

PC RESOLUTION NO. 13-028

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING TENTATIVE PARCEL MAP (TPM 13-002) TO SUBDIVIDE AN EXISTING PARCEL INTO THREE (3) LOTS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON A PROPERTY LOCATED AT 1495 CLEVELAND STREET.

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, The applicant, Vanka Land Inc., has submitted an application for a Tentative Parcel Map (TPM 13-002) to subdivide an existing parcel into three (3) lots for single-family residential development on a property located at 1495 Cleveland St. in the R-1-7,500 (Single-Family Residential) zone;

WHEREAS, a Tentative Parcel Map is required to allow the subdivision of an existing parcel into two (2) lots according to Chapter 29 of the Pomona City Code regarding subdivisions;

WHEREAS, the subject property is on a parcel designated as "Single Family Residence" on the General Plan Land Use Map;

WHEREAS, the subject property is located within the R-1-7,500 (Single-Family Residential) zone;

WHEREAS, the proposed subdivision meets all the development standards of the R-1-7,500 (Single-Family Residential) zone;

WHEREAS, On November 13, 2013, the Planning Commission considered Tentative Parcel Map (TPM 13-002) to allow the subdivision of one lot into four lots. In its deliberations, members of the Commission had concerns regarding the width of the proposed lots being too narrow to allow development that would be consistent with surrounding properties. At the conclusion of the public hearing, the Planning Commission continued the item to allow the applicant to modify their proposal either reduce the number of lots to three or demolish all existing structures on the property and propose a four lot subdivision that follows the pattern of the southerly abutting lots.

WHEREAS, The Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 11, 2013 concerning Tentative Parcel Map (TPM 13-002); 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 accordance of CEQA guidelines, the Planning Commission hereby determines that the proposed project would be categorically exempt under Article 19, Section 15332 (In-Fill Development Projects), in that the project will: a) be consistent with the General Plan designation and applicable General Plan policies; b) be located on a site that is less than 5 acres; c) be located on a site that has no value as habitat for endangered, rare, or threatened species; d) not result in significant effects relating to traffic, noise, air quality, or water quality; and d) the site is adequately served by all required utilities and public services.

SECTION 2. In accordance with the Subdivision Map Act and the City's Subdivision Ordinance, the Planning Commission must make seven findings in order to approve Tentative Parcel Map (TPM 13-002). 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 City of Pomona General Plan.*

The proposed subdivision will allow the applicant to subdivide an existing parcel into three lots and allow for the future development of single-family dwelling units on lots "1" and "2". An existing single-family dwelling unit will remain on lot "3". The proposed subdivision is consistent with the General Plan land use designation of Single Family Residence. The proposed subdivision is therefore consistent with the following policy of the General Plan:

"It is the policy of the City to encourage the construction of new lower density development and reduce the number of vacant properties."

2. *The design or improvement of the proposed subdivision is consistent with the City of Pomona General Plan.*

The design of the proposed subdivision is consistent with the Zoning Ordinance and General Plan, in that the proposed project conforms to the current requirements of the Zoning Ordinance, and is consistent with the goals and objectives of the General Plan Land Use and Housing Element. The proposed subdivision will allow for the development of additional single-family dwelling units, consistent with the goals of the General Plan, which will add to the existing housing stock as well as provide a variety of housing opportunities in the community.

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

The site is physically suitable to accommodate the proposed three (3) lot subdivision. Given the shape and topography of the 37,578 square-foot parcel, the subdivision design will accommodate single-family residential development, as it meets the minimum development standards for the R-1-7,500 (Single-Family Residential) zone.

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

The site is physically suitable to accommodate the potential additional residential units resulting from the subdivision.

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 site does consist of vegetation, including several mature trees plated throughout the parcel. The applicant has indicated on the plans that no significant vegetation or habitat for wildlife will be removed. Further, 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. Further, the project will be compatible with the adjacent residential properties in the vicinity.

SECTION 4. Based on the above findings, the Planning Commission hereby approves Tentative Parcel Map (TPM 13-002) 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 November 13, 2013. 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 Planning 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 one (1) year from the date of Planning Commission approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty (30) 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. 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 400-feet of the exterior boundary of the applicant's property.

6. The applicant shall apply for and receive approval of a Minor Deviation Variance from the Planning Division to allow the proposed 21-foot rear yard setback on lot "3" within thirty (30) days of Planning Commission Approval (January 11, 2014).

