



# CITY OF POMONA COUNCIL REPORT

---

---

Date: June 18, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mario Suarez, Development Services Director

Subject: **INTRODUCTION AND FIRST READING OF CHANGE OF ZONE (ZONE-6154-2018) AS WELL AS CONSIDERATION OF CONDITIONAL USE PERMIT (CUP-9774-2018) FOR A PROPERTY LOCATED AT 1538 SOUTH TOWNE AVENUE.**

## OVERVIEW

**Recommendation** – That the City Council open the public hearing and after receiving testimony and public comment close the public hearing and take the following actions:

1. Introduce for first reading an Ordinance approving Change of Zone (ZONE-6154-2016) from R-1-6,000 to R-1-E Overlay for the property located at 1538 South Towne Avenue (Attachment A).
2. Adopt a resolution approving Conditional Use Permit (CUP-9774-2018) to allow the construction of two detached single-family structures, construction of a six car garage as well as associated site improvements (Attachment B).

**Fiscal Impact** – There are no anticipated short-term or long-term impacts associated with this action.

**Public Noticing Requirements** – Pursuant to Section .571(D) of the Zoning Ordinance, a notice of public hearing is required to be published in a newspaper of local circulation, and sent to property owners within a 400-foot radius of the project site, at least ten days prior to the date of the public hearing. A notice was published in the Inland Valley Daily Bulletin on Friday, June 8, 2018, and mailed to property owners on Wednesday, June 6, 2018.

**Previous Related Action** – On May 9, 2018, the Planning Commission reviewed Change of Zone (ZONE-6154-2016) and (CUP-9774-2018). The Planning Commission voted 4-2 recommending the City Council approve the project. A copy of the Planning

Commission staff report for May 9, 2018 is provided for Council consideration (Attachment F).

**Environmental Determination** - 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). Therefore, staff is recommending that the City Council adopt a Categorical Exemption for the proposed project.

## **EXECUTIVE SUMMARY:**

A request to change the zoning district from R-1-6,000, Single-family residential district to R-1-E Overlay, Single-family residential overlay district, for a property located at 1538 South Towne Avenue. The request also includes review and approval of a Conditional Use Permit to allow the construction of two detached single-family structures, construction of a six car garage as well as associated site improvements.

## **PROJECT DESCRIPTION AND BACKGROUND**

The subject site is located at 1538 South Towne Avenue and is currently improved with one single-family residence approximately 1,088 square feet in area as well as a garage, two patios and a storage structure (Attachment C).

The applicant is requesting to change the zoning district of the subject property from R-1-6,000, Single-family residential district to R-1-E Overlay, Single-family residential overlay district. The R-1-E Overlay district is intended to provide for the development of deep lots where the opening of interior streets is physically impossible (i.e. the lot cannot be subdivided into more than one separate lot with frontage on a dedicated street). In this case, the subject property does meet the minimum criteria to be considered a deep lot as well as all other applicable development criteria.

The request also includes a proposal to allow for the construction of two detached single-family structures, construction of a six car garage, as well as associated site improvements (Attachment E). The two, single-family structures will be approximately 3,400 square feet in area and are proposed to include two-stories with a maximum height of 21 feet. Each new structure will consist of five bedrooms and four bathrooms. The six car garage shall be approximately 1,280 square feet in area with a maximum height of 14 feet. The project is designed to include a common drive along the northern portion of the property that will lead to the garage proposed at the rear of the property. Access to the property will be provided via a common driveway along Towne Avenue.

The existing single-family structure shall remain, but all other accessory structures and site improvements will be demolished in order to accommodate the two new single-family structures and garage.

## **APPLICABLE CODE SECTIONS**

Section .270 R-1-E Overlay - Single-family residential overlay district of the Pomona Zoning Ordinance requires a Change of Zone to apply the R-1-E Overlay, Single-family residential overlay district over the base zoning district, in this case, R-1-6,000, Single-family residential district. In addition, a Conditional Use Permit is required to approve the proposed development as detailed in the Project Description section above. As established in Section .270, any proposed development shall conform to the standards of the base zoning district, in this case, R-1-6,000, Single-family residential district.

Section .571 Changes of zone for individual parcels of property of the Pomona Zoning Ordinance establishes criteria for a Change of Zone and requires approval by the City Council to change the existing zone from R-1-6,000 to R-1-E Overlay.

