a resolution. A motion was then made to deny the Tentative Tract Map and Conditional Use Permit. However,

the motion was not seconded. Therefore, the Planning Commission ultimately took no action on the Tentative Tract Map and Conditional Use Permit, which technically resulted in a denial of the applications.

## **EXECUTIVE SUMMARY**

The applicant, Shahram Tork, is appealing the April 12, 2017 decision of the Planning Commission on Tentative Tract Map (TTM 4947-2016) and Conditional Use Permit (CUP 4607-2016). At the meeting, a motion was made to deny the Tentative Tract Map and Conditional Use Permit (Attachment A). However, the motion was not seconded. Therefore, the request for the Tentative Tract Map and Conditional Use Permit were not approved or denied.

## **DISCUSSION**

The subject site is located on the east side of San Antonio Ave., north of Grand Avenue. 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, landscaping, and recreational amenities. 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.

The proposed project was first 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 Planning Commission held a public hearing on April 12, 2017 to review the proposed project and the changes made to the proposed project. During the public hearing, the Planning Commission questioned whether the changes made to the design of the proposed project were adequate to address the concerns expressed at the prior meeting.

## **CITY COUNCIL OPTIONS**

In accordance with Section .580.F. of the Pomona Zoning Ordinance, the City Council, at its discretion, has the following options:

- 1) Based upon the facts and public testimony presented at the previous public hearing of the Planning Commission, uphold the decision of the Planning Commission and not set this item for a City Council public hearing; or

- 2) Alternatively the City Council may schedule the appeal for a public hearing. If the City Council decides to schedule a formal public hearing, staff recommends that the item be placed on the June 5, 2017 agenda.

**Attachments:**

- A. Planning Commission Staff Report, Dated April 12, 2017
- B. Excerpt from Official Minutes from Planning Commission Hearing of January 11, 2017
- C. Excerpt from Unofficial Minutes from Planning Commission Hearing of April 12, 2017
- D. Applicant's Appeal Application, Dated April 26, 2017
- E. Materials Provided on the Date of the April 12, 2017 Planning Commission Meeting