



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** August 8, 2018

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Development Services Department, Planning Division

**SUBJECT:** CONDITIONAL USE PERMIT (CUP 7985-2017), TENTATIVE TRACT MAP NO. 78216 (TRACTMAP 8522-2017), REVOCATION OF CONDITIONAL USE PERMIT (CUP 05-035), REVOCATION OF TENTATIVE TRACT MAP No. 72348 (13-001):

1. A request 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. The request also includes a proposed subdivision of the subject site for condominium purposes.
2. Revocation of Conditional Use Permit (CUP 13-017) (issued but not previously exercised) for the development of six (6) attached residential units and Tentative Tract Map No. 72348 (TPM 13-001) (issued but not previously exercised) for condominium purposes.

### STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached draft Resolutions approving Conditional Use Permit (CUP 7985-2017), Tentative Tract Map No. 78216 (TRACTMAP 8522-2017), revocation of Tentative Tract Map (TPM 13-001) and revocation of Conditional Use Permit (CUP 13-013) (Attachment 1, 2, and 3), subject to conditions.

### PROJECT/APPLICANT INFORMATION

Project Location:	1439 S. Palomares St.
APN Information:	8333-022-018
Project Applicant:	Chang-Qing Pan
Property Owner:	Chang-Qing Pan
City Council District:	District 3 – Cristina Carrizosa
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable
General Plan:	Residential Neighborhood

Zoning: R-2, Low Density Multiple Family district; S, Supplemental Use Overlay District

## **PREVIOUS ENTITLEMENTS**

- 1/22/2014 PC Resolution No. 14-001: A resolution of the Planning Commission of the City of Pomona, California approving Conditional Use Permit (CUP 13-013) to allow for the development of six (6) new attached residential units in the "R- 2" ( Low-density multiple family) zone with an "S" (Supplemental) Overlay.
- 1/22/2014 PC Resolution No. 14-001A: A resolution of the Planning Commission of the City of Pomona, California approving Tentative Tract Map No. 72348 (TPM 13-101) for condominium purposes.

## **PROJECT DESCRIPTION**

The subject site is located at 1439 S. Palomares St. within the R-2, Low Density Multiple Family and S, Supplemental Use Overlay District. (Attachment 3) The property is currently improved with one single-family residence approximately 1,600 square feet in area as well as a detached garage approximately 850 square feet in area. The existing structures were originally constructed in 1948. All existing structures and on-site improvements will be demolished to accommodate the proposed project. (Attachment 6)

The applicant is requesting approval to construct three detached, two-story single-family structures, totaling six units, as well as associated on site improvements. Each of the units will total 2,287 square feet in area and will consist three bedrooms, three and one-half baths, kitchen, dining area, living room, patio, balcony, and two-car garage. The maximum height of the two-story structures is 32 feet. Common open space is provided in the western portion of the property and private open space is provided adjacent to each unit along the southern portion of the property. The project is designed to include a common drive along the northern portion of the property that will lead to the rear of the property and two guest parking stalls. Access to the property will be provided via a common driveway along Palomares St. (Attachment 6)

In 2014, there was a request under Conditional Use Permit (CUP 13-013) and Tentative Tract Map No. 72348 (TPM 13-101) to allow for the development of six (6) new attached residential units as condominiums on the subject site. However, Conditional Use Permit (CUP 13-013) and Tentative Tract Map No. 72348 (TPM 13-101) were never exercised and lapsed per the terms of Planning Commission Resolution No. 14-001 and 1401A, respectively. Because the Conditional Use Permit and Tentative Tract Map run with the land unless revoked, staff is also processing a revocation of the 2014 Conditional Use Permit and 2014 Tentative Tract Map that were never exercised by the property owner. Revocation of Conditional Use Permit (CUP 13-013) and Tentative Tract Map No. 72348 (TPM 13-101) will ensure that there is no conflict with current proposal under Conditional Use Permit (CUP 7985-2017) and Tentative Tract Map No. 78216 (TRACTMAP 8522-2017). (Attachment 2 & 3)

**Applicable Code Sections**

Pursuant to Section .440 of the Pomona Zoning Ordinance (PZO), the approval of a conditional use permit by the Planning Commission is required for new residential development projects within the S, Supplemental Use Overlay District. Section .580 of the PZO establishes criteria for approval of a Conditional Use Permit and Section .280 of the PZO establishes requirements for the R-2, Low Density Multiple Family district.

**Surrounding Land Use Information**

The zoning, General Plan land use designation, and existing uses for the surrounding properties are identified in the following table:

**Land Use Summary Table**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>General Plan Designation</b>
<b>Subject Site</b>	Single-Family	R-2	Residential Neighborhood
<b>North</b>	Multi-Family	R-2	Residential Neighborhood
<b>South</b>	Multi-Family	R-2	Residential Neighborhood
<b>East</b>	Single-Family	R-2	Residential Neighborhood
<b>West</b>	Multi-Family	R-2	Residential Neighborhood

**ZONING COMPLIANCE ANALYSIS****Site Development Standards**

The project meets and/or exceeds the minimum development standards of the R-2 district as summarized below in "Project Summary Table."

