

CITY COUNCIL RESOLUTION NO. xx-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DENYING
CONDITIONAL USE PERMIT (CUP 4607-2016) 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 7, 2016, Shahram Tork, submitted an application requesting an appeal of Conditional Use Permit (CUP 4607-2016);

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, for development of ten or more residential units or new development within the Supplemental overlay district, Section .5809-13.F of the Zoning Ordinance requires that the Planning Commission consider an application for a Conditional Use Permit;

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 August 7, 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. 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 City Council 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 not contribute to the general well-being of the neighborhood and the community as the development will be built at a much greater density of the parcels along S. San Antonio Avenue.

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 in the vicinity of the subject site. The proposed project will have a detrimental effect on two adjacent urban farming agricultural uses currently existing along the north and east property lines.

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 site is located within a Supplemental overlay zoning district that recognizes parcels in this overlay district to require special consideration by the City based on their narrow frontage and depth that does not allow adequate site design and amenities.

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 3. Based on the above findings, the City Council hereby denies Conditional Use Permit (CUP 4607-2016) for development of 14 attached single family condominium units.

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 7th DAY OF AUGUST, 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 7th day of August, 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.”