



CITY OF POMONA COUNCIL REPORT

August 7, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mark Lazzaretto, Development Services Director

Subject: **Public Hearing – Appeal of the Planning Commission’s Denial of Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016) for a residential development which proposes to subdivide two lots totaling approximately 46,550 square feet for residential condominium purposes, 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.**

OVERVIEW

Recommendation – That the City Council consider two options of either approving or denying Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016) to allow for the construction of an attached fourteen unit residential condominium development located at 1198-1236 S. San Antonio Avenue in the R-2-S (Low Density Multiple Family with Supplemental Overlay) zone.

Fiscal Impact – None.

Public Noticing Requirements – Pursuant to Section .580.D of the Pomona Zoning Ordinance (PZO), notice of a public hearing is required to be published in a newspaper of local circulation and sent to property owners and occupants of properties within a 400-foot radius of the subject property. Said notice was mailed to property owners on Wednesday, June 7, 2017, and published in the Inland Valley Daily Bulletin on Thursday, June 8, 2017.

Previous Related Action – On January 11, 2017 and April 12, 2017, the Planning Commission held public hearings to consider Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016). On May 15, 2017 (staff report attached as Attachment 9), the City Council approved the request for appeal and set the item for a public hearing before the Council. At the June 19, 2017 public hearing (staff report attached as Attachment 5), the Council continued the item to August 7, 2017 to allow the

applicant the opportunity to revise the project to address concerns raised by the adjacent property owner.

Environmental Impact – Pursuant to the provisions of the California Environmental Quality Act (CEQA), the proposed project meets the criteria for Class 32, Section 15332 Categorical Exemption in that the project involves development of a project less than five acres in an urbanized area that can be served by all required utilities and public services and that would not result in any significant effects relating to traffic, noise, air quality or water quality.

EXECUTIVE SUMMARY

The project appellant, Shahram Tork, is appealing the April 12, 2017 non-decision of the Planning Commission on Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016). The Planning Commission was unable to garner four affirmative votes on several different motions to pass a resolution on the requested development proposal.

The development application was also heard earlier in January 2017 and continued to April 12, 2017 to allow the developer additional time to respond to the opposition being brought forth by the two adjacent property representatives whom have urban gardens both to the immediate north and east of the subject parcel. The applicant returned to the Planning Commission in April with a shade and shadow analysis that was contradicted by a second shade and shadow analysis that was presented by the property owner adjacent to the north of the subject site. The staff reports and minutes from the Planning Commission hearings have been attached for information as Attachments 10, 11, and 12.

At the June 19, 2017 public hearing, the City Council heard testimony from the applicant as well as from the adjacent property owner and proponents of the existing urban garden who raised the same concerns that were expressed to the Planning Commission. The hearing was continued to allow the applicant the opportunity to revise the project to address the adjacent property owner's concerns.

DISCUSSION

Project Description & Background

The applicant is proposing to construct a total of 14 condominium residential dwelling units. The size of the units will vary from 1,548 square feet to 1,930 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 ranges from 260 to 425 square feet. As originally proposed, each unit was to have four bedrooms. However, the applicant is now proposing ten three-bedroom units and four 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 3,232 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.

Planning Commission Hearing

During the Commission's deliberations, commissioners had varying opinions on the potential impacts of the project to the existing neighborhood. The Planning Commission was unable to adopt a resolution approving the request based on potential impacts to the neighborhood. The Planning Commission vote for approval of the project failed on a 3-2-1-1 vote. Subsequent motions on the application also failed due to the lack of four affirmative votes (see Attached Minutes, dated April 12, 2017).

Previous City Council Public Hearing

At the June 19, 2017 public hearing, the City Council heard testimony from the applicant as well as from the adjacent property owner and proponents of the existing urban garden. Issues raised included shade that could potentially be cast on the adjacent properties and other negative impacts to the neighborhood such as traffic and noise. The item was continued to allow the applicant the opportunity to revise the project to address the adjacent property owner's concerns.

