

PC RESOLUTION NO. 17-031

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP 4763-2016 (TENTATIVE TRACT MAP NO. 74105) FOR CONDOMINIUM PURPOSES ON A PROPERTY LOCATED AT 1385 SOUTH SAN ANTONIO AVE.

WHEREAS, the applicant, BelCon Investments, LLC, has submitted an application for Tentative Tract Map (TTM 4763-2016) for condominium purposes at 1385 S. San Antonio Avenue;

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

WHEREAS, the applicant has submitted Conditional Use Permit (CUP 4574-2016) and Major Oak Tree Permit (MAJOTP 4575-2016) in conjunction with Tentative Tract Map 4763-2016 (Tentative Tract Map No. 74105) application;

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 July 26, 2017, concerning the requested Tentative Tract Map (TTM 4763-2016); 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.

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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 (TTM 4763-2016). 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 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 proposed in an established single and multi-family residential properties 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.

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 19,654 square feet in size, the subdivision design accommodates adequate land for five dwelling units, accompanying driveways and open space areas to service the development. Further, the site is relatively flat which will allow for minimal

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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 five dwelling units on property approximately 19,654 square feet in size, which results in a density of approximately 11 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 4763-2016 (Tentative Tract Map No. 74105) 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:

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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 July 26, 2017, and as illustrated in the stamped approved plans dated July 26, 2017. 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 (July 26, 2019), 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.

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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. 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" 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 1,4,5, and 10-17 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

8. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
9. 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.
10. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Pomona, Public Works and the County of Los Angeles Fire Code.
11. 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

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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

12. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with Title 32, County of Los Angeles Fire Code.
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. 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
15. All hydrants shall measure 6" x 5" x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
16. The required fire flow for the public fire hydrants on this residential development is 1500 gallons per minute at 20 psi for a duration of 2 hours, over and above maximum daily domestic demand.
17. Install one new public fire hydrant on San Antonio Avenue.
18. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
19. 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.
20. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
21. This project will require an additional review by the Fire Prevention Engineering Unit during the Building Plan Check phase.

Water & Wastewater Operations Department

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WATER

Main Line

22. There currently exist the following water mains: six-inch (6") ACP water main within Packard Drive; and eight-inch (8") ACP water main within San Antonio Avenue. The localized approximate static pressure for the proposed project area is over 55-65 psi.
23. The existing water infrastructure shall be shown on the site plan. Connections for all proposed water services shall be located at the closest adjacent public water main. Further design comments shall be issued by the WWOD regarding the extent of proposed public main within the proposed project area.
24. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
25. Any private onsite water improvements are the owner's responsibility and not the City's.

Domestic and Fire Service Line

26. There is no existing meter/service associated with 1385 S. San Antonio Avenue.
27. This development shall be served by a master meter. There shall not be any public improvements located onsite to the extent possible.
28. There are public fire hydrants within 500 feet of the proposed project site. All proposed onsite hydrants shall be private and be painted red.
29. Contact the Los Angeles County Fire Department to determine if additional fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five (5) feet from the proposed driveways and parking spaces.
30. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the existing water infrastructure can accommodate the water demand, given the size, pressure, and age of the existing system. This calculation shall include fire and domestic water demands. These calculations shall be submitted to the WWOD.
31. The edge of all new meter vaults, if necessary, should be located in public right-of-way or the sidewalk two inches (2") from the back of the curb per Standard No.'s 11 and 12 of the *City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006*. Meter(s) cannot be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.

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32. All newly installed water lines shall be disinfected per the *City of Pomona Water Division Standard Specifications for Water Facility Construction, January 2006* before connection to the existing water main.
33. Contract the Public Works Department for information regarding meters and all applicable meter fees. The City will install meters less than or equal to 2" in size.
34. Effective January 1, 2016, the City has adopted new connection charges for water service. For further information on how charges are assessed contact the City's Public Works Business Services Division.
35. Approved backflow devices (list the brand and model) are required for the following service lines to the site:
 - Reduced principal pressure devices are required for dedicated irrigation service lines to the proposed site; and
 - Reduced principal pressure devices are required for all domestic services; and
 - Double check detector assembly devices for all fire sprinkler service lines.
36. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and proposed/existing water mains. WWOD requests that these plans be sent in both hard copy and electronic format.

SEWER

37. There are currently existing eight-inch (8") VCP sewer mains within San Antonio Avenue and Packard Drive.
38. The applicant/developer shall calculate the expected wastewater generated by the buildings to properly size the sewer lateral(s) to serve the new site. A flow meter test may be required in order to determine the existing capacity of the existing eight-inch (8") VCP mains. These calculations/reports shall be submitted to the WWOD.
39. The sewer laterals from the public main to the site are considered private and shall be maintained by site owners.
40. New sewer laterals must be constructed per Standard No. B-8-61 per *City of Pomona Public Works Department Standard Drawings March 2006* (Public Works Standards). Construction shall also comply with Standard No. A-26-02 per the Public Works Standards.
41. The sewer lateral separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.
42. Effective January 1, 2016, the City has adopted new service charges for sewer service. For further information on how charges are assessed, contact the City's Public Works Business Services Division.

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43. The applicant/developer shall submit and include the following items in the sewer development plan:
 - The proposed sewer lateral(s) connection to the existing sewer main.
 - Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects
44. Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. WWOD requests that these plans be sent in both hard copy and electronic format.

PUBLIC WORKS DEPARTMENT

45. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
46. The tentative tract map shall be recorded and developed as one tract map, but may be developed in phases.
47. All existing and proposed easements for water/sewer lines, ingress/egress, footings and traveled ways must be clearly shown on the 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 final map to be resubmitted for further consideration.

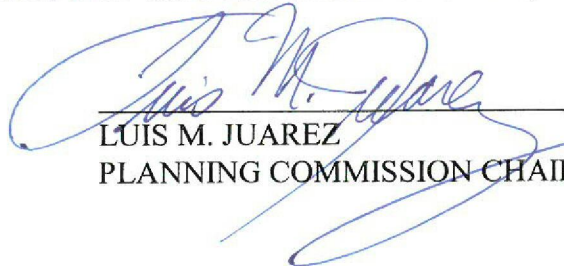
Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
48. Additionally, the owner shall include the dedication of an eleven-foot wide strip of land along Packard Drive frontage to ensure the compliance with the public ultimate right-of-way requirements.
49. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
50. 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 final map recordation; adequate monumentation bond is required prior to the final map recordation.
51. Prior to the issuance of the building permits, the tract map shall be recorded to reflect the new lot lines. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.

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52. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, parkway landscaping, existing and proposed overhead lines undergrounding, water, sewer, and storm drain improvements.
53. 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 individual 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 the issuance of the Certificate of Occupancy.

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

APPROVED AND ADOPTED THIS 26TH DAY OF JULY, 2017.




LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

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AYES: **Grajeda, Arias, Brown, Juarez, Ursua, Hemming, & Ramos**
NOES: **None.**
ABSTAIN: **None.**
ABSENT: **None.**

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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