



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: February 12, 2020

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 13040-2019):**

A request for a conditional use permit to allow for the construction of a pool and spa on a residential property in the Single Family Residential District and Open Space District within the Phillips Ranch Specific Plan (PR-SP) located at 9 Rancho Jurupa Place.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached PC Resolution approving Conditional Use Permit (CUP 013040-2019), subject to conditions (Attachment 1).

PROPERTY & APPLICANT INFORMATION

Address	9 Rancho Jurupa Place
Assessor's Parcel Number (APN)	8704-027-016, 8704-027-901
Lot Size	15, 681 square feet
General Plan Land Use Designation	Residential Neighborhood
Zoning District	Single Family Residential, Open Space
Historic District	Not Applicable
Specific Plan	Phillips Ranch Specific Plan (PR-SP)
City Council District	District #5
Applicant	Timothy Pfutzenreuter
Property Owner	Timothy Pfutzenreuter

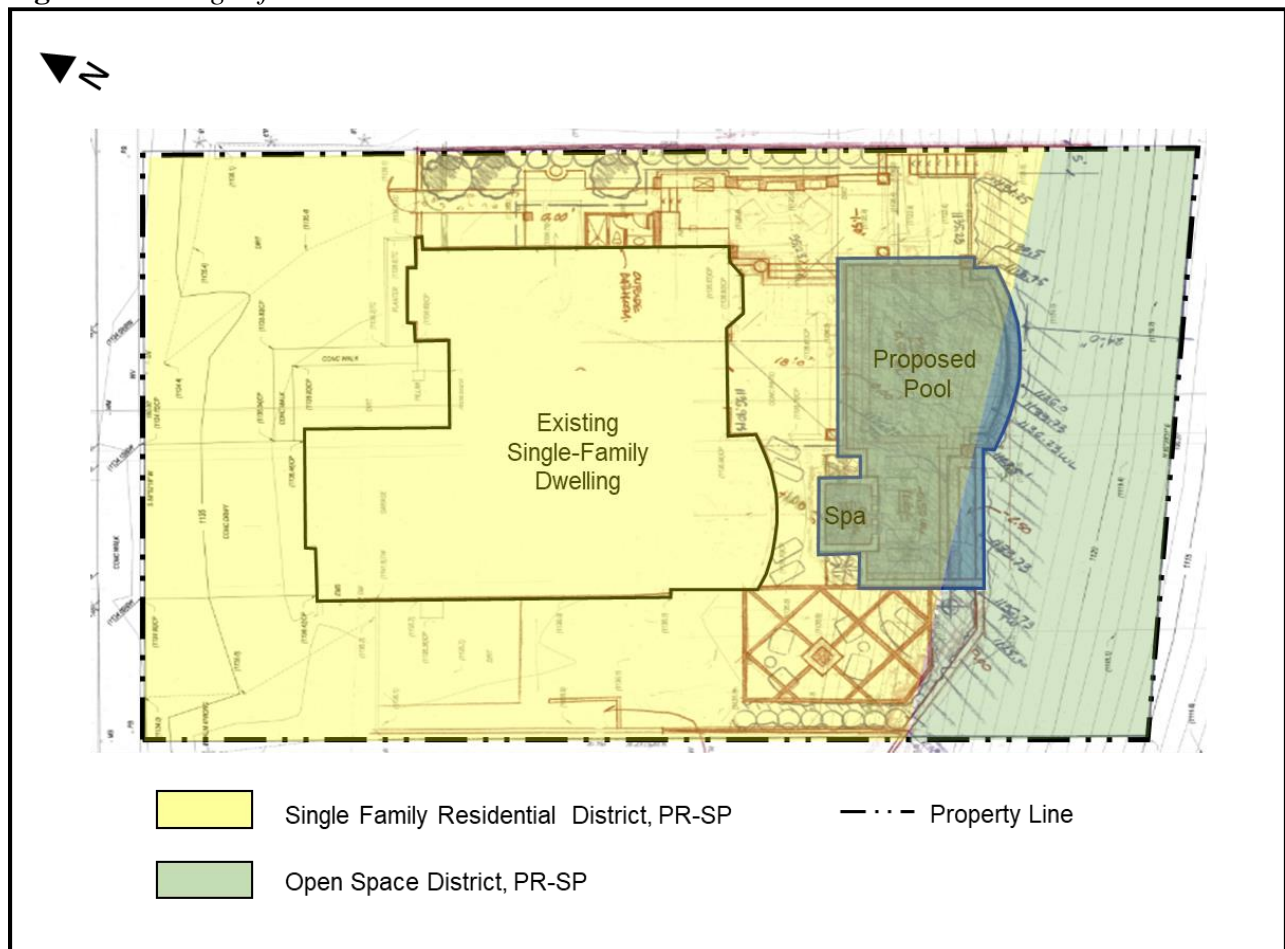
RELATED ACTIONS

Historic Preservation Commission	None
Code Enforcement	None
Planning	None

PROJECT DESCRIPTION & BACKGROUND

The project site is located along the hillside of Rancho Jurupa Place, north of Santa Clara Drive and south of Los Felis Drive in the Single Family Residential and Open Space Districts of the Phillips Ranch Specific Plan (Attachment 2). The subject site is currently developed with a single-family dwelling and two-car garage built in 1989 on a parcel totaling approximately 15,681 square feet (0.36 acres) (Attachment 3). Of the 15,681 square feet, approximately 12,433 square feet is located within the Single Family Residential District with the remaining square footage located within the Open Space District. In 2019, an application for lot line adjustment was approved following a quitclaim deed creating the subject parcel with dual zoning as depicted in Figure 1 (Attachment 5). The applicant is proposing the construction of an “infinity” swimming pool and spa within a portion of the Open-Space District of the Phillips Ranch Specific Plan (Attachment 4).