PUBLIC WORKS DEPARTMENT

7. The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the developer in accordance with the City standards, fee schedules and applicable laws.
8. All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

Final Parcel Map Requirements

9. The tentative parcel map shall be recorded as one final parcel map but may be developed in phases. A phasing plan for the construction of offsite public improvements shall be reviewed and approved by the City Engineer prior to the recordation of the final parcel map.
10. The tentative parcel map shall be revised to depict:
 - a) The existing and proposed sewer mains and sewer laterals.
The public sewer line located onsite, along the southerly property boundary and the respective sewer easement must be shown on the map, together with the easement recording information; if said easement has not been recorded, it shall be dedicated on this map.
 - b) The existing and proposed water mains.
 - c) The distances from these mains to the centerlines of Val Vista and Cleveland Streets.
 - d) The existing and proposed impervious areas, and
 - e) The benchmark information.
11. Prior to recordation the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the parcel map to be resubmitted for further consideration.
12. Prior to the parcel map recordation, developer shall secure permits and complete the demolition of all structures that are interfering with the boundary lines of the new lots.

13. Prior to the parcel map recordation, developer shall provide public road access for Lot 3, from Cleveland Street, by constructing a driveway approach to comply with the City and ADA standards and requirements.
14. Prior to the parcel map recordation, developer shall relocate the existing public right-of-way encroaching fence along Val Vista frontage, to correspond to the property line.
15. Prior to the parcel map recordation, developer shall meet all the requirements of the Los Angeles County Fire Department (LACFD). Proof of LACFD approval is required.
16. Prior to the parcel map recordation, developer shall post security guaranteeing the construction of all public improvements. The title page of the proposed parcel map shall include a Note stating the requirement of the completion of the offsite improvements for the parcels being created, in accordance with the phasing plan approved by the City Engineer. Said Note shall also list onsite storm drain improvements for the proposed subdivision. The offsite and onsite improvements shall include, but are not limited to, the following:
 - a) Removal and reconstruction of the Lots 2 and 4 driveway approaches and new driveway approach for lot 1, to comply with the City and ADA standards and requirements.
 - b) New sidewalk construction along Val Vista frontage.
 - c) New ramp at the southwest corner of Val Vista and Cleveland Streets;
 - d) Parkway drains.
 - e) Undergrounding of existing and proposed low voltage utility lines along Val Vista and Cleveland Streets (less than 33kV) to conform with the City of Pomona Municipal Code Section 62-31(b); power poles that carry both low and medium voltage lines are not included.
 - f) Installation of automatic sprinklers and parkway landscaping along Val Vista and Cleveland Streets; the parkway landscaped area shall be maintained by property owner, as required by the City's Municipal Code Section 46-496.
 - g) Grind and re-pavement of Cleveland Street, along property frontage, over the entire street width.
 - h) Onsite storm water drainage and runoff mitigation measures in compliance with the Los Angeles County National Pollutant Discharge Elimination System Permit No. CAS004001, Order No. R4-2012-0175. All drainage easements necessary to

convey the mitigated storm water flows to the appropriate public storm drain system must be shown on the map.

17. The required public improvements shall be shown on a site plan that must be prepared and submitted to the Public Works Department together with the aforementioned phasing plan and the applicable cost estimate.
18. All work in the public right-of-way is subject to review, approval, and permitting requirements of the Public Works Department.
Applicant shall procure and maintain throughout the period of the Public Works permit the following policies of insurance:
 - Commercial General Liability;
 - Automobile Liability;
 - Worker's Compensation as required by the State of California;Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
Permittee shall pay fees associated with and possess the City of Pomona Business License.
19. All subdivisions must have centerline ties and survey property monuments set by a licensed Professional Civil Engineer or Land Surveyor as shown on the recorded subdivision. If this is not possible, then an amended map should be processed showing the correct location of the set monuments. All final monuments shall be set by the Engineer of record within one year of the parcel map recordation. Final monuments shall be set at the time of final acceptance of the project. Adequate monumentation bond is required prior to the final parcel map recordation.
20. Prior to the final parcel map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
21. Prior to the parcel map recordation, owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The due assessment levy will be adjusted based on the proposed subdivision. The developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.
22. A Mylar copy of the final parcel map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
23. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

Improvement plans requirements

24. Upon future site development proposal, the Public Works Engineering Department will provide additional plan and engineering study requirements regarding water, Fire Department compliance, sewer, storm drain, public right-of-way, traffic and environmental compliance.

BUILDING AND SAFETY DIVISION:

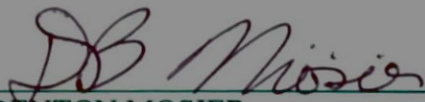
25. A demolition permit and sewer cap permit shall be obtained prior to demolishing any structure or capping any sewer line or connection.

LOS ANGELES COUNTY FIRE DEPARTMENT:

26. Submit a copy of the Tentative Parcel Map to the Land Development Unit (LDU) for review and approval prior to submitting to Fire Prevention Engineering for building plan review.

SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED THIS 11th DAY OF DECEMBER 2013



DENTON MOSIER
PLANNING COMMISSION CHAIRPERSON

ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Ixco, Juarez, Starr, Valencia, Mosier
NOES: Beans
ABSTAIN: None
ABSENT: Coble

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."

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