

## **ORDINANCE NO. 4239**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING CHANGE OF ZONE (ZONE 4972-2016) TO REZONE THE PROPERTIES AT 267, 279, AND 291 E. BONITA AVENUE, 2815 MELBOURNE AVENUE AND THE FIRST PUBLIC ALLEY NORTH OF BONITA AVENUE FROM R-1-7,500 TO THE POMONA CORRIDORS SPECIFIC PLAN RESIDENTIAL TRANSITION ZONE**

**WHEREAS**, the applicant, Casa Colina Hospital, has submitted an application for a Change of Zone (ZONE 4972-2016) to rezone 267, 279, and 291 E. Bonita Avenue, 2815 Melbourne Avenue, and the first public alley north of Bonita Avenue from R-1-7,500 to the Pomona Corridors Specific Plan Residential Transition Zone;

**WHEREAS**, on March 17, 2014, the City Council adopted Ordinance 4181 approving the Pomona Corridors Specific Plan;

**WHEREAS**, the subject properties are located within the R-1-7,500 Zoning District;

**WHEREAS**, the subject properties are designated "Transit Oriented District: Neighborhood" by the City's General Plan;

**WHEREAS**, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on July 12, 2017, reviewed the requested Change of Zone (ZONE 4972-2016) and recommended City Council approval of the Change of Zone for those properties described herein; and

**WHEREAS**, the applicant has concurrently submitted a Specific Plan Amendment (SPA 4920-2016) to add 267, 279, and 291 E. Bonita Avenue, 2815 Melbourne Avenue, and the first public alley north of Bonita Avenue, to the Pomona Corridors Specific Plan Residential Transition Zone; General Plan Conformity Assessment (GPC 6123-2016) to vacate the first public alley north of Bonita Avenue; Tentative Parcel Map 74494 (PARCELMAP 6122-2016) to combine the subject properties with the Casa Colina Hospital property; and Development Plan Review (DPR 6124-2016) to develop a surface parking lot on the properties at 267-291 E. Bonita Avenue, 2815 Melbourne Avenue and the vacated alley;

**WHEREAS**, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on July 12, 2017, reviewed and recommended approval of the Specific Plan Amendment (SPA 4920-2016), Tentative Parcel Map 74494 (PARCELMAP 6122-2016), and Development Plan Review (DPR 6124-2016) for the project;

**WHEREAS**, the Planning Commission of the City of Pomona, at its regularly scheduled public hearing on July 12, 2017, approved the General Plan Conformity Assessment (GPC 6123-2016) and determined that the proposed alley vacation was in conformity with the Circulation Element of the General Plan;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 7, 2017, concerning the requested Change of Zone (ZONE 4972-2016);

**WHEREAS**, the City Council of the City of Pomona continued the public hearing to October 2, 2017 after receiving public testimony and input;

**WHEREAS**, the City Council of the City of Pomona held a public hearing on October 2, 2017 to receive public testimony and input;

**WHEREAS**, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Pomona, California, as follows:

**SECTION 1.** The proposed project was reviewed in accordance with the California Environmental Quality Act (CEQA) guidelines. The proposed project meets the criteria for a Categorical Exemption under Section 15303 (Class 3 – New Construction or Conversion of Small Structure) and Section 15332 (Class 32 – In-fill development projects in urbanized areas) of the CEQA Guidelines in that the proposed project is in an urbanized area and is a surface parking lot with no structures. The proposed project is consistent with the categorical exemption; therefore, no further environmental review is required.

**SECTION 2.** If any part, provision, or section of this Ordinance is determined by a court or other legal authority with jurisdiction over the subject matter of this Ordinance to be unenforceable or invalid, the remainder of the entirety of this Ordinance shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

**SECTION 3.** 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 that the proposed Change of Zone is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

**SECTION 4.** The City Council hereby approves Change of Zone (ZONE 4972-2016) to rezone 267, 279 and 291 E. Bonita Avenue, 2815 Melbourne Avenue, and the first public alley north of Bonita Avenue from R-1-7,500 (Single Family Residential District) to the Pomona Corridors Specific Plan Residential Transition Area.

**SECTION 5.** The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause the same to be posted as required by law, and this Ordinance shall

take effect thirty (30) days after its final adoption.

**APPROVED AND PASSED THIS 16TH DAY OF OCTOBER, 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 Ordinance was adopted at a regular meeting of the City Council of the City of Pomona held on the 16th day of October, 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 Sec. 1094.6 C.C.P.”