

PC RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 78216 (TRACTMAP 8522-2017) FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 1439 S. PALOMARES ST. WITHIN THE R-2 (LOW DENSITY MULTIPLE FAMILY) DISTRICT.

WHEREAS, the applicant, Chang-Qing Pan, has submitted an application for Tentative Tract Map No. 78216 (TRACTMAP 8522-2017) for condominium purposes at 1439 S. Palomares St., Assessor's Parcel Number 8333-022-018;

WHEREAS, the applicant has concurrently submitted an application for Conditional Use Permit (CUP 7985-2017) to construct three detached, two-story single-family structures, totaling six (6) units, as well as associated on site improvements for a property located at 1439 S. Palomares St., Assessor's Parcel Number 8333-022-018;

WHEREAS, the subject property is located within the R-2, Low Density Multiple Family district and the S, Supplemental use overlay district;

WHEREAS, the subject property has a General Plan, Place Type designation of Residential Neighborhood as well as a Transect Zone designation of T3 Typical;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on August 8, 2018, concerning the requested Tentative Tract Map No. 78216 (TRACTMAP 8522-2017); and

WHEREAS, the Planning Commission 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 Planning Commission of the City of Pomona, California:

SECTION 1. Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt, under Section 15303, Class 3 exemption for construction of small facilities, is exempt from further environmental review.

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 to approve Tentative Tract Map No. 78216 (TRACTMAP 8522-2017). 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 tract map is consistent with the general plan and applicable specific plan.*

The project is consistent with the General Plan place type of Residential Neighborhood in the T-3 Typical Transect Zone. Further, the T-3 Transect Zone prescribes the typical development type as:

“A variety of small scale, primarily single-family housing types as well as limited attached housing types (such as townhomes and multiplexes) that are sensitively designed and explicitly compatible with adjacent homes”

The project is an appropriate development within the area because it is under the maximum allowable height of 2.5 stories allowed in the T-3 transect zone, and the proposed development is proposed in an established single and multi-family residential properties to the north, south, east, and west of the subject site. With the conditions of approval, the proposed residential development will positively affect the general welfare of the community and improve the aesthetics of the immediate neighborhood.

Goal 7F.G4: “Ensure high quality new development and redevelopment throughout the City that is designed appropriately to add value to its surrounding context.”

The subject site is 19,285 square feet in area and is located within the R-2, Low Density Multiple Family district which allows for densities between seven to fifteen units per acre. However, the site is currently improved with one single family structure that was originally constructed in 1948. The subject site has a development potential to provide up to six units. As such, the subject site is currently underutilized in terms of the number of units that can be constructed on the site. The proposed project will provide six units, which is the maximum allowable number of units. Additionally, the project will include an automatic metal rolling gate at the drive entry, a four foot tall fence along the project frontage, three foot wide speed bumps along the driveway, private open space and common open space consisting of landscaping and decorative hardscape, pedestrian access to the adjacent sidewalk along Palomares Street, as well as a barn style influenced two-story structure incorporating human-scale elements (through the use of varying materials, articulation and massing). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied. Therefore, the project furthers the goals and objectives of the General Plan by

allowing a development that is high quality, designed appropriately, and adds value to its surrounding context.

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 on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the site, at approximately 19,285 square feet in size, the subdivision design accommodates adequate land for six dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

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 subdivision. The subdivision proposes 6 dwelling units on a 0.44 acre property, which results in a density of approximately 14 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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. 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 subdivision 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 design of the subdivision or type of improvements will not conflict with easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map No. 78216 (TRACTMAP 8522-2017) 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

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 August 8, 2018, and as illustrated in the stamped approved plans dated August 8, 2018. 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. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (August 8, 2020), in accordance with Pomona Subdivision Ordinance section 29-49, et seq. The Planning Commission may extend this period not to exceed an aggregate of three years upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The project is subject to a twenty 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.

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. In case of a violation of any of the conditions of approval and/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 (90) 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 Tract Map.
6. Pursuant to City Code Section 70-66 et seq.", prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees". Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.
7. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1,4,5, of this Tentative Tract

Map and 3) provide reciprocal access easements and facilitate the use and maintenance of the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.

8. The applicant shall make a reduction of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal.
9. This approval hereby supersedes the previously approved Planning Commission Resolution Number 14-001A. Previously approved Planning Commission Resolution Number 14-001A is hereby rescinded and no longer has any legal effect.

Public Works Department

Land Development Requirements

10. Tentative Tract 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 grading permit.
11. The tentative tract map shall be recorded and developed as one tract map but may be developed in phases.
12. Applicant/Developer shall include the dedication of a 5-foot wide strip of land along the Palomares Street property frontage for roadway purposes.
13. All existing and proposed easements for water, sewer, drainage, ingress/egress, 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 final 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 tract 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.
14. Prior to the tract map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
15. 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 tract map recordation; adequate monumentation bond is required prior to the final map approval.

16. Prior to the issuance of the building permits Applicant/Developer shall provide proof of:
 - a) The tract map recordation. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
 - b) The condominium subdivision approval by the California Department of Real Estate.
 - c) The Assessor Parcel Numbers issuance by the Los Angeles County Assessor's Office.
17. 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 final tract map.

Water & Wastewater Operations Department

18. Additional water demand and sewer discharge calculations shall be submitted separately for this proposed development.
19. Identify the locations of all water and sewer connections.
20. Please submit a full set of plumbing plans with the Building Division plan submittal that addresses these two comments.

Los Angeles County Fire Department

Final Map Requirements

21. The Final Map shall be submitted to our office for review and approval prior recordation.

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

APPROVED AND ADOPTED THIS 8TH DAY OF AUGUST, 2018.

LUIS JUAREZ
PLANNING COMMISSION CHAIRPERSON

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ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

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.