

**PC RESOLUTION NO. 19-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. 82199 (PARCELMAP 10083-2018) TO SUBDIVIDE AN APPROXIMATELY 1.75 ACRE PARCEL INTO THREE PARCELS ON A SITE LOCATED AT 1175 & 1199 E. HOLT AVENUE (APN 8323-016-018) WITHIN THE CITY GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.**

**WHEREAS**, the applicant, Andy Xie, has submitted an application for Tentative Parcel Map No. 82199 (PARCELMAP 10083-2018) to subdivide an approximately 1.75 acre parcel located at 1175 E. Holt Avenue, Assessor's Parcel Number 8323-016-018;

**WHEREAS**, the subject property is located within the City Gateway Segment of the Pomona Corridors Specific Plan (PCSP) area;

**WHEREAS**, the subject property has a General Plan, Place Type designation of Neighborhood Edge as well as a Transect Zone designation of T4-B (Neighborhood Edge);

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on March 27, 2019, concerning the requested Tentative Parcel Map No. 82199 (PARCELMAP 10083-2018); 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 15315, Class 15 exemption for minor land divisions and 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 Parcel Map No. 82199 (PARCELMAP 10083-2018). 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 Neighborhood Edge in the T4-B (Neighborhood Edge) Transect Zone. The location of the site is located within the Pomona Corridors Specific Plan. The T4-B (Neighborhood Edge) Transect Zone prescribes the typical development type as:

*“Grand scale buildings. Development is compatible with medium scale multi-family housing and townhomes in areas envisioned to have a more residential character. Grand scale development is more commercial in character and disposition in area envisioned to have more commercial or mixed-use character.”*

The existing structures meet the maximum allowable height of 3 stories allowed in the T4-B Transect Zone. The proposed subdivision does *not* include new construction or modifications to the existing structures, however; the proposed subdivision may present an opportunity for future development which will thereby include frontage improvements that would enhance economic viability.

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

Parcel “1” consists of an 11,440 square foot paved lot. Parcel “2” consists of 40,837 square feet with an existing 11,918 square foot structure with various auto repair/retail tire shop uses. The existing use is legal non-conforming. Additional striping will be included to meet parking requirements to retain its legal non-conforming status. Parcel “3” consists of 23,942 square feet with an existing 1,272 square foot structure with an existing restaurant. The existing restaurant has been in operation since approximately March 2013.

The subject site is located within the T4-B Neighborhood Edge Transect Zone which allows for a density of 40 units per acre. The PCSP allows for multi-family and mixed-use development. The proposed subdivision will allow portions of the site that are underutilized to be efficiently developed according to the requirements in the PCSP. Therefore, the project furthers the goals and objectives of the General Plan by establishing a foundation for potential future development that will exhibit high quality that is 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 improvements such as installation of a new driveway approach on Pasadena Street and repair to damaged sidewalks and drainage facilities will be designed and constructed in accordance with City standards. Street landscaping is to be installed along the Holt Avenue frontage pursuant to the requirements of the Pomona Corridors Specific Plan.

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

The proposed subdivision does not include new development; however, the proposed subdivision will accommodate potential new development that will enhance the site and its surroundings. Given the shape and topography of the site, the subdivision design accommodates adequate land for multi-family and or mixed-use development, 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 future development with the allowable density in the T4-B Neighborhood Edge Transect Zone which allows for 40 units per acre.

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 subdivision 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 proposed project does not include new construction or existing structure modifications therefore the project will not impact public health.

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 Parcel Map No. 82199 (PARCELMAP 10083-2018) 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 tentative parcel map 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 March 27, 2019, and as illustrated in the stamped approved plans dated March 27, 2019. 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 (March 27, 2021), 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 fifteen day appeal period. Written appeals may be filed with the City Clerk within fifteen days by one or more City Council members, the applicant, or any person adversely affected by the decision of the Planning Commission. The appeal shall be filed with the City Clerk within fifteen 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 Parcel 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" and prior to the sale of any lot. At a minimum, the CC&R's shall include provisions that 1) establish a Property Owners Association (POA), 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. Striping for designated parking areas shall be painted to be consistent with the approved Tentative Parcel Map No. 82199.
9. A shared access agreement shall be provided for Parcel 2 and Parcel 3.
10. The applicant shall make a reduction of the approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal.

