

## **PC RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 82522 (TRACTMAP 11889-2019) TO SUBDIVIDE FOR CONDOMINIUM PURPOSES ON A SITE LOCATED AT 1626 & 1630 W. MISSION BOULEVARD (APN NOS. 8349-002-047, 8349-002-048, 8349-003-057) WITHIN THE MIDTOWN SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.**

**WHEREAS**, the applicant, Golden Ticket Mission 71, LLC, has submitted an application for Tentative Tract Map No. 82522 (TRACTMAP 11889-2019) to subdivide for condominium purposes at 1626 & 1630 W. Mission Boulevard;

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

**WHEREAS**, the subject property has a General Plan, Place Type designation of Urban Neighborhood;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 24, 2019, concerning the requested Tentative Tract Map No. 82522 (TRACTMAP 11889-2019); 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 has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15332, Class 32 (In-fill Development). The Planning Commission finds that; 1) the proposed project is consistent with the General Plan and Zoning Ordinance; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services; and

**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. 82522 (TRACTMAP 11889-2019). 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 Urban Neighborhood in the T4-A (Typical) Transect Zone. The location of the site is located within the Pomona Corridors Specific Plan. The T4-A (Typical) Transect Zone prescribes the typical development type as:

*"A mix of building types compatible with medium scale multi-family housing as well as townhomes, and other smaller scale multi-family housing in locations that are adjacent to stable residential neighborhoods..."*

The proposed project is an appropriate project within the area because it meets the scale of the existing neighboring sites. The project is proposing a maximum density of 70 du/acre and the project is proposing 24 condominium units which is calculated at a density of 27 du/acre. The proposed is sought to develop an underutilized site may present an opportunity to revitalize the surrounding context. The project also includes 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."*

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 project are consistent with the General Plan in that improvements such as installation of a new driveway approach on Brea Canyon Road and the repaving of the public alleyway south of Brea Canyon Road will be designed and constructed in accordance with City standards. Street landscaping is to be installed along the Brea Canyon Road frontage pursuant to the requirements of the Pomona Corridors Specific Plan.

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

The site can accommodate the proposed development while ensuring that PCSP requirements are met. Given the shape and topography, the site accommodates adequate land for multi-family units, 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-A Typical Transect Zone which allows 70 du/acre. The proposed is calculated at 27 du/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 is in compliance with the requirements of the PCSP and the goals of the General Plan and therefore is not impactful to 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 No. 82522 (TRACTMAP 11889-2019) 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 July 24, 2019, and as illustrated in the stamped approved plans dated July 24, 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 Development Services Director.
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 24, 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 Home Owners Association (HOA), 2) incorporate conditions 1,4,5, of this Tentative Tract Map and 3)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.

### **Public Works Department**

#### **Tract Map Requirements:**

8. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
9. All existing and proposed water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses must be clearly shown on the map; the completion of any/all proposed easement vacations, including the vacation of the westerly 100-foot long portion of the northerly public alley located south of Mission Boulevard and west of Curran Place, needs to be performed as part of the final map. Prior to recordation, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed

subdivision will not unreasonably interfere with the use of any easement holder of the property. Provide copies of all recorded instruments referenced in the easements section of property legal description.

10. Prior to the final map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
11. 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.
12. Prior to the final map approval, Applicant/Developer shall post **surety bonds** for the proposed public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street and alley paving, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.
13. Prior to the issuance of building permits, 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.
14. Prior to issuance of the first Certificate of Occupancy, Applicant/Developer shall provide proof of:
  - a. The condominium subdivision approval by the California Department of Real Estate.
  - b. The Assessor Parcel Numbers issuance by the Los Angeles County Assessor's Office.

#### **Improvement plans requirements**

15. Applicant/Developer shall submit the **grading, drainage and erosion control plans** for review and approval by the Public Works, Planning and Building and Safety Departments.
  - a. The plans shall be a minimum of 1" = 10' scale to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block.
  - b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.

- c. The plans shall include sufficient cross sections to show all block wall locations, parkway width and all permanent facilities that might require maintenance and access easements.
  - d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.
16. Prior to issuance of the grading permit the Applicant/Developer shall submit **written notifications to the next adjacent (non-City) property owners** as indicated on the Planning Commission meeting notification list regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development and outline the City approval process (City review, public notification, Planning Commission approval, plans on record, etc.). The proposed development shall accept the conveyance of the existing offsite drainage.
17. Prior to the issuance of the grading permit the applicant/developer shall provide **non-interference letters** from all applicable utility agencies for all utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.
18. Prior to issuance of the grading permit the Applicant/Developer shall submit a **soils and geologic report** to address the soil's stability and geological conditions of the site.
19. 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 driveway approach per City standards and ADA requirements. Unobstructed visibility shall be ensured at the intersection of the project driveway and Mission Boulevard.
  - b. New sidewalk, curb and gutter to replace all damaged cracked and uplifted sections along the W. Mission Boulevard lot frontage.
  - c. In the event that project related hardscape, wet and/or dry utility pavement cuts are needed along the W. Mission Boulevard property frontage, overlay paving shall occur in accordance with the City standard A-26-02.
  - d. The remaining portion of the northerly public alley located south of Mission boulevard and west of Curran Place shall be repaved in compliance with the City standard A-5-06.
  - e. Street lights: to address public safety and in compliance with the current City standards the following modifications shall be made to street lights: refurbish one

- (1) street light luminaire located along the project's Mission Boulevard lot frontage with an LED luminaire.
  - f. New parkway landscaping in compliance with the "Midtown Boulevard" requirements of the Corridors Specific Plan.
  - g. Parkway drains installed in compliance with the City standards.
  - h. Existing and proposed 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. 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
  - k. Undergrounding of the existing (within the portion of the public alley proposed to be vacated as part of the project) 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.
  - l. 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.
20. 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.
21. 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.
22. 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.



23. Solid Waste: Solid waste services to be provided by a non-exclusive commercial solid waste franchise hauler approved by the City of Pomona; compliance with the AB 341 recycling law is mandatory.
24. 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 during construction and 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 Numbers 8349-002-047, -048 and 8349-003-057.
26. Prior to issuance of the building permits Applicant/Developer is responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements public safety and parks improvements.
27. Prior to the issuance of the building permits Applicant/Developer is responsible for the payment of all City water and sewer connection fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
28. Prior to issuance of the building permits Applicant/Developer is responsible for paying the development tax associated with the proposed project.
29. 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.
30. 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.

31. Prior to the tract map approval, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter,

street and alley paving, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.

32. 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.

33. Permittee shall pay fees associated with and possess the City of Pomona Business License.
34. 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.
35. 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.
36. 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.
37. 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.

38. 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.

39. 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.
40. 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.
41. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
42. **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.**
43. 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.
44. Permittee shall pay fees associated with and possess the City of Pomona Business License.
45. 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**

46. 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.
47. The proposed Private Driveways /Fire Lane for access throughout the development shall be labeled as "Private Driveway" 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.
48. Fire hydrant improvement plans for the new required public fire hydrant shall be submitted to the Land Development unit for review and approval prior to the 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 24TH DAY OF JULY, 2019.**

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DR. KYLE BROWN  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

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ANITA D. GUTIERREZ, AICP  
PLANNING COMMISSION SECRETARY

PC Resolution No.  
Tentative Tract Map No. 82522 (TRACTMAP 11889-2019)  
1626 & 1630 W. Mission Boulevard  
Page 13 of 13

**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.”