

CITY COUNCIL RESOLUTION NO. xx-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA DENYING 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, May 23, 2016, 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, 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 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. 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. 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.

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 not physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development in a neighborhood along San Antonio Avenue that is single family in nature not multiple-family. Given the shape and topography of the site, at approximately 46,550 square feet in size, the subdivision design does not accommodate adequate land for fourteen dwelling units, accompanying driveways and open space areas to service the development.

4. *The site is physically suitable for the proposed density of development.*

The site is not 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 not consistent with the existing neighborhood pattern along South San Antonio Avenue.

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 denies Tentative Tract Map (TTM 4947-2016) 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.”