

PC RESOLUTION NO. 18-024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 9978-2018) TO ALLOW AN EXPOSED PARKING GARAGE AS PART OF A PROPOSED THREE STORY, MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 20 CONDOMINIUM HOUSING UNITS ON A 0.45 ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE IN THE WORKPLACE GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Creative Design Associates, has filed an application on behalf of the property owner, TJ Investment, LLC, for Conditional Use Permit (CUP 9978-2018) to allow for an exposed parking garage as part of a proposed three story, multiple-family residential development consisting of 20 condominium housing units on a 0.45 acre lot located at 2145 N. Garey Avenue (Assessor's Parcels 837-101-8041 & 837-101-8042);

WHEREAS, the subject site is currently zoned within the Workplace Gateway Segment of the Pomona Corridors Specific Plan (PCSP), and designated Neighborhood Edge in the City's General Plan;

WHEREAS, the applicant has concurrently submitted Development Plan Review (DPR 5713-2016) to construct 20 multiple-family residential condominium units on the subject site; and Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) for condominium purposes;

WHEREAS, in accordance with Section 2.7.2.E of the PCSP a Conditional Use Permit (CUP) is required for exposed parking structures;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 27, 2018, concerning Conditional Use Permit (CUP 9978-2018);

WHEREAS, the Planning Commission has carefully considered all pertinent testimony offered in the case as presented at the 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. In accordance with Section .580.B of the Pomona Zoning Ordinance (PZO), the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 9978-2018). 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. *That the proposed use at the particular location will contribute to the general well being of the neighborhood or community.*

The residential development project will contribute to the general well being of the neighborhood as the project will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design.

2. *That such use will, under the circumstances of the particular case, not 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 residential development project will not be detrimental to the health, safety, peace or general welfare of persons working or residing in the vicinity nor detrimental to the use, valuation or enjoyment of the property and improvements in the vicinity as the project will comply with all development and design standards of the Workplace Gateway Segment of the PCSP, as conditioned. The project is not anticipated to generate noise, traffic, and lighting impacts detrimental to residents, occupants, and properties within the surrounding area and is consistent with the subject property's zoning.

3. *That the site for the proposed use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.*

The subject site (approximately 0.45 gross acres) is relatively flat and sufficient enough in size and shape to accommodate all of the development standards of the PZO and PCSP, as conditioned, including unit size; building height, length, massing, orientation, setbacks, parking, loading, open space, landscaping, and trash facilities; and architectural design guidelines.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.*

The subject site takes access from N. Garey Avenue. N. Garey Avenue is primarily an auto-oriented corridor with a mix of commercial, office, residential, institutional, and industrial uses. N. Garey Avenue is a five-lane arterial with a continuous center left turn lane. The Traffic and Transportation Division of the City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and have not expressed concern with the project's overall proposed vehicular mobility. Therefore, staff has determined that Garey Avenue is capable of handling any additional vehicle trips generated by the proposed use.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.*

The City of Pomona General Plan designates the subject site as a "Neighborhood Edge" Place Type. "Neighborhood Edge" properties are adjacent to City neighborhoods will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and buffering and compatibility. The residential development project is consistent with the City's General Plan because it will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, as conditioned the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design. Therefore, the proposed project is consistent with the General Plan and provisions of the zoning ordinance.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 9978-2018) 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 Conditional Use Permit or any portion thereof:

DEVELOPMENT SERVICES DEPT. – PLANNING DIVISION

General Conditions

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 June 27, 2018, and as illustrated in the stamped approved plans dated June 27, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Division 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 Manager.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit, within two (2) years from the date of this approval (June 27, 2020), in accordance with PCSP Section 2.0.5.A(6). The Planning Division may extend this period for a maximum of one (1) year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with PCSP Section 2.0.5(A)6.
3. The applicant shall include all conditions of approval from Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
4. The applicant shall submit construction drawings for plan check to all required City of Pomona departments. Plans shall be consistent with all required development standards outlined in the PCSP Section 2.1.8 Workplace Gateway Segment outlined in Section 2.1.8.A Development Standards Chart.
5. The project is subject to a fifteen (15) calendar day appeal period. Written appeals may be filed with the City Clerk within fifteen (15) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within fifteen (15) calendar days from the date of action by the Planning Commission.
6. 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.

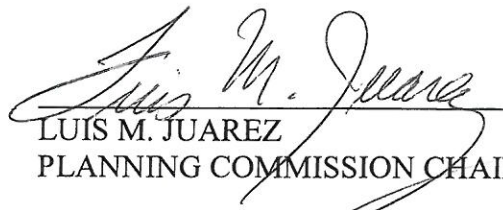
7. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (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 Tract Map.

PUBLIC WORKS DEPARTMENT

Land Development requirements

8. Prior to the issuance of the building permits 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.

APPROVED AND ADOPTED THIS 27TH DAY OF JUNE, 2018.


LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:


EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES: Hemming, Grajeda, Juarez, Ursua, and Arias.

NOES: None.

ABSTAIN: None.

ABSENT: Brown.

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.