Revisions to the Proposed Project

Based on the issues raised by the adjacent property owners, the applicant made several changes to the proposed project (revised site plans, Attachments 6 and 7). The project, as originally proposed, included a central driveway with eight dwelling units in three buildings on the northern side of the driveway and six dwelling units in three buildings on the southern side of the driveway. In order to address the issues raised by the adjacent property owner, the applicant is now proposing six units in two buildings on the northern portion of the site. As an additional measure to reduce shade cast on the urban garden, the second story of the building in the northeastern portion of the site has been recessed. The majority of the required open space was relocated to the southeast corner of the subject site, adjacent to existing urban garden, in order to eliminate building mass along that property line thereby eliminating shade on that portion of the site.

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).

Issue 2: Zoning Ordinance Compliance

Based on staff's analysis, the revised project meets and/or exceeds the minimum development standards of the R-2 zone. In order to provide the City Council 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: 1,648 sf Unit 2: 1,632 sf Unit 3: 1,630 sf Unit 4: 1,548 sf Unit 5 & 6: 1,930 sf Unit 7: 1,646 sf Unit 8: 1,660 sf Unit 9 & 11: 1,610 sf Unit 10 & 13: 1,776 sf Unit 12: 1,609 sf Unit 14: 1,652 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')	17'-6"	Yes
Rear Yard	19 ft based on the height of the wall facing the rear yard (19 ft)	64 ft and 25 ft	Yes
Building Separation	15 ft between buildings	15 ft	Yes
Building Height	35 ft/ 2 stories	27'-1 1/2 stories	Yes
Private Open Space	150 square feet, minimum per unit	Unit 1, 2 & 3: 260 sq ft Unit 4 & 5: 350 sq ft Unit 6: 425 sq ft Unit 7-14: 265 sq ft	Yes
Common Open Space	7,500 sf	8,620 sf	Yes
Off-Street Parking	Two-car garage per each unit Four guest parking spaces	Fourteen two-car garages Ten guest parking spaces	Yes

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 urban farming agricultural use at the rear of his property. Prior to the public hearing, Mr. Kumar provided the Planning Division with a letter and shade and shadow analysis that he prepared.

In response to concerns about potential shade and shadow on the adjacent property, the applicant has made several modifications to the proposed project. The site plan and building floor plans and elevations have been altered to reduce building mass adjacent to the northern property line. The applicant has also provided a revised shade and shadow analysis which asserts that the proposed changes to the site layout will eliminate most of the shade on the adjacent property (Attachment 8).

CONCLUSION

The project can be found to be compatible with the City’s General Plan designation and current zoning of R-2-S (Low Density Multiple Family with a Supplemental Overlay) or the City Council

could find that the development does not meet the findings required to approve a CUP or that the “S” Supplemental use overlay district’s intent to encourage orderly and harmonious development in areas where special attention is needed and therefore deny the project. All correspondence received to date has been included as attachments to the report, with the correspondence in support of the project as Attachment 14 and correspondence in opposition to the project as Attachment 15.

CITY COUNCIL OPTIONS

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

- 1) Based upon the facts and public testimony presented at the public hearing, the City Council may adopt the attached resolution (Attachment 1) approving Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016) (Attachment 2); or
- 2) Alternatively the City Council may deny the applicant’s appeal request by adopting the attached resolution (Attachment 3) denying Conditional Use Permit (CUP 4607-2016) and Tentative Tract Map (TTM 4947-2016) (Attachment 4)

Attachments:

1. Draft City Council Resolution approving Conditional Use Permit Conditional Use Permit (CUP 4607-2016)
2. Draft City Council Resolution Approving Tentative Tract Map (TTM 4947-2016), with conditions
3. Draft City Council Resolution Denying Conditional Use Permit Conditional Use Permit (CUP 4607-2016)
4. Draft City Council Resolution Denying Tentative Tract Map (TTM 4947-2016)
5. City Council Staff Report, Dated June 19, 2017
6. Revised Project Plans, Dated July 20, 2017
7. Revised Colored Site Plan
8. Revised Shade and Shadow Analysis, Provided By The Applicant
9. Staff report From Consent Calendar Item, Dated May 15, 2017
10. Planning Commission Staff Report, Dated April 12, 2017
11. Excerpt from Official Minutes From Planning Commission Hearing of January 11, 2017
12. Excerpt From Unofficial Minutes From Planning Commission Hearing, April 12, 2017
13. Applicant’s Appeal Application Dated April 26, 2017
14. Correspondence Received in Favor of the Project
15. Correspondence Received in Opposition to the Project
16. Additional Information - Government Code Section 65589.5