

## **ORDINANCE 4264**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A CHANGE OF ZONE (ZONE 11492-2019) FROM M-1 (LIGHT INDUSTRIAL) TO R-1-6,000 (SINGLE FAMILY RESIDENTIAL) ON A PROPERTY LOCATED AT 261 S. CASWELL STREET**

**WHEREAS**, the applicant, Silvia Gehna, has submitted an application for Change of Zone (ZONE 11492-2019) from M-1 (Light Industrial) to R-1-6,000 (Single Family Residential) to allow for the construction a two-story single family residence on a property located at 261 S. Caswell Street, Assessor's Parcel Number 8335-003-034;

**WHEREAS**, the applicant has concurrently submitted an application for a Variance (VAR 11494-2019) to deviate from the population density and setback requirements of the R-1-6,000 Designation on a property located at 261 S. Caswell Street, Assessor's Parcel Number 8335-003-034;

**WHEREAS**, the subject property has a General Plan designation of Urban Neighborhood as well as a Transect Zone designation of T4 Typical;

**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 Change of Zone (Zone 11492-2019) and carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing and recommended approval to City Council on a 7-0-0-0 vote;

**WHEREAS**, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on July 15, 2019, concerning the requested Change of Zone (ZONE 10882-2018); and

**WHEREAS**, the City Council of the City of Pomona, at its regularly scheduled public meeting on July 15, 2019, approved the introduction and first reading of an Ordinance for Change of Zone (ZONE 11492-2019 ) on a 7-0-0-0 vote;

**WHEREAS**, the City Council of the City of Pomona, at its regularly scheduled public meeting on August 5, 2019, adopted at second reading an Ordinance for Change of Zone (ZONE 11492-2019) as shown on Exhibit A and Exhibit B;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** The City Council, exercising independent judgment, finds that the project will not have an adverse impact on the environment. Pursuant to California Environmental Quality Act, Article 5, Section 15061(b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility

that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Change of Zone from M-1 (Light Industrial) to R-1-6,000, (Single-family residential) would not create any significant environmental impacts. The Change of Zone would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, sanitary services, surrounding roadways and intersections, and surrounding uses.

**SECTION 2.** 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 City Council hereby finds that the proposed Change of Zone is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

**SECTION 3.** Based upon the above findings, the City Council of the City of Pomona hereby approves Change of Zone (ZONE 11492-2019) from M-1 (Light Industrial) to R-1-6,000 (Single Family Residential) on a property located at 261 S. Caswell Street, Assessor's Parcel Number 8335-003-034, as shown on attachments Exhibits A and B.

**SECTION 4.** The City Clerk shall attest and certify to the passage and adoption of this Ordinance and it shall become effective thirty (30) days after its adoption.

**APPROVED AND ADOPTED THIS 5th DAY OF AUGUST, 2019.**

**ATTEST: CITY OF POMONA:**

\_\_\_\_\_  
Rosalia A. Butler, MMC, City Clerk

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Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

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Christi Hogin, Interim City Attorney

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

I, Rosalia A. Butler, MMC, City Clerk of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for second reading on August 5, 2019, and adopted at a regular meeting of the City Council of the City of Pomona held on August 5, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Rosalia A. Butler, MMC, City Clerk