



CITY OF POMONA COUNCIL REPORT

May 7, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Meg McWade, Public Works Director

Subject: **Adoption of a Resolution Approving Lot Merger LM10-2017 and Lot Line Adjustment LLA2-2017 of Portions of Lots 11, 12, 19 and 20 of Hutchinson's Subdivision of Lots 5, 8 and 11 of the Bingham Tract, Recorded in Book 26, Page 66 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Numbers 8336-007-018, 8336-008-009 and -001, for Parking Compliance of the Commercial Properties Located at 776-808 N. Garey Avenue, Pomona, CA (Council District 4)**

OVERVIEW

Recommendations – That the City Council adopt a Resolution (Attachment 1):

1. Approving Lot Merger LM10-2017 and Lot Line Adjustment LLA2-2017 of portions of Lots 11, 12, 19 and 20 of Hutchinson's Subdivision of Lots 5, 8 and 11 of the Bingham Tract, recorded in Book 26, Page 66 of Miscellaneous Records, County of Los Angeles, Assessor Parcel Numbers (APN) 8336-007-018, 8336-008-009 and -001 (EXHIBITS "A1" and "A2"), for parking compliance of the commercial properties located at 776-808 N. Garey Avenue, Pomona, CA (Council District 4);
2. Authorizing the City Engineer to sign the Notice of Lot Merger and the Notice of Lot Line Adjustment (EXHIBITS 1 and 2 to the Resolution) on behalf of the City; and
3. Finding that Lot Merger LM10-2017 and Lot Line Adjustment LLA2-2017 are exempt from California Environmental Quality Act (CEQA) requirements, pursuant to Sections 15061 and 15305 respectively, of the CEQA Implementation Guidelines referenced herein under "Environmental Impact."

Fiscal Impact – There is no fiscal impact resulting from this action.

Previous Council Action – On February 26, 2018, City Council considered this same item and continued it to a future Council meeting date when additional and pertinent information related to the Historic District could be provided.

Previous Related Action – No project related to Lot Merger LM10-2017 or Lot Line Adjustment LLA2-2017 has been considered by the Planning Commission.

Environmental Impact – Pursuant to the California Code of Regulations, Title 14, Guidelines for the Implementation of the California Environmental Quality Act (CEQA):

- Article 5, Section 15061 (b)(3) - the proposed lot merger is categorically exempt from the requirement for the preparation of environmental documents in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
- Article 19 Categorical Exemptions, Section 15305, Class 5 projects – the proposed lot line adjustment is categorically exempt from the requirement for the preparation of environmental documents in that the activity consists of “minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density”.

EXECUTIVE SUMMARY

The proposed lot merger and lot line adjustment have been requested by Mark Warren, owner of the properties known as APNs 8336-007-018, 8336-008-009 and -001 and located at 776-808 N. Garey Avenue and 797 Bradford Street. The purpose of this lot merger and concurrent lot line adjustment is to consolidate portions of Lots 11, 12, 19 and 20 of Hutchinson’s Subdivision of Lots 5, 8 and 11 of the Bingham Tract, into one commercial parcel on Garey Avenue, while minimally reducing the residential lot located on Bradford Street. This action will allow said Garey Avenue commercial properties to comply with the City General Plan parking requirements. City Council approval of a lot merger and/or a lot line adjustment is required if the lot merger and/or lot line adjustment have not been previously considered by the Planning Commission as part of a development project.

DISCUSSION

The commercial real property addressed as 776-808 N. Garey Avenue is an existing four-parcel development with a total area of approximately 0.45 acres (EXHIBIT “B1”). The northerly three parcels, associated with APN 8336-007-018 and addressed as 784-808 N. Garey Avenue, were acquired in 1972 and included two office buildings totaling 4,754 square feet and a seven-space, substandard parking lot. These parcels, being owned by the same property owner and having the same land use, have a single APN 8336-007-018 issued for tax purposes by the Los Angeles County Office of the Assessor. The fourth commercial parcel associated with APN 8336-008-009 and addressed as 776 N. Garey Avenue, was purchased in 1985 and developed solely as a parking lot; it created additional parking spaces, but not a sufficient number to comply with the land use parking requirements of the commercial property.

