

**PC RESOLUTION NO. 19-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACTMAP 9725-2018) FOR CONDOMINIUM SUBDIVISION OF 12 UNIT RESIDENTIAL DEVELOPMENT ON A SITE LOCATED AT 1452 S. WHITE AVENUE (APN 8343-008-020).**

**WHEREAS**, the applicant, Jim Moran, has submitted an application for Tentative Tract Map (TRACTMAP 9725-2018) to subdivide a 12 unit residential development located at 1452 S. White Avenue, Assessor's Parcel Number 8343-008-020;

**WHEREAS**, the subject property is located within the R-2-S (Low Density Multiple-Family, S Overlay) Zoning District;

**WHEREAS**, the subject property is designated "Residential Neighborhood" by the City's General Plan;

**WHEREAS**, a Conditional Use Permit (CUP 011186-2018) is also requested in tandem to the approval of this Tentative Tract Map;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 12, 2019, concerning the requested Tentative Tract Map (TRACTMAP 9725-2018); 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 15301, Class 1 exemption for division of existing multiple family or single family residences into common interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur 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 Tract Map (TRACTMAP 9725-2018). 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 Residential Neighborhood.

*Goal 6G.G1 “Pomona’s neighborhoods are diverse and each neighborhood’s character should be preserved and enhanced.”*

The proposed subdivision does not include new construction or modifications to the existing structure and the proposed subdivision will maintain the diverse neighborhood. Subdividing the properties will increase opportunities for ownership which will enhance property maintenance of these homes.

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

The proposed subdivision will ensure family-oriented, human-scaled, walkable and livable residential neighborhoods.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The design of the proposed subdivision is consistent with the General Plan in that the development and conversion of condominiums will maintain the development as residential, which is consistent with the use and compatible with the neighboring area.

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

The proposed subdivision does not include new development, and prior entitlements were obtained for the development of the 12 residential units. The residential units meet the development standards of the City’s Zoning Ordinance.

4. *The site is physically suitable for the proposed density of development.*

The residential units meets the City’s development standards, and adequate utilities, access roads, drainage, and other necessary facilities have been provided through the construction of

the development. Conversion of this development to condominiums will not impact the existing infrastructure.

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 Tract Map (TRACTMAP 9725-2018) 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 June 12, 2019, and as illustrated in the stamped approved plans dated June 12, 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 (June 12, 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 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 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” 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, 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. 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**

#### **Land development requirements**

9. Tentative **Tract Map** shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
10. 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.
11. Provide copies of all recorded instruments referenced in the easements section pertaining to the project’s legal description.
12. Prior to the tract map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
13. 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 documentation bond is required prior to the tract map approval.

14. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
15. 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 lots. 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 tract map.

#### **Water & Wastewater Operations Department**

16. It is anticipated that a full plumbing plan with hydraulic calculations shall be submitted. The proposed water/sewer improvements on the plan are not approved.
17. It is anticipated that water and sewer improvement plans shall be submitted separately.

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

#### **Final Map Requirements**

18. The Final Map shall be submitted to our office for review and approval prior recordation.
19. 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.

**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 JUNE, 2019.**

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DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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1452 S. White Ave.  
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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

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.”