

## **ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A CHANGE OF ZONE (ZONE-6154-2016) TO REZONE ONE PARCEL WITH AN R-1-6,000 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONING DESIGNATION TO R-1-E OVERLAY (SINGLE-FAMILY RESIDENTIAL OVERLAY DISTRICT) ZONING DESIGNATION FOR A PROPERTY LOCATED AT 1538 SOUTH TOWNE AVENUE, ASSESSOR'S PARCEL NUMBER 8328-007-006.**

**WHEREAS**, the applicant and property owner, Hung Kwan Ku, has filed an application for Change of Zone (ZONE-6154-2016) to rezone one parcel with a combined area of approximately 19,694 square feet (0.45 acres), from an existing zoning designation of R-1-6,000 (Single-family residential district) to a proposed zoning designation of R-1-E Overlay (Single-family residential overlay district) on property located at 1538 South Towne Avenue, Assessor's Parcel Number 8328-007-006;

**WHEREAS**, the applicant has concurrently submitted an application for Conditional Use Permit (CUP-9774-2018) to allow for the construction of two detached single-family structures, construction of a six car garage as well as associated site improvements.

**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 May 9, 2018, concerning the requested Change of Zone (ZONE-6154-2016) and carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 10, 2018, concerning the requested Change of Zone (ZONE-6154-2016); and

**WHEREAS**, the City Council of the City of Pomona, at its regularly scheduled public meeting on September 10, 2018, approved the introduction and first reading of an Ordinance for Change of Zone (ZONE-6154-2016);

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Pomona, California, as follows:

**SECTION 1.** The City Council, exercising independent judgment, finds that the project will not have an adverse impact on the environment. Pursuant to California Environmental Quality Act, Article 5, Section 15061(b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 2.** 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 that the proposed Change of Zone is in the public interest

and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

**SECTION 3.** The City Council hereby approves of Change of Zone (ZONE-6154-2016) to rezone one parcel with a combined area of approximately 19,694 square feet (0.45 acres), from an existing zoning designation of R-1-6,000 (Single-family residential district) to a proposed zoning designation of R-1-E Overlay (Single-family residential overlay district) on property located at 1538 South Towne Avenue (Assessor's Parcel Number 8328-007-006) as shown on attached Exhibits A and B.

**SECTION 4.** The City Clerk shall attest and certify to the passage and adoption of this Ordinance and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2018.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Marie Michel Macias, Interim City Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
ANDREW JARED  
ASSISTANT CITY ATTORNEY  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, MARIE MICHEL MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 10<sup>th</sup> day of September, 2018, and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

\_\_\_\_\_  
Marie Michel Macias, Interim City Clerk

# Exhibit A

Existing Zoning for  
1538 South Towne Avenue  
APN 8328-007-006



## Legend



Subject site

Exhibit A  
ZONE-6154-2016  
1538 South Towne Avenue

# Exhibit B

Proposed Zoning for  
1538 South Towne Avenue  
APN 8328-007-006



## Legend



Subject site

Exhibit B  
ZONE-6154-2016  
1538 South Towne Avenue