In order to provide the necessary remaining number of parking spaces, the parking lot was extended easterly into the residential lot associated with APN 8336-008-001 and addressed as 797 Bradford Street, subsequently creating the need for the proposed lot line adjustment (EXHIBIT “B2”).

The property owner has submitted applications for a lot merger and a lot line adjustment to the Public Works Department-Engineering Division. These actions will consolidate four commercial lots into one parcel, eliminate all shared property lines and provide adequate parking space for the respective commercial land use by adjusting the property line between the westerly commercial lots and easterly residential real property.

The lot line adjustment modification included the following:

- The westerly commercial lot will be increased from 0.45 acres to 0.48 acres.
- The easterly residential lot will be decreased from 0.14 acres to 0.11 acres.

Lot merger LM10-2017 has been submitted in accordance with Section 66499.20.3 of the California Government Code (Subdivision Map Act) and Section 29-50 (b) of the 1959 Pomona City Code as currently adopted by reference under Chapter 78-1.

Lot Line Adjustment LLA2-2017 has been submitted in accordance with Section 66412 (d) of the California Government Code (Subdivision Map Act) and Chapter 78 of the Pomona City Code, Section 29-45 (b). Upon the review of the lot line adjustment application, the following determinations have been made by the City Engineer, pursuant to Sections 29-45 (b)(1), (b)(2), (b)(3) and (b)(4) of the Pomona City Code:

- The gross areas of the parcels will not increase or decrease by more than fifty percent.
- The existing access has not been impaired and there is no need to create any new easements to serve any adjacent parcels.
- The gross areas, widths or building setbacks of the subject parcels will not be reduced below the minimum required by the Zoning Ordinance.
- The public right-of-way and other existing improvements do not require substantial alterations and no new improvements need to be created.

Historic Preservation District Review. The proposed Lot Line Adjustment and Lot Merger relocate property lines and combine lots for the subject sites located within the Lincoln Park Historic District boundaries. On February 28, 2018, Mr. Mark Warren provided an email communication clarifying that the property was not exempt from the Lincoln Park Historic District which confirms staff's research provided to the City Council at the February 26 City Council meeting.

The home at 797 N. Bradford Street is considered a contributing building. The proposed Lot Line Adjustment will not impact the contributing building itself. This lot's western property line will be moved approximately 23 feet east. The contributing building on this lot will not be altered or affected in any way.

In addition, this proposed Lot Line Adjustment and Lot Merger will not move the boundaries of the Historic District. These boundaries may only be moved by Ordinance through a different process that requires the Historic Preservation Commission, Planning Commission, and the City Council to review and approve. The proposed Lot Line Adjustment and Lot Merger are administrative reviews and the Development Services Director with consultation by the City Attorney's office indicate that the Pomona City Code for Lot Line Adjustment and Lot Merger is a subdivision process requiring

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City Council review/approval, but gives no authority to the Historical Preservation Commission as related to proposed Lot Line Adjustment and Lot Merger. Any future development or other improvements on these sites will require compliance with the Historic Preservation Ordinance including obtaining the appropriate Certificate of Completeness.

The aforementioned Pomona Codes require that lot mergers and/or lot line adjustments requested by the owner of contiguous parcels that have not been previously considered by the Planning Commission be submitted to the City Council for approval. The proposed lot merger and lot line adjustment are in conformance with the City's General Plan and the City's Zoning Ordinance. The proposed lot merger and lot line adjustment will merge four adjoining lots designated by APNs 8336-007-018 and 8336-008-009, into one parcel, and minimally reduce the size of one residential lot designated by APN 8336-008-001, as shown on the maps depicted by EXHIBITS "B1" and "B2" of Attachment 1. The Vicinity Map (Attachment 2) and Aerial Map (Attachment 3) are also provided for reference. The approval and concurrent recording of the proposed lot merger and lot line adjustment will allow the Garey Avenue commercial properties to comply with the City General Plan parking requirements.

Attachments: 1. Resolution with Notice of Lot Merger as EXHIBIT 1, Legal Description and Map as EXHIBIT "A1" and EXHIBIT "B1", and with Notice of Lot Line Adjustment as EXHIBIT 2, Legal Description and Map as EXHIBIT "A2" and EXHIBIT "B2"
2. Vicinity Map
3. Aerial Map

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