



CITY OF POMONA COUNCIL REPORT

Date: **July 2, 2018**

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Mario Suarez, AICP, Development Services Director

Subject: **ADOPT AT SECOND READING ORDINANCES APPROVING THE ZONE CHANGE (ZONE 5395-2016) AND PRE-ZONING TO INCLUDE THE REQUESTED ANNEXATION OF FIVE PARCELS AND THE ADJACENT PUBLIC RIGHT OF WAY ALONG 22122 VALLEY BOULEVARD (APPROXIMATELY NINE ACRES IN SIZE) CURRENTLY LOCATED IN THE COUNTY OF LOS ANGELES, TO THE CITY OF POMONA.**

OVERVIEW

Recommendations - That the City Council: adopt at second reading the following ordinances:

1. An Ordinance approving Zone Change (ZONE 5395-2016); and
2. An Ordinance approving the pre-zoning of subject parcels, identified as APN 8709-026-004, 8709-027-004, 8709-027-005, 8709-027-012, 8709-027-271 and public right-of-way (Valley Boulevard).

Fiscal Impact - The financial impact to provide City Services to the proposed annexed parcels will be offset by the increase in property taxes and utility user tax that will be realized by the City of Pomona.

Public Noticing Requirements – Pursuant to Section .571(D) of the Zoning Ordinance, a notice of public hearing is required to be published in a newspaper of local circulation, and sent to property owners within a 400-foot radius of the project site, at least ten days prior to the date of the public hearing. A notice was published in the Inland Valley Daily Bulletin on Friday, May 25, 2018 and mailed to property owners on Wednesday, May 23, 2018.

Previous Council Action – On August 1, 2016, the City Council approved Resolution 2016-112 to initiate proceedings for the proposed re-organization. On June 4, 2018, the City Council continued the public hearing for this item to June 18, 2018. On June 18, 2018, the City Council conducted a public hearing and voted 7-0-0-0 to approve resolutions for General Plan Amendment (GPA 5294-2016), Conditional Use Permit (CUP 12-012), Tentative Parcel Map (TPM 7550-2017), and a joint property tax transfer resolution, and

introduced at first reading Ordinances for a Zone Change (ZONE 5395-2016) and a pre-zoning ordinance.

Previous Related Action – On April 25, 2018, the Planning Commission reviewed the requested application. The Planning Commission voted 5-0-2-0 to recommend City Council approval of General Plan Amendment (GPA 5294-2016), Zone Change (ZONE 5395-2016), Conditional Use Permit (CUP 12-012), and Tentative Parcel Map (TPM 7550-2017), and to adopt a pre-zoning ordinance and joint property tax transfer resolution.

Environmental Impact –Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Initial Environmental Study recommending a Mitigated Negative Declaration was prepared and circulated for the portion of the site to be developed. The project will not result in any significant adverse immitigable impacts. A Mitigation Monitoring & Reporting Program will be approved and implemented. The 30-day public review period for the Initial Study of Environmental Impacts and Mitigated Negative Declaration began November 21, 2017 and ended December 22, 2017. Comments on the project and the related documents were received by the Planning Division during this period. In addition, a Notice of Exemption was prepared for the portion of the site to be annexed with existing development.

EXECUTIVE SUMMARY

The City Council will consider the annexation of land from the County of Los Angeles into the City of Pomona and will also consider entitlements associated with the construction of warehouses on a portion of the annexed site. As part of the annexation, the City Council will consider the adoption of: a pre-zoning ordinance, Zone Change, and General Plan Amendment to designate the land as “Workplace District Edge” in the Pomona General Plan and “M-2 General Industrial” in the Pomona Zoning Ordinance; and a property tax transfer resolution, which will be subsequently considered by the Board of Supervisors of the County of Los Angeles for approval. As part of the proposed construction of warehouses, the City Council will consider the adoption of the following entitlements: a Conditional Use Permit for the construction of five tilt-up warehouses and a Tentative Parcel Map to split the lot into five parcels. Lastly, the City Council will consider adopting the environmental review for all affected parcels. Upon approval, the City of Pomona will submit a completed application to the Los Angeles County Local Agency Formation Commission (LAFCO) for consideration and approval.

DISCUSSION

Subject Site

The subject site is approximately 11 acres in size, with approximately two acres located in the City of Pomona, and the remaining nine acres currently located within County of Los Angeles boundaries. The unincorporated portion of the site borders the City of Pomona to the north, the City of Walnut to the west, and the City of Industry to the south. The applicant is proposing an annexation of the unincorporated portion of the subject site from the County of Los Angeles into the City of Pomona. Furthermore, the applicant is proposing the construction of five tilt-up warehouses on approximately 5.76 acres.

Annexation Procedure

The annexation of the parcels from the County of Los Angeles and attachment to the City of Pomona is subject to the oversight of the Los Angeles County Local Agency Formation Commission (LAFCO), which is a public agency with county-wide jurisdiction established by State Law (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000). The intent of the Act is to discourage urban sprawl and to encourage orderly and efficient provision of services, such as trash, sewer, and fire protection. LAFCO oversees changes to local government boundaries involving the formation and expansion of cities and special districts. This includes annexations and detachments of territory to and/or from cities and special districts; incorporations of new cities; formations of new special districts; consolidations of cities or special districts; mergers of special districts with cities; and dissolutions of existing districts. LAFCO also approves or disapproves proposals from cities and special districts to provide municipal services outside their jurisdictional boundaries. LAFCO determines a Sphere of Influence (SOI), which is a plan for the probable physical boundaries and services areas, for each city and special district within the County of Los Angeles. All jurisdictional changes, such as incorporations, annexations, and detachments, must be consistent with the affected agency's SOI, with limited exceptions.

LAFCO Application Process

The first step for a city to make an application to LAFCO is to provide an approved resolution that requests LAFCO initiate proceedings for the annexation of the subject site. As such, on August 1, 2016, the City Council approved a resolution to initiate proceedings for the proposed annexation. The City of Pomona must next approve a pre-zoning ordinance (Attachment B), which includes environmental clearance for all annexed parcels, and a Property Tax Transfer Resolution, which will be submitted to the County of Los Angeles Board of Supervisors for approval. As part of this pre-zoning process, the subject site will be designated as Workplace District Edge under the City of Pomona's General Plan and zoned M-2 General Industrial under the Pomona Zoning Ordinance (Attachment A). Upon completion of these steps, along with minor submittal requirements, an application can be deemed complete by LAFCO. The application will be presented before the LAFCO Commission for review of the annexation. Once approved by the LAFCO Commission, the annexation of the subject site is not subject to protest or an election.

CONCLUSION

Following this approval, the City of Pomona will submit a completed application to LAFCO for review and consideration. All entitlements considered by the City Council are pending the approval of the annexation application by LAFCO.

ATTACHMENTS:

- A. Draft City Council Ordinance for ZONE 5395-2016
- B1. Draft City Council Pre-Zoning Ordinance
- B2. Exhibits C & D of Pre-Zoning Ordinance
- C. City Council Staff Report dated June 18, 2018 with attachments