

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING TENTATIVE PARCEL MAP 74582 (PARCELMAP 7099-2016) FOR THE CREATION OF FOUR PARCELS (PARCEL 1, 2, A AND B) TO COMPREHENSIVELY DELINEATE THE BOUNDARIES OF THE BUILDING SITES AND ROADWAYS OF THE SUBJECT SITE FOR THE CONSTRUCTION OF 647 MULTIPLE-FAMILY RESIDENTIAL UNITS AND 3,700 SQUARE FEET OF COMMERCIAL SPACE ON PROPERTY THAT IS APPROXIMATELY 8.44 ACRES IN SIZE LOCATED AT 2771 NORTH GAREY AVENUE.

WHEREAS, the applicant, The Waterford Group, has submitted an application for Tentative Parcel Map 74582 (PARCELMAP 7099-2016) for the creation of four parcels (Parcel 1, 2, A and B) to comprehensively delineate the boundaries of the building sites and roadways of the subject site for the construction of 647 multiple-family residential units and 3,700 square feet of commercial space at up to five stories in height on property located at 2771 North Garey Avenue (“subject site”);

WHEREAS, the subject site is currently located within the Pomona Corridors Specific Plan (PCSP), in the “Transit Oriented District”;

WHEREAS, the subject site is designated as an Transit Oriented District place type by the City’s General Plan;

WHEREAS, the applicant has concurrently submitted a Development Plan Review (DPR 5953-2016) to construct 647 multiple-family residential units and 3,700 square feet of commercial space on the subject site;

WHEREAS, the proposed Tentative Parcel Map 74582 (PARCELMAP 7099-2016) proposes to comprehensively delineate Parcel 1 at 2.69 acres in size, Parcel 2 at 4.14 acres in size, while Parcel A will establish the private street that runs east to west and Parcel B will establish the private street that runs north to south.

WHEREAS, Tentative Parcel Map 74582 (PARCELMAP 7099-2016), filed in conjunction with Development Plan Review (DPR 5953-2016), will revitalize an existing underused light industrial site with a development that responds to diverse community needs in terms of housing types, costs and location;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 13, 2017, concerning the requested Tentative Parcel Map 74582 (PARCELMAP 7099-2016) and the concurrent application of a Development Plan Review (DPR 5953-2016);

WHEREAS, the applicant is requesting approval of Tentative Parcel Map 74582 (PARCELMAP 7099-2016) to create four parcels (Parcel 1, 2, A and B) to comprehensively delineate the boundaries of the building sites and roadways of the subject site for the

construction of 647 multiple-family residential units and 3,700 square feet of commercial space up to five stories in height on property located at 2771 North Garey Avenue which both multi-family residential and commercial are allowed uses under the PCSP; and

WHEREAS, the Planning Commission 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 RESOLVED by the Planning Commission of the City of Pomona, California as follows:

SECTION 1. In compliance with the California Environmental Quality Act (CEQA) guidelines, staff has determined that the proposed project meets the criteria for an Exemption pursuant to Section 15183 of CEQA. This section, and California Public Resources Code section 21083.3, provide for an exemption for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine where there are project-specific significant effects that are peculiar to the project site.” The proposed project is consistent with the City’s General Plan, Zoning Ordinance, and PCSP; the proposed project will not result in any peculiar impacts that were not identified as a significant impact under the 2014 General Plan Update EIR (GPU EIR); the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment that were not identified as significant in the GPU EIR; the proposed project will not result in a potentially significant offsite impact or cumulative impact not discussed in the GPU EIR; the proposed project will not result in a more severe impact due to substantial new information that was not known at the time the GPU EIR; and the site can adequately be served by all required utilities and public services. Therefore, no further action is required and a Notice of Determination (Section 15094) will be filed indicating that the project is eligible for an exemption under CEQA Guidelines §15183.

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. Pursuant to Section 66474 of the California Government Code (Subdivision Map Act) and the City’s Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Tentative Parcel Map 74582 (PARCELMAP 7099-2016). 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 Planning Commission hereby finds as follows:

1. *The proposed tentative parcel map is consistent with the general plan and applicable specific plan.*

The subject site is identified by the City's General Plan as a Transit Oriented District. Transit Oriented Districts are described as the most active and walkable districts in the City and feature development types of greater intensity than surrounding areas. Specifically, development in the North Pomona Center will consist of transit oriented workplace and housing uses, capitalizing on opportunities for intensification near the Metrolink station. The Planning Commission finds that the proposed project is consistent with the General Plan in that the Transit Oriented District allows for multi-family housing up with minimum unit sizes of 600 square feet for one bedroom units, 800 square feet for 2 bedroom units and 1,000 square feet for 3 bedroom units, at a maximum allowable height of six floors, and a maximum building length of 300 feet. The proposed project contains studio units that are 379-559 square feet, one bedroom units that are 695-876 square feet and two bedroom units that are 979-1,259 square feet in size, is five stories in height (four stories along Garey Avenue), and does not exceed the 300 foot maximum building length. Therefore the proposed project substantially complies with these General Plan requirements.