Figure 1. Zoning Information



Applicable Code Sections

Section 1 of the Phillips Ranch Specific Plan defines Land Use Districts and indicates all permitted uses. As no permitted uses are indicated within the Open Space District of the Phillips Ranch Specific Plan, this project is subject to Section .220-G of the Pomona Zoning Ordinance (PZO), which lists open space uses as allowed, subject to the granting of a conditional use permit:

“...including archery ranges, bridle trails, camp grounds, diving ranges, fishing ponds, accessory food and beverage uses, and any other use the city planner determines to be similar to the above.”

Based on Section .220-G, staff determined that the proposed pool and spa is similar to the other uses listed in this section and, therefore, subject to the granting of a conditional use permit.

SURROUNDING LAND USES

The following table summarizes the surrounding land uses, zoning and general plan designations for Planning Commission consideration.

Table 1. Land Use Summary

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Single Family Residential	Single Family Residential District / Open Space District PR-SP	Residential Neighborhood
North	Single Family Residential	Single Family Residential District PR-SP	Residential Neighborhood
South	Open Space	Open Space District PR-SP	Residential Neighborhood
East	Single Family Residential	Single Family Residential District PR-SP	Residential Neighborhood
West	Single Family Residential	Single Family Residential District PR-SP	Residential Neighborhood

ANALYSIS

Compliance with Pomona Zoning Ordinance & Phillips Ranch Specific Plan

The applicant is proposing the construction of a swimming pool and spa in the rear yard. The Phillips Ranch Specific Plan does not provide standard setback requirements for swimming pools in the Single Family Residential District or the Open Space District. Section 74-291 of the Pomona Municipal Code outlines the following:

“a swimming pool shall not be located closer than five feet from side or rear property lines pursuant to the zoning code,” if applicable, as well as “a three-foot-wide walkway shall be maintained between a pool and any building.”

Though the above requirements are not applicable to the proposed project, the proposed swimming pool and spa meet and exceed these requirements in addition to all other requirements for swimming pools. Moreover, the majority of the project will be located within the Single Family Residential District, with only small portions proposed to be located within the Open Space District. As such, the applicant has designed the “infinity” swimming pool in a manner consistent with adjacent properties in regards to the proposed angular pool setback and the proposed retaining wall to limit the visible change to the hillside.

GENERAL PLAN CONFORMITY

While Section .220 of the PZO expressly prohibits residential uses in the Open Space, the parcel has the overlaying General Plan designation of “Residential Neighborhood”, supporting residential uses. Further, the majority of the project will be located within the Single Family Residential District, with only small portions proposed to be located within the Open Space District. As such, the project is consistent in design with the surrounding residential properties which are zoned and planned for by the General Plan.

ENVIRONMENTAL REVIEW

Section 15303 of the California Environmental Quality Act guidelines exempts projects consisting of the construction and location of limited numbers of new, small facilities or structures including, but not limited to accessory structures such as garages, carports, patios, swimming pools, and fences. Accordingly, Conditional Use Permit (CUP 013040-2019) may be classified as a Class 3 Categorical Exemption, pursuant to Section 15303(e) of California Environmental Quality Act guidelines.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on January 31, 2020 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 January 30, 2020 (Attachment 6). As of the date of this staff report, staff has not received any correspondence either supporting or opposing the proposed project.

CONCLUSION

The proposed project is consistent with the City's General Plan and meets or exceeds the minimum development standards of the Pomona Municipal Code, Zoning Ordinance, and Phillips Ranch Specific Plan. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed project will be compatible with adjacent land uses and will not result in any negative impacts to the surrounding neighborhood. Further, the project has been designed in a manner that will enhance the aesthetics of the site and complement the existing character of the surrounding area.

RECOMMENDED MOTION

Staff recommends the following motion:

- Move that the Planning Commission close the public hearing, find that the project is categorically exempt pursuant to State and Local CEQA guidelines, and approve Conditional Use Permit (CUP 013040-2019) per staff's recommendation, subject to the findings and conditions included in the draft resolution.

Respectfully Submitted:

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Planning Manager

Prepared By:

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ATTACHMENTS

- 1) Draft PC Resolution
- 2) Location Map and Aerial Photograph
- 3) Site Photographs
- 4) Project Plan Reductions
- 5) Lot Line Adjustment Map, Lot 26 & 64
- 6) Public Hearing Notice, January 30, 2020

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