

## **PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE PARCEL MAP (PM 7354-2017) FOR THE CONSOLIDATION OF TWO PARCELS (834-201-3020 & 834-201-3021) TO COMPREHENSIVELY DELINEATE THE BOUNDARIES OF THE SUBJECT SITE FOR THE CONSTRUCTION OF APPROXIMATELY 16,443 SQUARE FEET OF NEW RETAIL SPACE IN TWO NEW BUILDINGS AND ONE EXISTING BUILDING ON PROPERTY THAT IS APPROXIMATELY 1.45 ACRES LOCATED AT 888 W. MISSION BOULEVARD.**

**WHEREAS**, the applicant, ATC Design Group, has filed an application for Tentative Parcel Map (PM 7354-2017) for the consolidation of two parcels (APN: 834-201-3020 & 834-201-3021) to comprehensively delineate the boundaries of the subject site for the construction of approximately 16,433 square feet of new retail space in two new buildings on property located at 888 W. Mission Avenue (“subject site”);

**WHEREAS**, the northern portion of the site, north of the existing alley, is currently located within the Midtown Segment of the Pomona Corridors Specific Plan (PCSP) and the southern half, below the existing alley, is located in the Mixed-Use Arterial Retail Zone in the Downtown Pomona Specific Plan;

**WHEREAS**, the subject site is currently designated “Neighborhood Edge” by the City’s General Plan;

**WHEREAS**, the applicant has concurrently submitted Conditional Use Permit (CUP 7353-2017) to allow the development of 16,433 square feet of new retail space in two new buildings and one existing building on the subject site. A CUP is required for commercial facilities on lots greater than 20,000 square feet, pursuant to Section .580 of the Pomona Zoning Ordinance;

**WHEREAS**, Tentative Parcel Map (PM 7354-2017), filed in conjunction with Conditional Use Permit (CUP 7353-2017) will revitalize an existing underused site with an infill project that is compatible with existing surrounding commercial and residential uses;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law held a public hearing on March 28, 2018, concerning the requested Tentative Parcel Map (PM 7354-2017) and concurrent application of Conditional Use Permit (CUP 7353-2017); and

**WHEREAS**, the Planning Commission has carefully considered all pertinent testimony, the recommendation of the Planning Division staff and the staff report offered in the case as presented at said noticed public hearing.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the City of Pomona, California:

**SECTION 1.** The Planning Commission exercising their independent judgment has determined that pursuant to the provisions of Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA), the proposed project meets the criteria for a Class 32 Categorical Exemption. The proposed project is consistent with the City's General Plan and Zoning Ordinance; the proposed project site is less than five (5) acres; 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; and the site can adequately be served by all required utilities and public services. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

**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 approve Tentative Parcel Map (PM 7354-2017). 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 project is consistent with the General Plan place type of Neighborhood Edge. "Neighborhood Edge" is defined in the General Plan as edge properties that are adjacent to City neighborhoods that will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and provide buffering and compatibility with adjacent development.

The project is an appropriate transition to the established single-family residences to the south and east of the subject site. With the conditions of approval and development standards required of the Pomona Corridors Specific Plan (PCSP) and Downtown Pomona Specific Plan (DPSP), the proposed retail development will contribute to the continuing

stability of the adjacent residential neighborhoods by providing commercial services and public open space within walking distance, positively affect the general welfare of the community, and improve the aesthetics of the immediate neighborhood.

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 be in substantial compliance with the PCSP and DPSP. The PCSP has a set of design requirements that the project design adheres to, including building height, length, massing, orientation, setbacks, open space, as well as architectural regulations.

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

The subject site (approximately 1.45 gross acres) is relatively flat and sufficient in size and shape to accommodate the proposed 16,443 SF retail project while meeting all of the required development standards, including setbacks, parking, loading, open space, landscaping, etc.

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 lot consolidation. The development standards allow for a much higher (up to 3 stories) and intense level of development. The proposed intensity of development is also consistent and less than the maximum high of three floors established within the City's General Plan.

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 an infill site within an urban environment and not habitat to any fish or wildlife. Based on these factors, the proposed improvements 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 type of improvements will not conflict with other easements acquired by the public at large. The project will result in new retail buildings 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 (PM 7354-2017) subject to compliance with all applicable laws and ordinances of the City as well as the addition of the following conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the conditional use permit or any portion thereof:

## **PLANNING DIVISION**

### **General Conditions**

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Planning Commission on March 28, 2018, and as illustrated in the stamped approved plans dated March 28, 2018, with the addition of the following conditions. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Development Services Manager.
2. Any reference to “7 Eleven” shall be removed from the Tentative Parcel Map. Any and all approvals are for the project as originally submitted on April 12, 2017.
3. 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 (March 28, 2020). 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.

4. The project is subject to a twenty (20) day appeal period. Written appeals may be filed with the City Clerk within twenty 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 days from the date of action by the Planning Commission.
5. 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.
6. 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 violations of the conditions of approval and/or City law occurs within ninety 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 tentative parcel map.

## **PUBLIC WORKS**

### **Land development requirements**

7. Tentative **Parcel Map** shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779. Financial security for all public improvements shall be posted prior to the issuance of the building permit or the recordation of the map, whichever occurs first.
8. All existing and proposed easements for water, sewer, drainage, ingress/egress, corner cut-off, footings and traveled ways must be clearly shown on the map; all easements proposed to be vacated need to be included as part of the parcel 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 parcel 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.
9. Prior to the parcel map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
10. 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 parcel map recordation; adequate monumentation bond is required prior to the parcel map approval.
11. Prior to the issuance of the first building permit, the parcel map shall be recorded to reflect the new lot lines, easements and Fire Department access. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
12. Applicant/Developer shall ensure that a property owner's association is established for the purpose of maintaining all driveways, common areas, private utilities and joint use of parking and access for the benefit of all individual lots. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&Rs) shall be approved by the City Attorney and recorded on the grant deed prior to approval of the parcel map.

**COUNTY OF LOS ANGELES FIRE DEPARTMENT**

13. The Final Map shall be submitted to Los Angeles County Fire Department for review and approval prior recordation.
14. 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.
15. 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.
16. Provide a written Reciprocal Agreement from the adjacent property prior to clearance of the Final Map.

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

**APPROVED AND PASSED THIS 28<sup>th</sup> DAY OF MARCH, 2018.**

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LUIS M. JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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EMILY STADNICKI  
PLANNING COMMISSION SECRETARY

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**APPROVED AS TO FORM:**

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ANDREW JARED  
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA    )  
COUNTY OF LOS ANGELES   ) ss.  
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."