**Project Summary Table**

<b>Standard</b>	<b>Zone Requirement</b>	<b>Proposed Project</b>	<b>Compliance Determination</b>
Lot Width	70' min.	66.5'	Legal, non-conforming
Lot Depth	100' min.	290'	Yes
Density	7-15 per acre	14 per acre	Yes
Site Area	3,000 sf min.	19,285 sf	Yes
Lot Area	3,000 sf per unit min.	3,214 sf per unit	Yes
Unit Size	1,300 sf min.	2,287 sf	Yes
Front Yard	25' min.	25'	Yes
Side Yard	9'-6" min.	9'-6"	Yes
Rear Yard	19' min.	30'-6"	Yes
Building Separation	15' min.	15'	Yes

Building Height	35' or Two-stories	32'	Yes
Private Open Space	150 sf per unit	248 sf per unit	Yes
Common Open Space	500 sf per unit 3,000 sf min. total	3,078 sf total	Yes
Off-Street Parking	2 covered spaces per unit	2 covered spaces per unit	Yes
Guest Parking	1 space per 4 units	2 spaces	Yes

## ANALYSIS

### **Zoning Ordinance Compliance**

Staff has evaluated the proposal in terms of conformance to the development standards of the R-2 district. As provided in the Zoning Compliance Analysis section, the project conforms to the applicable development standards of the respective district. Therefore, the granting of the Conditional Use Permit will not adversely affect the intent and purpose of the PZO.

### **Land Use Compatibility**

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed total of six units on the subject property is compliant with the density permitted for the R-2 district. Based on these factors, staff finds that the residential project is compatible in the context of the surrounding neighborhood and will be a positive addition to the area.

### **Architectural Review of Condominiums**

The proposed project will consist of three structures total with two units per structure. The structures have been designed with a barn house influenced architecture and includes smooth plaster finish, hardie cement board siding, and asphalt composite roofing. The roof incorporates both a gabled and hip design. Windows include a combination of casement and horizontal sliding windows. Features for each unit include a first floor patio with wooden trellis and second story balconies with metal and glass railings to accommodate private open space, pendant lighting fixture above the balconies, and decorative metal canopies located above the entry ways. Decorative walls and fencing have been incorporated into the site. They include a new block wall with precision finish along the northern property line and composite wood fence and metal gate along the property frontage. The structures have been designed so that the garage entry doors do not face Palomares street which is consistent with General Plan, Community Design Policy 7F.P8: "Ensure that garages do not dominate streetscapes."

### **Conditional Use Permit Findings**

The Planning Commission has the authority to conduct public hearings to consider CUP applications pursuant to Pomona Zoning Code Section .580 which states in part: "*Prior to the granting of a conditional use permit, the planning commission shall make the following findings of fact.*" Therefore, in approving a CUP, the Commission should consider the findings as prescribed

below as included in the attached resolution:

1. ***That the proposed use at the particular location will contribute to the general well-being of the neighborhood or community.***

The proposed use of the subject site for residential development, specifically, the development of six new residential units at this particular location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents by enhancing the appearance of the general area.

2. ***That such use will not, under the circumstances of the particular case be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.***

The project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of the R-2 district. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

3. ***That the site of the proposed use is of adequate topography, size and shaped to accommodate said use as well as all yards spaces, walls, fences, parking, loading, landscaping and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto.***

The subject site is rectangular in shape and relatively flat with an area of approximately 19,285 square feet. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project.

4. ***That the site abuts streets and highways are adequate in width and improvements to carry traffic generations typical of the proposed use.***

The subject site has street access directly to Palomares Street (a collector street), which is of adequate width and improvements to carry traffic generations typical of residential development projects.

5. ***That granting of such conditional use permit will not adversely affect the General Plan of the city and conforms to the provisions of the zoning ordinance.***

The granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use

is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map.

*Goal 6G.G8: “Ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods.”*

The project will include of 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 would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods.

### **Tentative Tract Map Findings**

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. The location of the site is not located in a Specific Plan. The T-3 (Typical) 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 within a neighborhood that includes both single family and multi family projects 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.

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff has determined that the proposed project meets the criteria for a Class 3 Categorical Exemption pursuant to Section 15303, (Class 3 – New Construction or conversion of Small Structures). In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.



## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on July 28, 2018 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on July 26, 2018, which includes notice for revocation of older entitlements that were not exercised by previous property owners (Attachment 5).

Respectfully Submitted:

Prepared By:

Emily Stadnicki, AICP  
Development Services Manager

Vinny Tam, MURP, AICP  
Senior Planner

## **ATTACHMENTS:**

- 1) Draft PC Resolution for CUP 7985-2017
- 2) Draft PC Resolution for TRACTMAP 8522-2017 and Revocation of TPM 13-001
- 3) Draft PC Resolution for Revocation of CUP 13-013
- 4) Location Map and Aerial Photograph
- 5) Public Hearing Notice and 400' Radius Map
- 6) Conceptual Project Plans, Reduction
- 7) Conceptual Project Plans, Full Size (Separate Cover)