



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: July 24, 2019

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: CONDITIONAL USE PERMIT (CUP 011273-2019)

A request for a Conditional Use Permit (CUP 011273-2019) to allow for the development of two single family residential units to be built on two separate lots in the R-2-S (Low Density Multiple Family, S Overlay) zone and Revocation of Conditional Use Permit (REV 012235-2019) to revoke a Conditional Use Permit (CUP 4850-2016) that has not been exercised for development of two single-family residences on separate lots. All permits pertain to the property located at 1422 & 1428 W. Tenth Street (APN 8349-018-087, 8349-018-086).

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached PC Resolutions (Attachment 1 and 2) approving Conditional Use Permit (CUP 011273-2019) and Revocation of Conditional Use Permit No. 4850-2016 (REV 012235-2019), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location:	1422 & 1428 W. Tenth Street
APN Information:	8349-018-087, 8349-018-086
Project Applicant:	Star Wang
Property Owner:	Star Wang
City Council District:	District #2
Historic/CBD:	Not Applicable
Specific Plan:	Not Applicable

EXISTING ENTITLEMENTS

1. CUP (4850-2016), Conditional Use Permit to allow the development of two single-family residences on separate lots located at 1422 & 1428 W. Tenth Street, approved January 11, 2017 (Attachment 3).

PROJECT DESCRIPTION & BACKGROUND

The subject site is located south of west 10th Street, north of 11th Street, east of Hansen Street and west of Los Lagos on two separate adjacent parcels. Parcel 8349-018-087 is 8,150 square feet and Parcel 8349-018-086 is 10,114 square feet (Attachment 4 and 5). A Conditional Use Permit (CUP 4850-2016) was previously approved on January 11, 2017, for a similar development of two single family residences on two lots. However, the CUP was not exercised and has since expired. The new owner/applicant has submitted a new CUP (CUP 011273-2019) for the development of two single family residences on two lots. The development of these single family residential units will be two stories in height with architectural design that complies with Pomona Zoning Ordinance. Each residential unit will have four (4) bedroom, three (3) bathroom, private two (2) car garage, and private open space area. The property is located in the R-2 Low Density Multiple Family, and is within the S-Overlay zoning district (Attachment 6).

Applicable Code Sections

Pursuant to Section .440 of the Pomona Zoning Ordinance (PZO), the approval of a conditional use permit by the Planning Commission is required for residential projects in zones with an “S” – Supplemental overlay. Section .580 of the Pomona Zoning Ordinance establishes criteria for approval of a Conditional Use Permit and Section .280 of the Pomona Zoning Ordinance establishes requirements for the R-2 zone. Section .580-H establishes criteria for Revocation or Suspension of Conditional Use Permit.

Surrounding Land Use Information

The subject site is located in a residential area of the City. Surrounding properties are zoned R-2 Low Density Multiple-Family Residential, R-3-PD Medium Density Multiple Family PD, and designated “Residential Neighborhood” by the City’s General Plan. The properties to the north, south, east, and west are developed with single family residences. The following table summarizes the surrounding land uses, zoning and general plan designations for Commission consideration.

Land Use Summary Table

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Vacant	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
North	Residential, Single-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
South	Residential, Single-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
East	Residential, Single-Family	R-3-PD, Medium Density	Residential Neighborhood

		Multiple-Family Planned Development	
West	Vacant	R-2-S, Low Density Multiple-Family with Supplemental Overlay	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-2 zone with one minor deviation for the front yard setback due to the configuration of the cul-de-sac on 10th Street. In order to provide the Planning Commission 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

Standard	R-2 Zone Requirement	Proposed Project		Compliance Determination
Lot Size	3,000 sf min.	8,150 sf	10,114 sf	Yes
Lot Width	70 ft min.	66.18 ft.	66.18 ft.	Yes (No new lots are created)
Lot Depth	100 ft min.	120.78 ft.	147.9 ft.	Yes (No new lots are created)
Density	7-15 unit per net acre	1-3 units	1-4 units	Yes
Unit Size	1,500 sf for 4 bedrooms	Unit 1: 1,633 sf Unit 2: 1,661 sf	Unit 1: 1,736 sf Unit 2: 1,736 sf	Yes
Front Yard	25 ft min.	23 ft. min	25 ft. min	Yes, MDV approved for front yard setback deviation
Side Yard	4.5 ft, based on equal to one-half the adjacent building wall height (10' approximately)	6 ft.	9 ft.	Yes
Rear Yard	9 ft/18 ft (approximately) based on the height of the wall facing the rear yard (minimum 15)	15 ft.	19 ft.	Yes
Building	15 feet between units	15 ft.	15 ft.	Yes

Separation				
Building Height	35 ft/2 stories	24.6 ft/ 2 stories	23.75 ft./ 2 stories	Yes
Private Open Space	150 sq. ft., min. per unit	Unit 1 & 2: 177 sq. ft.	Unit 1 & 2: 276 sq. ft.	Yes
Common Open Space	1,200 sq ft. per lot	1,521 sq. ft.	1,456 sq. ft.	Yes
Parking	Two spaces in private garage per unit	Two spaces in private garage per unit	Two spaces in private garage per unit	Yes

Findings Analysis

The PZO states that the CUP is subject to provisions in Section .580. Based on staff's analysis, the project meets the necessary findings:

1. *That the proposed use at the particular location will contribute to the general wellbeing of the neighborhood or community;*

The proposed use of the subject site for residential development, specifically, the development of two new, two story residences, at this location will contribute to the general well-being of the neighborhood and the community by expanding housing opportunities for residents and by enhancing the appearance of the general area.