**Public Works Department**

**Parcel Map Requirements:**

11. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
12. The tentative tract map shall be recorded and developed as one tract map but may be developed in phases.
13. Requirements for the construction of offsite and onsite improvements for the parcels being created shall be noticed by a statement on the parcel map.
14. All existing and proposed easements for water, sewer, drainage, ingress/egress, corner cut-off, 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 tract map. Prior to recordation, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable 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.
15. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
16. Prior to the parcel map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
17. All subdivisions must have centerline ties and survey property monuments set by a licensed Professional Civil Engineer or Land Surveyor as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the parcel map recordation; adequate monumentation bond is required prior to the parcel map approval.
18. Prior to the parcel map approval, developer shall post security guaranteeing the construction of all associated public improvements.
19. Prior to the issuance of any building permits, the parcel map shall be recorded to reflect the new lot lines. A Mylar copy of the final parcel map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
20. 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 parcels. 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 the issuance of the Certificate of Occupancy.

**Improvement Plan Requirements:**

21. Prior to the approval of the parcel map, Applicant/Developer shall submit public street improvement plans to include the following items and are responsible for the construction thereof:
  - a. Relocation of the existing fence along Pasadena Street lot frontages from its current placement adjacent to the sidewalk, to the property line, 12 feet from the face of curb.
  - b. One (1) new Pasadena Street and four (4) new Holt Avenue driveway approaches per City standards and ADA requirements. Unobstructed visibility shall be ensured at all intersection and driveways along the project boundaries.
  - c. New sidewalk, curb, and gutter to replace all damaged and/cracked sections.
  - d. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Holt Avenue and Pasadena Street frontages, overlay paving shall occur in accordance with the City standard A-26-02.
  - e. Street Lights: to enhance existing street lighting to current City standards for public safety, one (1) existing street light along Holt Avenue project frontage shall be refurbished with LED luminaire.
  - f. Street Landscaping: Install street landscaping along the project Holt Avenue frontage per the "Grand Avenue" requirements of the Pomona Corridors Specific Plan.
  - g. Parkway drains per City standards.
  - h. Existing sewer, water, and storm drain infrastructure, including laterals.
  - i. The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plan.
  - j. Undergrounding of the existing (along Pasadena Street) and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b) and a note this effect shall be added to the public street improvement plan.

- k. It is the owner's and contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements and a note to this effect shall be added to the public street improvement plan.
- 22. The demolition or relocation of any public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Department.
- 23. Applicant/Developer shall identify the existence of all City utilities that may be in conflict with the development and submit protection measures to the City Engineer for those City utilities.
- 24. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer, and storm drain), then improvement plans proposing the relocation or abandonment of identified utilities must be submitted, reviewed and accepted by the Public Works Department. No public utility infrastructure shall be removed or modified as part of onsite demolition plan approved by the Building and Safety Division.

Applicant/Developer shall implement Good Housekeeping BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction an throughout occupancy.
- 25. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the **City's Street Lighting District and Landscaping Maintenance District**. 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. This requirement applies to Assessor Parcel Number 8323-016-018.
- 26. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected "AS BUILT" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.
- 27. The plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street



centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain) utility easements, and the public right-of-way areas with dimensions.

28. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
29. **Prior to the parcel map approval, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, parkway landscaping, existing and proposed overhead lines.**
30. 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.

31. Permittee shall pay fees associated with and possess the City of Pomona Business License.
32. 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.

### **County of Los Angeles Fire Department**

#### **Final Map Requirements**

33. The Final Map shall be submitted to our office for review and approval prior recordation.
34. Access as notes 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 an all-weather access surface to be clear to sky.
35. The Private Driveway shall be labeled as "Private Driveway" on the Final Map. The portion of the private driveway intended for fire apparatus access shall be identified as "Fire Lane"

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on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement is required for all private driveways. Compliance required prior to Final Map clearance.

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

**APPROVED AND ADOPTED THIS 27TH DAY OF MARCH, 2019.**

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DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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ANITA D. GUTIERREZ, AICP  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

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MARCO A. MARTINEZ  
INTERIM ASSISTANT CITY ATTORNEY

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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.”