

RESOLUTION NO. 9083

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA
APPROVING, WITH CONDITIONS, TENTATIVE TRACT MAP (NO. 54172)
TTM 02-008 TO ALLOW AIR RIGHTS FOR A 7-UNIT RESIDENTIAL SUBDIVISION
FOR CONDOMINIUM PURPOSES IN THE R-2-S (LOW DENSITY MULTIPLE
FAMILY/SUPPLEMENTAL OVERLAY) ZONE ON PROPERTY LOCATED AT
590 WEST GRAND AVENUE**

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

WHEREAS, there has heretofore been submitted by Pomona Development Inc., a proposed Tentative Tract Map TTM 02-008, to subdivide air rights for a 7-unit residential subdivision for condominium purposes in the R-2-S (Low Density Multiple Family/Supplemental Overlay) zone on property located at 590 West Grand Avenue on a parcel designated as "Low Density Residential" on the General Plan Land Use Map;

WHEREAS, a Tentative Tract Map is required to allow a 7-unit residential subdivision for condominium purposes in the R-2-S (Low Density Multiple Family/ Supplemental Overlay) zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing concerning requested Tentative Tract Map TTM 02-008;

WHEREAS, the proposed development meets all the development standards of the R-2 zone;

WHEREAS, the Planning Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing;

WHEREAS, the Planning Commission exercising independent judgment has determined that the project meets the criteria for a Class 32, Section 15332 Categorical Exemption, and that the proposed project will not have a significant effect on the environment

NOW, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. In support of the Categorical Exemption for this action, the Planning Commission hereby adopts the following findings:

1. No reasonable possibility exists that the approval of the proposed permit will have a significant environmental impact because of unusual circumstances.
2. The project is not proposed in a designated environmentally sensitive area.

3. The project is not within a designated State scenic highway and doesn't affect designated scenic resources.
4. The project is not located on a toxic site listed by the California Environmental Protection Agency.
5. The project is not a designated historic landmark nor is it part of a historic district; therefore, the project will not cause substantial adverse changes in significant historic resources.
6. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations in that the proposed project is consistent with the maximum density allowed within the Low Density Residential Land Use and the R-2-S zoning designation of 15 units per acre.
7. The proposed development occurs within the City limits and the project is less than 5 acres in size.
8. The proposed project has no value as habitat for endangered, rare or threatened species.
9. Approval of the project will not result in any significant effects relating to traffic, noise, air or water quality.
10. The proposed site can adequately be served by all required utilities and public services.

SECTION 2. The Planning Commission hereby finds and determines as follows:

1. The site is physically suitable for the proposed type and intensity of development, in that the site plan for the proposed development meets all development standards for the R-2-S (Low Density Multiple Family/ Supplemental Overlay) zone. The subject lot is approximately 0.69 acres in size, which allows for densities of 15 units per net acre. The applicant is proposing 7 condominium units, which is approximately 10.1 units per net acre.
2. The design or improvement 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 Residential Element of the General Plan which states:

It is the policy of the City of Pomona to encourage the construction of new low-density developments and to be receptive to medium or higher density residential uses if properly located.

SECTION 3. Tentative Tract Map TTM 02-008, as submitted heretofore, is hereby approved, subject, however to compliance with all existing laws and ordinances of this City and the following specific conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation:

1. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two (2) years from the date of this approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty (30) days prior to the expiration date.
2. Substantial conformance to the submitted Tentative Tract Map No. 54172, date stamped **November 21, 2002**, except as modified herein.
3. The applicant shall make a reduction or 8 ½ by 11 inch sticky-back of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
4. Written appeals may be filed with the City Clerk 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. Four copies of an appeal shall be filed with the City Clerk within twenty days from the date of action by the Planning Commission.
5. This Tentative Tract Map shall expire on January 23, 2005 unless the Final Map has been recorded prior to that date. The Planning Commission may grant a time extension for up to 12 additional months if an application for the map is submitted to the Planning Division within 30 days prior to the expiration date.
6. All conditions of Resolution No. 9082 shall be met.
7. The Tentative Tract Map No. 54172 shall conform to the requirements of the Subdivision Map Act and to the City Ordinance No. 2779. On the final map shall specify the proposed utility easements.
8. Applicant shall submit a site plan and grading plan with hydrology calculations to the Building Division showing the handling of on-site drainage. Prior to obtaining a building permit, the cited plans shall be approved by Public Works Department, Transportation and Development Division.
9. Construct new drive approach (W=26 ft.) per City Standard. If applicant proposes a gate for the project, then applicant shall provide a minimum 50-foot clearance from the proposed gate to the property line.
10. Applicant shall submit a public sanitary sewer plan and designed by a registered Civil Engineer (with a minimum ten-foot wide easement dedication to the City of

Pomona) to the Transportation and Development Division for review. The sewer plan is subject to approval by the City Engineer. Applicant shall construct 8-inch V.C.P. sewer main per City Standard.

11. Prior to connection to the City sanitary sewer main, applicant shall contact County Sanitation Districts No. 21 of Los Angeles County for their sewer connection fee requirements.
12. Applicant shall install a stop sign at an exit of the driveway.
13. All the utility cuts on Grand Avenue shall be repaired per City Standard. Applicant shall slurry seal of Grand Avenue from gutter to gutter along the frontage of the property.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND PASSED this 22nd day of January, 2003.




CHARLES WOLFE
PLANNING COMMISSION CHAIRPERSON

ATTEST:



CANDIDA NEAL, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



RICHARD L. ADAMS II
ASSISTANT CITY ATTORNEY

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

AYES: Urey, Scharf, Belluscio, Morris and Wolfe.
NOES: None.
ABSTAIN: None.
ABSENT: Martinez and Juarez.

"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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