

**PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP 74206 (TRACTMAP 4852-2016) FOR NINE UNITS FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 1535 SOUTH RESERVOIR STREET.**

**WHEREAS**, the applicant, Ying Ming Huang, has submitted an application for Tentative Tract Map (TRACTMAP 4852-2016) for nine units for condominium purposes at 1535 South Reservoir Street (APN: 8328-009-009);

**WHEREAS**, the subject property is currently located within the R-2 (Low Density Multiple Family) zoning district;

**WHEREAS**, the subject property is on a parcel designated as "Residential Neighborhood" and in the T-3 Transect Zone on the General Plan Land Use Map;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on September 12, 2018, concerning the requested Tentative Tract Map (TRACTMAP 4852-2016); 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.** The Planning Commission exercising independent judgment finds that the proposed project will not have a significant effect on the environment. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the project is categorically exempt under Section 15332 of the California Public Resources Code, which exempts in-fill developments located in urbanized settings. The Planning Commission finds that the project meets the following criteria listed in the exemption: 1) the proposed project is consistent with the General Plan and Zoning Ordinance of the City; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) the project will not have significant effects upon the environment; and 5) the site can adequately be served by utilities and public services.

**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. 74206 (TRACTMAP 4852-2016). 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 will further the goal of providing residential developments in the neighborhood that are compatible with the existing single and multiple family residential uses adjacent to the subject property.

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 0.98 acres in size, the subdivision design accommodates adequate land for nine new dwelling units and 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 nine dwelling units, which results in a density of approximately 9.2 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 74049 (TRACTMAP 4852-2016) 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 September 12, 2018, and as illustrated in the stamped approved plans. 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 Planning 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 (September 12, 2020), in accordance with Pomona Zoning Ordinance section .580.I. The Planning Commission may extend this period for one year 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 Conditional Use Permit.

6. 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 of this TTM 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.

**Los Angeles County Fire Department**

7. The Final Map shall be submitted to our office for review and approval prior recordation.
8. Submit a minimum of three (3) copies of the water plans indicating the new fire hydrant locations to the Fire Department's Land Development Unit for review prior clearance of the Final Map.
9. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires all weather access.
10. Provide a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
11. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
12. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
13. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
14. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
15. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1

16. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3
17. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
18. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
19. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5
20. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
21. The required fire for the public fire hydrants for single family residential homes less than a total square footage of 3600 feet is 1250 gpm at 20 psi residual pressure for 2 hours with one public fire hydrant flowing. Any single family residential home 3601 square feet or greater shall comply too Table B105.1 of the Fire Code in Appendix B.
22. Install 1 public fire hydrant. (See attached map for location).
23. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
24. All required public fire hydrants shall be tested and accepted prior to beginning construction. Fire Code 501.

### **Water Resources**

25. The increased water demand and wastewater generation for this proposed site shall be calculated. These calculations shall be submitted directly to Water Resources for review and acceptance. Any proposed water or sewer infrastructure shall be identified per a separate plan and submitted to the Public Works Department for the review routing process. Required easements for the necessary water meters, fire services or other public services shall be captured on the final map or through separate document.

## **Public Works**

### **Land development requirements**

26. 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 map approval.
27. The tentative tract map shall be recorded and developed as one tract map, but may be developed in phases.
28. The final map must include the dedication of a 10-foot strip of land along the property frontage, to the City of Pomona, for roadway purposes.
29. All existing and proposed easements for water/sewer lines, 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.
30. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
31. 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.
32. Prior to the issuance of the building permits, the tract map shall be recorded to reflect the new lot lines, easements and Fire Department access. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
33. The aerial subdivision shall be approved by the Department of Real Estate and new parcel numbers shall be issued by the Los Angeles County Assessor's Office preferably prior to the issuance of the building permits but no later than prior to the Certificate of Occupancy approval.
34. Prior to the final map recordation Owner is responsible for the compliance with any special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The due assessment levy will be adjusted based on the proposed subdivision. The developer shall disclose to any future buyers

that the property is within the City of Pomona Lighting and Landscaping District and is subject to annual special taxes.

35. Prior to issuance of the building permits applicant/developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, public safety improvements and park and recreation improvements.
36. Prior to issuance of the building permits applicant/developer is responsible for paying the project's development tax.
37. Applicant/Developer shall ensure that a condominium 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 condominium units. 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 Certificate of Occupancy.

#### **Public Works Improvements Permit**

38. Prior to map recordation, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: sewer, water, storm drains, sidewalk, driveway approaches, street light and street paving.
39. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
  - a. Commercial General Liability;
  - b. Automobile Liability;
  - c. Worker's Compensation as required by the State of California;

Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.
40. Permittee shall pay fees associated with and possess the City of Pomona Business License.
41. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

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

**APPROVED AND ADOPTED THIS 12TH DAY OF SEPTEMBER, 2018.**



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Tentative Tract Map 74206 (TRACTMAP 4852-2016)  
1535 South Reservoir Street  
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LUIS JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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MARIO SUAREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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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.

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