

## PC RESOLUTION NO. 17-051

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING TENTATIVE PARCEL MAP (PARCELMAP 6220-2016) FOR A RESIDENTIAL SUBDIVISION OF THE PROPERTIES AT 3200-3220 W. TEMPLE AVENUE**

**WHEREAS**, the applicant, Danny Wei, has submitted an application for a Tentative Parcel Map (PARCELMAP 6220-2016, No. 80286) to subdivide an existing property into two (2) lots on a 5.38 acre site at 3200-3220 W. Temple Avenue;

**WHEREAS**, the subject site is located within the C-4 (Highway Commercial) Zoning District;

**WHEREAS**, the subject site is designated "Transit Oriented District: Neighborhood" by the City's General Plan;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on December 13, 2017 concerning the requested Tentative Parcel Map (PARCELMAP 6220-2016, No. 80286);

**WHEREAS**, the Planning Commission of the City of Pomona 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, as follows:

**SECTION 1.** The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15315, (Class 15 – Minor Land Divisions) of the CEQA Guidelines in that the proposed project consists of a subdivision of four or fewer parcels on land zoned for commercial use where the subdivision conforms with the General Plan and zoning; no variances or exceptions from standards are required; all services and access to the proposed parcels are constructed to local standards and the site can adequately be served by all required utilities and public services; the proposed parcels were not part of a division of a larger parcel within the last two (2) years; the proposed parcels are in an urbanized area; and the project site has no value as habitat for endangered, rare or threatened species. No new development is proposed. The proposed project is consistent with the categorical exemption; therefore, no further environmental review is required.

**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 74720 (PARCELMAP 6220-2016, No. 80286). 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 Parcel Map is consistent with the General Plan.*

The proposed subdivision will allow the applicant to subdivide an existing property into two (2) lots. An existing restaurant and hotel are on the property. The restaurant will remain on lot "1" and the hotel will be on lot "2". The proposed subdivision is consistent with the General Plan "Transit Oriented District: Neighborhood" land use designation as shown on the General Plan Land Use Diagram. Further, the proposed subdivision is consistent with the following objective from the Economic Development element of the General Plan:

*"It is the policy of the City to encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector."*

2. *The design or improvement of the proposed subdivision is consistent with the General Plan.*

The design of the proposed subdivision is consistent with the Zoning Ordinance and General Plan. The design meets the lot depth standard of the Zoning Ordinance. No new improvements are proposed. The existing improvements will remain unchanged.

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

The applicant is not proposing any physical changes to the project site. The site is already developed with a restaurant and hotel which have been operating for several years. Thus the site has proven physically suitable for the existing development.

4. *The subject property is physically suitable for the density of development.*

The applicant is not proposing any physical changes to the project site. The site is already developed with a restaurant and hotel which have been operating for several years. Thus the site has proven physically suitable for the existing development.

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 applicant is not proposing any physical changes to the project site. The site is already developed with a restaurant and hotel which have been operating for several years. Existing trees and shrubs on the property will remain in place. Further, the project 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 design of the proposed project and the type of improvements are not likely to cause harm to public health because the public improvements will not be altered and have been found to conform to all City standards. The adopted City standards relating to the Uniform Building Code and Grading Code are designed to protect the public health and welfare and have been approved by the City.

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 other easements acquired by the public at large. The project will be compatible with the adjacent commercial and industrial properties in the area.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Tentative Parcel Map (PARCELMAP 6220-2016, No. 80286), subject to the following conditions:

**PLANNING DIVISION**

1. The subject property shall be subdivided in a manner consistent with the Tentative Parcel Map as reviewed by the Planning Commission on December 13, 2017 as revised and conditioned by the requirements contained in this resolution of approval. Any major modifications to the approved Tentative Parcel Map shall be reviewed and approved by the Planning Commission as part of a modification to the approved Tentative Parcel Map. Any minor modifications that do not affect the overall intent of the approved Tentative Parcel Map, may be reviewed and approved by the Development Services Director or designee.
2. This approval shall lapse and become void if the privilege authorized by the Planning Commission is not utilized and recordation by the County of the final map is not obtained within one (1) year from the date of Planning Commission approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty (30) days before the expiration date.
3. 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.

4. The applicant shall include all conditions of approval from Tentative Parcel Map (PARCELMAP 6220-2016) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
5. In case of violation of any of the conditions of approval 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 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. Written appeals may be filed with the City Clerk within twenty (20) days by one or more City Council members, the applicant, or any person owning property within 400-feet of the exterior boundary of the applicant's property.
7. Prior to the recordation of the final map, the applicant shall submit to the Planning Division evidence of a recorded reciprocal parking and access agreement between lots "1" and "2" to remain in effect at all times.

#### **PUBLIC WORKS DEPARTMENT**

8. The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the developer in accordance with the City standards, fee schedules and applicable laws. The applicable Codes shall include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, City of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works Construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of Transportation Highway Design Manual.
9. All required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

### Parcel Map Requirements

10. Tentative Parcel Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
11. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.
12. 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 parcel map to be resubmitted for further consideration.

Provide copies of all recorded instruments pertaining to the aforementioned easements.

13. Prior to the parcel map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
14. 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 of record within one year of the parcel map recordation; adequate monumentation bond is required prior to the final parcel map approval.
15. Prior to the parcel map approval, developer shall post security guaranteeing the construction of all associated public improvements. Said improvements shall include, but are not limited to, the following:
  - a. Removal and reconstruction of the westerly property driveway approach located on Temple Avenue, to comply with the City and ADA standards and requirements.
  - b. Removal and reconstruction of all uplifted or cracked sidewalk and replacement with ADA compliant sidewalk along property frontages.
  - c. ADA compliant ramp at the northwest corner of Temple Avenue and Foley Way.
16. A Mylar copy of the final parcel map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
17. Applicant/Developer shall ensure that a property owners' 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 both parcels. 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 parcel map.

### **General requirements**

18. 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.
19. All work in the public right-of-way is subject to review, approval, and permitting requirements of the Public Works Department.
20. Applicant shall procure and maintain throughout the period of the Public Works permit the following policies of insurance:
  - Commercial General Liability;
  - Automobile Liability;
  - 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.

Permittee shall pay fees associated with and possess the City of Pomona Business License.

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.

21. Upon future site development proposal, the Public Works Engineering Department will provide additional plan and engineering study requirements regarding water, Fire Department compliance, sewer, storm drain, public right-of-way, traffic and environmental compliance.

### **WATER RESOURCES DEPARTMENT**

22. Please identify City maintenance easements for all existing meters and backflow devices per separate document, if they are not shown on the parcel map. Identify a location for a City maintenance easement for the future proposed compound meter and DCDA for 3220 W. Temple Avenue. Please resubmit the parcel map showing both maintenance easements if they are to be shown on the map.

### **LOS ANGELES COUNTY FIRE DEPARTMENT**

23. Submit a copy of the Tentative Parcel Map to the Land Development Unit (LDU) for review and approval prior to submitting to Fire Prevention Engineering for building plan review.

**SECTION 5.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.


**APPROVED AND PASSED THIS 13<sup>th</sup> DAY OF DECEMBER, 2017**

  
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LUIS M. JUAREZ  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

  
\_\_\_\_\_  
MARK LAZZARETTO  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

  
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ANDREW JARED  
ASSISTANT CITY ATTORNEY

*Teresa Chen, Deputy City Attorney*

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

AYES: Grajeda, Arias, Brown, Ursua, Hemming, and Ramos.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Juarez.

"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."