2. *That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity;*

The project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity since the project is in full conformance with the development standards and use requirements of the R-2-S zone. The project will not be detrimental to the use, valuation, and enjoyment of property and improvements in the vicinity since the subject site is consistent with the surrounding properties which are zoned and planned for residential uses by the General Plan. The project, as designed, will enhance the neighborhood.

3. *That the site for the proposed use is of adequate topography, size and shaped to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use with the land and uses in the neighborhood and make it compatible thereto;*

The subject site is relatively flat, large-sized, and the typical shape for its location being at the end of a cul-de-sac. Therefore, the site has the adequate topography, size and shape to accommodate the proposed residential development project. Furthermore, the site's

characteristics enable the project to conform fully to the development standards of the R-2-S zone while compatible with other uses in the vicinity.

4. *That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use;*

The subject site has street access directly to Tenth Street, a local street with access from Hansen Avenue between 9th Street and 11th Street. All available access to the subject site are adequate in width and improvement to carry traffic generations typical of single-family residential development projects.

5. *That the granting of such conditional use permit will not adversely affect the General Plan of the city or any other adopted plan of the city and conforms to the provisions of the zoning ordinance.*

The granting of the conditional use permit will not adversely affect the General Plan and conforms to the provisions of the Pomona Zoning Ordinance. The proposed residential use is consistent with the “Residential Neighborhood” place type as designated on the General Plan Land Use Map. The project furthers the goals and objectives of the General Plan by allowing a development that would ensure safe, family-oriented, human-scaled, walkable and livable residential neighborhoods (Goals 6G.G8). The project will develop a site that is currently underutilized into an aesthetically pleasing development that contributes to the City’s housing stock which the General Plan identifies as being under supplied.

Revocation Proceedings

Pursuant to City of Pomona Zoning Ordinance, Section .580-H, *Revocation or Suspension of Conditional Use Permit*, “revocation proceedings may be initiated by a majority vote of the granting body, or majority vote of city council or the community development director.” In granting a revocation, the Planning Commission must determine if any of the following findings of fact are present:

1. *That the permit was obtained by fraud;*
2. *That the permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in violation of any law; or*
3. *That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance; or*
4. *That the neighborhood has changed substantially since the permit was granted so that the use is no longer compatible with the surrounding neighborhood.*

The proceeding to revoke prior CUP (4850-2016) was initiated by the Development Services Director. The previous entitlement was approved on January 11, 2017, however the previous owner was unable to obtain building permits within the designated one year time frame and the permit

consequentially expired. A new owner is proposing a similar development; therefore, the following finding of fact is applicable to the previous entitlement:

That the permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in violation of any law.

Due to the expiration of the previous entitlement, the entitlement is exercised contrary to the conditions imposed. Therefore, this finding is applicable for the revocation of CUP (4850-2016).

ISSUES ANALYSIS

Issue 1: General Plan Conformity

The project is consistent with the City's General Plan. The proposed residential use is consistent with the "Residential Neighborhood" place type site shown on the General Plan Land Use Map. The project furthers the following goal of the General Plan in that the project, as designed, with its amenities, contributes to ensuring a *safe, family-oriented, human-scaled, walkable, and livable residential neighborhood (Goal 6G.G6)*.

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposal in terms of conformance to the development standards of the R-2 zone. As provided in the Zoning Compliance Analysis section, the project conforms to the development standards of the R-2 zone. Therefore, the granting of the Conditional Use Permit will not adversely affect the intent and purpose of the Pomona Zoning Ordinance.

Issue 3: Land Use Compatibility

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed two units on each of the separate, adjacent subject sites are consistent with the densities allowed on surrounding properties also zoned R-2 and R-3 zone. Based on these factors, staff finds that the residential project is compatible in context of the surrounding neighborhood and will be a positive addition to the area.

Issue 4: Architectural Elevations

The architecture of the proposed dwelling units will consist of Spanish tile roof, stucco wall with neutral tones, and vinyl windows. The architecture of the proposed development will be consistent with the Architectural Style required per PZO Section .229.7.L.

Issue 5: Project Circulation & Access

Access to the site will occur from Tenth Street via a concrete driveway. The driveway is proposed at 20 feet wide. The proposed vehicle access and circulation of the project site will adequately serve the proposed use.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff has determined that the proposed project meets the criteria for a Class 3 (New Construction or Conversion of Small Structures) Categorical Exemption pursuant to Article 19, Section 15301(k) for the development of two residential units on two separate lots; and a General Rule Exemption pursuant to Article 5, 15061(b)(3) which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment for the revocation of prior Conditional Use Permit. Therefore, no further environmental review is required. Both the General Rule Exemption and Categorical Exemption will be considered by the Planning Commission at the public hearing for this project scheduled for July 24, 2019.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on July 12, 2019 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 July 11, 2019 (Attachment 7).

CONCLUSION

The proposed project is consistent with the City's General Plan and meets or exceeds the minimum development standards of the Pomona Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with existing and adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods.

Respectfully Submitted:

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ATTACHMENTS:

- 1) Draft PC Resolution for CUP 011273-2019
- 2) Draft PC Resolution for REV 012235-2019
- 3) Resolution No. 17-001
- 4) Location Map and Aerial Photograph
- 5) Site Photographs

- 6) Project Plan Reductions
- 7) 400' Radius Map and Public Hearing Notice