

PC RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACTMAP 11071-2018) FOR CONDOMINIUM SUBDIVISION OF A 10 UNIT RESIDENTIAL DEVELOPMENT ON A SITE LOCATED AT 1361 – 1379 LAUREL AVENUE (APN 8357-003-043, 8357-003-044).

WHEREAS, the applicant, Dana Hurt, has submitted an application for Tentative Tract Map (TRACTMAP 11071-2018) to subdivide a 10-unit residential development located at 1361 – 1379 Laurel Avenue, Assessor’s Parcel Number: 8357-003-043, 8357-003-044;

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

WHEREAS, the subject property is designated “Residential Neighborhood” by the City’s General Plan;

WHEREAS, a Conditional Use Permit (CUP 11327-2019) 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 26, 2019, concerning the requested Tentative Tract Map (TRACTMAP 11071-2018); 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 11071-2018). 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, the existing 10-unit residential development was legally established in 1959.

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

Adequate utilities, access roads, drainage, and other necessary facilities have been provided through the construction of the development. To ensure adequate fire access, the Los Angeles County Fire Department, Fire Prevention Unit has conditioned that fire sprinklers be installed in all units per fire code 13D prior to final map recordation. 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 11071-2018) 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 26, 2019, and as illustrated in the stamped approved plans dated June 26, 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 26, 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

Tract Map 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 water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses 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 of property legal description.
11. Prior to the final map approval, the Title Company must submit a **Final Subdivision Guarantee** to the Engineering Department.
12. 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/Surveyor of record within one year of the final map recordation; adequate **monumentation bond** is required prior to the final map approval.
13. Prior to the final map approval, Applicant/Developer shall post **surety bonds** for the proposed public improvements, including but not limited to: street light, sidewalk, curb, gutter and parkway landscaping.

14. Prior to the issuance of the first Certificate of Occupancy, Applicant/Developer shall provide proof of:
 - a. The final map recordation. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
 - b. The condominium subdivision approval by the California Department of Real Estate.
 - c. The Assessor Parcel Numbers issuance by the Los Angeles County Assessor's Office.

Improvement Plans Requirements:

15. Prior to the approval of the Tract map, Applicant/Developer shall submit **public street improvement plans** to include the following items and are responsible for the construction thereof:
 - a. New sidewalk, curb and gutter to all damaged cracked and uplifted sections along the Laurel Avenue lot frontage.
 - b. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the Laurel Avenue property frontage, overlay paving shall occur in accordance with the City standard A-26-02.
 - c. Street lights: to address public safety and in compliance with the current City standards the following modifications shall be made to street lights: install one (1) new street light along the project's Laurel Avenue lot frontage.
 - d. New, sprinklered parkway landscaping.
 - e. Existing and proposed sewer, water and storm drain infrastructure, including laterals.
 - f. 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.
 - g. The property abutting sidewalk, parkway and alley, as applicable, shall be maintained free of weeds, rubbish and refuse by the property owner, as required by the City's Municipal Code Section 18-261 and a note to this effect shall be added to the public street improvement plan.
 - h. Undergrounding of the existing (along the Laurel Avenue lot frontage) and proposed overhead utility lines shall conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plan.
 - i. It is the owner's and the 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.

16. 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.
17. 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.
18. 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 the onsite demolition plan approved by the Building and Safety Department.
19. Applicant/Developer shall implement **storm water** Good Housekeeping BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system throughout occupancy.
20. 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 Numbers 8357-003-043 and -044.
21. 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.
22. 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.

Public Works Improvements Permit:

All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.

23. **Prior to the final map approval, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: street light, sidewalk, curb, gutter and parkway landscaping.**
24. 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.
25. Permittee shall pay fees associated with and possess the City of Pomona Business License.
26. 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.

LOS ANGELES COUNTY FIRE DEPARTMENT

27. An approved automatic fire sprinkler system 13D is required for the existing buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

Final Map Requirements:

28. 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 an all-weather access surface to be clear to sky.
29. The Private Driveways proposed as private streets for access throughout the development 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" on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement is required for all private driveways.
30. Establish Covenants, Conditions, and Restrictions (CC&Rs) which grant the Consolidated Fire Protection District of Los Angeles County (Fire District), or other agencies as agreed to by the Fire District. Verification of compliance is required prior to the Final Map clearance.

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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 JUNE, 2019.

DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
INTERIM ASSISTANT CITY ATTORNEY

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

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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.”