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 the proposed project is a high quality new development which is designed to add value to its surrounding context. The project will transform an underutilized site into a high-density, transit oriented development that is conformance with the goals and policies of the General Plan's Transit Oriented District. Furthermore, the project will be in substantial compliance with the PCSP which has a set of design requirements that the project design adheres to.

3. *The site is physically suitable for the type of development.*

The site is physically suitable for the development in that the proposed subdivision is planned for multi-family residences with individual and common entries. Given the shape and topography of the 8.44 acre site, the creation of four lots (two for building sites and two for roadways) would accommodate adequate land for 647 dwelling units and 3,700 square feet of commercial space, accompanying vehicular access to and from the buildings and parking garages, and open space and residential amenities that will serve the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

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

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes 647 multiple-family dwelling units on an 8.44 acre property, which results in a density of approximately 73 units per acre. This high density is consistent with the overall vision for Transit Oriented Districts as they are described in the General Plan as the City's most active and walkable districts featuring greater intensity development. The site can be adequately served by all required utilities and public services.

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. Further, the subject site is currently developed with a single-level office building within an urban environment and not habitat to any fish or wildlife. 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 proposed project 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 other easements acquired by the public at large. The project will result in new residences and there are no records of easements acquired by the public at large, for access through the property.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Parcel Map 74582 (PARCELMAP 7099-2016), subject to the following conditions:

PLANNING DIVISION

General Conditions:

1. The subject property shall be subdivided in a manner consistent with the tentative parcel map as reviewed approved by the Planning Commission on December 13, 2017 as revised and conditioned by the requirements contained in this resolution of approval. Any major modifications to the approved tentative parcel map shall be reviewed and approved by the Planning Commission as part of a modification to the approved tentative parcel map. Any minor modifications that do not affect the overall intent of the approved tentative parcel map, may be reviewed and approved by the Development Services Manager.
2. This recommended approval shall lapse and become void if the privilege authorized by the Planning Commission is not utilized and recordation by the County of the final map is not obtained within two (2) years from the date of this approval (December 13, 2019). The Planning Commission may extend this period for one (1) year, for a total of three cumulative years, upon receipt of written request by the applicant at least thirty days before the expiration date.
3. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

4. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violation of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein conditional use permit.
5. The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within twenty (20) days from the date of action by the Planning Commission.

County of Los Angeles Fire Department

6. The Final Map shall be submitted to our office for review and approval prior recordation.
7. Submit a minimum of three (3) copies of the water plans indicating the new required fire hydrant locations to the Fire Department's Land Development Unit for review prior clearance of the Final Map.
8. Access as noted on the Tentative and the Exhibit Maps shall comply with title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires all weather access.
9. Provide a written Reciprocal Agreement from the adjacent property prior to clearance of the Final Map.

Public Works

10. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
11. All existing and proposed easements for water/sewer lines, ingress/egress, footings and traveled ways must be clearly shown on the map. Prior to recordation, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonably interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the final map to be resubmitted for further consideration. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.

12. Prior to the parcel map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
13. All subdivisions must have centerline ties and survey property monuments set by a licensed Land Surveyor or a qualified Professional Civil Engineer as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the final map recordation; adequate monumentation bond is required prior to the final map recordation.
14. Prior to the issuance of the first Certificate of Occupancy, the parcel map shall be recorded to reflect the new lot lines and easements. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
15. Prior to the issuance of building permits, the developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, parkway landscaping, existing and proposed overhead lines undergrounding, street light, water, sewer, storm drain and traffic improvements.

SECTION 5. The Planning Commission of the City of Pomona hereby approves Tentative Parcel Map 74582 for the creation of four parcels (Parcel 1, 2, A and B) to comprehensively delineate the boundaries of the building sites and roadways of the subject site for the construction of 647 multiple-family residential units and 3,700 square feet of commercial space on property located at 2771 North Garey Avenue ("subject site"); and

SECTION 6. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 13th DAY OF DECEMBER, 2017

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

PC Resolution No.
Tentative Parcel Map 74582 (PARCELMAP 7099-2016)
2771 North Garey Avenue
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MARK LAZZARETTO
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

AYES:
NOES:
ABSTAIN:
ABSENT:

“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.”