

RESOLUTION NO. 2017-141A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (PARCELMAP 6122-2016) TO COMPREHENSIVELY DELINEATE ALL AFFECTED PARCELS ON THE CASA COLINA HOSPITAL CAMPUS AND THE PROPERTIES AT 267, 279, AND 291 E. BONITA AVENUE AND 2815 THROUGH 2873 MELBOURNE AVENUE INCLUDING THE FIRST PUBLIC ALLEY NORTH OF BONITA WEST OF MELBOURNE TO BE VACATED FOR THE PROJECT

WHEREAS, the applicant, Casa Colina Hospital, has submitted an application for a Tentative Parcel Map (PARCELMAP 6122-2016) to comprehensively delineate all affected parcels on the Casa Colina Hospital Campus and the properties at 267, 279, and 291 E. Bonita Avenue and 2815 through 2873 Melbourne Avenue, including the first public alley north of Bonita Avenue west of Melbourne Avenue to be vacated for the project;

WHEREAS, the applicant has concurrently submitted a Change of Zone (ZONE 4972-2016) and Specific Plan Amendment (SPA 4920-2016) to change the zoning classification from R-1-7,500 to the Pomona Corridors Specific Plan Residential Transition Zone for the properties at 267, 279, and 291 E. Bonita Avenue and 2815 through 2873 Melbourne Avenue including the first public alley north of Bonita Avenue west of Melbourne Avenue to be vacated for the project; Tentative Parcel Map (PARCELMAP 6122-2016) to comprehensively consolidate all the new parking lot proposed properties in the project; and Development Plan Review (DPR 6124-2016) to develop a surface parking lot on the 30,675 square foot lot consisting of 267-291 E. Bonita Avenue, 2815 Melbourne Avenue and the vacated alley;

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 proposed Tentative Parcel Map (PARCELMAP 6122-2016) proposes to consolidate four existing parcels (AINs 8366-002-001, 002, 003 & 004) with the existing parcel and one alleyway into a single parcel for the Casa Colina campus for a total of 20.2 acres.

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 12, 2017 concerning the requested Tentative Parcel Map (PARCELMAP 6122-2016), Specific Plan Amendment (SPA 4920-2016), Change of Zone (ZONE 4972-2016), and Development Plan Review (DPR 6124-2016);

WHEREAS, the applicant is requesting approval of Tentative Parcel Map (PARCELMAP 6122-2016) for the consolidation of five parcels into one (APN: 8366-001-032) to comprehensively consolidate the boundaries of the subject site for the construction of a parking lot which is an allowed use under the Pomona Corridors Specific Plan; and

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 Change of Zone (ZONE 4972-2016), 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 meeting 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 Tentative Parcel Map (PARCELMAP 6122-2016);

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 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 City Council of the City of Pomona, California, as follows:

SECTION 1. The City Council exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15332, (In-Fill Development Projects) of CEQA, in that 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.

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 City Council must make seven findings in order to approve Tentative Parcel Map 74494 (PARCELMAP 6122-2016). 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 City Council hereby finds as follows:

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

The proposed surface parking lot conforms to the General Plan with the “Transit Oriented District: Neighborhood” land use designation in the T3 Transect zone as shown on the General Plan Land Use Diagram. The proposed surface parking lot will create a low intensity, landscaped use, which is an appropriate transitional development plan adjacent to the single family homes in the neighborhood.

2. *The design or improvement of the proposed subdivision is consistent with the General Plan and applicable specific plan.*

The proposed surface parking lot design conforms to the General Plan with the “Transit Oriented District: Neighborhood” land use designation in the T3 Transect zone as shown on the General Plan Land Use Diagram with deviations from standard as recommended to allow trees without a spreading canopy, to allow construction without pedestrian paths, and with conditions of approval requiring more trees and more lighting than originally proposed and consideration of providing sustainability features. The proposed surface parking lot will create a low intensity, landscaped use, which is an appropriate transitional development plan adjacent to the single family homes in the neighborhood. It will continue the attractive development pattern established in the existing adjacent parking lot which meets the overall intent of the General Plan and Specific Plan that new development should be attractive and compatible with existing development.

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

The site is physically suitable for the development in that the proposed parking lot is on flat land served by all necessary public utilities.

4. *The subject property is physically suitable for the density of development.*

The proposed parking lot creates no new density.

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 consists of previously developed land 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 harm to public health because no new structures are proposed and the parking lot shall be constructed to conform to all City standards, with deviations as noted, and with appropriate conditions of approval. 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 City Council hereby approves Tentative Parcel Map (PARCELMAP 6122-2016), subject to the following conditions:

1. The subject property shall be subdivided in a manner consistent with the tentative parcel map as reviewed by the Planning Commission on July 12, 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 approval shall lapse and become void if the privilege authorized by the City Council is not utilized and recordation by the County of the final map is not obtained within two (2) years from the date of City Council approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty days before the expiration date.
3. Tentative Parcel Map (PARCELMAP 6122-2016) shall be contingent upon approval of Change of Zone (ZONE 4972-2016), Specific Plan Amendment (SPA 6114-2016), and Development Plan Review (DPR 6124-2016) as outlined in Section 2.0.5 of the Pomona Corridors Specific Plan.
4. 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.

5. The applicant shall include all conditions of approval from Tentative Tract Map (PARCELMAP 6122-2016) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
6. Approval of Tentative Parcel Map (PARCELMAP 6122-2016) is strictly for the consolidation of five parcels into one lot.
7. In case of violation of any of the conditions of approval, mitigation measures 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, mitigation measures and/or City law, including, but not limited to, revocation of the herein Tentative Parcel Map.
8. Five (5) additional planters, sized for two (2) trees in each new planter, shall be placed in the parking area to provide the required number of trees. Light poles shall also be added to these new planters.
9. The parking lot shall incorporate one or more of the sustainability features recommended in the PCSP, such as bio-swales or pervious surfaces, into the project design or the applicant shall demonstrate why such features are infeasible, to the satisfaction of the Development Services Manager or designee.

SECTION 5. The City Council hereby approves Tentative Parcel Map (PARCELMAP 6122-2016) to comprehensively delineate all affected parcels on the Casa Colina Hospital Campus and the properties at 267, 279, and 291 E. Bonita Avenue and 2815 Melbourne Avenue, including the

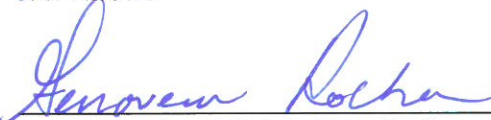
first public alley north of Bonita Avenue west of Melbourne Avenue to be vacated for the project.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 2nd DAY OF OCTOBER 2017.

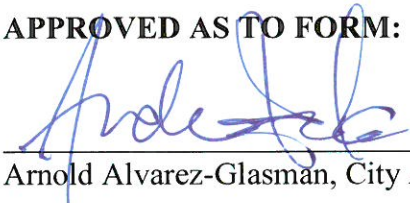
ATTEST:

CITY OF POMONA:

for 
Eva M. Buice, MMC, 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 M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 2nd day of October 2017, by the following vote:

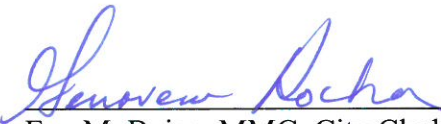
AYES: Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, Torres

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 3rd day of October 2017.

for 
Eva M. Buice, MMC, 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.”