## **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,1-6,000	Residential Neighborhood
<b>North</b>	Single-Family	R,1-6,000	Residential Neighborhood
<b>South</b>	Single-Family	R,1-6,000	Residential Neighborhood
<b>East</b>	Single-Family	R,1-6,000	Residential Neighborhood
<b>West</b>	Single-Family	R,1-6,000	Neighborhood Edge / Residential Neighborhood

## **ZONING COMPLIANCE ANALYSIS**

### **Site Development Standards**

Based on staff's analysis, the project meets and/or exceeds the minimum development standards of the R-1-E Overlay as well as the R-1-6,000 district. In order to provide the City Council with a comparison of the required development standards and that of the proposed project, staff has prepared the following table for consideration.

**Project Summary Table**

<b>Standard</b>	<b>Zone Requirement</b>	<b>Proposed Project</b>	<b>Compliance Determination</b>
<b>Lot Area</b>	6,000 sf min.	19,694 sf	Yes
<b>Pop. Density</b>	6,000 sf min. per unit	6,564 sf per unit	Yes

<b>Lot Width</b>	60' min.	65'	Yes
<b>Lot Depth</b>	175' min.	280'	Yes
<b>Front Yard</b>	25' min.	15'-8" existing, legal, non-conforming	N/A
<b>Side Yard</b>	5' min.	5'-6"	Yes
<b>Rear Yard</b>	25'	64'-4"	Yes
<b>Coverage</b>	35% max.	29%	Yes
<b>Building Height</b>	35' / 2 stories max.	21' / single-story	Yes
<b>Min. Drive Width</b>	20'	20'-6"	Yes
<b>Off-Street Parking</b>	Two covered spaces per unit	Six covered spaces total	Yes

## ISSUES ANALYSIS

### **Issue 1: General Plan Conformity**

The project conforms to the City's General Plan in that the proposed R-1-E Overlay and associated residential development is consistent with the "Residential Neighborhood" place type as identified on the General Plan Land Use Map. The project would also promote the following General Plan goals and policy:

*Goal 6D.G2: Maximize the value of all properties along the City's most visible and prominent corridors.*

*Goal 6G.G3: Improve neighborhoods exhibiting substandard conditions and declining private reinvestment.*

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

*Goal 7B.G6: Maximize property values throughout the City.*

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

*Goal 7F.P8: Ensure that garages do not dominate streetscapes.*

### **Issue 2: Zoning Ordinance Compliance**

Staff has evaluated the proposal in terms of conformance to the development standards of the R-1-E Overlay district and the base R-1-6,000 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 Change of Zone and Conditional Use Permit will not adversely affect the intent and purpose of the Pomona Zoning Ordinance.

It should be noted that the Planning Commission voiced concerns related to the lack of guest parking for the development and the potential impact that could have on the surrounding neighborhood and the subject site. While the provision of guest parking is not required for the development of detached single family dwelling units, the applicant did revise the site plan to include twelve guest parking spaces on the site to address the Planning Commission's concerns.

As discussed in the Project Description and Background section of the Staff Report, the request for the R-1-E overlay is to allow the development of deep lots that cannot be practically subdivided into smaller lots. However, in the future the lot may be subdivided into common interest development, condominiums/townhomes, if the requirements of the Davis-Stirling Common Interest Development Act (California Civil Code sections 4000 et seq.) are met.

Development standards and permitted uses are established by the zoning district. The R-1-E Overlay allows for the development of additional single-family dwelling units on a deep lot as long as the PZO Development Standards are met including depth (+175'), minimum lot area per unit, etc. Further, the R-1-E Overlay expressly prohibits multiple family residential uses. The PZO defines "multiple-family residential" as ". . . a detached building designed and used for occupancy by two or more families, all living independently of each other. The proposed development consists of single family units with one kitchen; therefore, not considered a multiple-family residential project.

### **Issue 3: Land Use Compatibility**

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed total of three units on the subject property is compliant with the density permitted for the R-1-6,000 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.

### **ENVIRONMENTAL ANALYSIS/DETERMINATION**

Upon submittal, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examination, 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). Therefore, based on the above findings, staff is recommending that the City Council 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 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on April 26, 2018 (Attachment D).

## **CONCLUSION**

The proposed project is consistent with the place type designation contained in the City's General Plan and meets or exceeds the minimum development standards of the Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Further, the project has been designed in a manner that will enhance the aesthetics of the site and complement the existing character of the surrounding area.

## **ATTACHMENTS**

- A. Draft City Council Ordinance for first reading to introduce ZONE-6154-2016
- B. Draft CC Resolution for CUP-9774-2018
- C. Location Map and Aerial Photograph
- D. Public Hearing Notice and 400' Radius Map
- E. Conceptual Project Plans
- F. Planning Commission staff report for May 9, 2018