

PC RESOLUTION NO. 18-025

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 77197 (TRACTMAP 8416-2017) FOR CONDOMINIUM PURPOSES FOR THE DEVELOPMENT OF A THREE STORY, MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 20 CONDOMINIUM HOUSING UNITS ON A 0.45 ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE ON A PROPERTY 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 a Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) for condominium purposes for the property 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 Conditional Use Permit (CUP 9978-2018) to allow for an exposed parking garage;

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 Tentative Tract Map No. 77197 (TRACTMAP 8416-2017);

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 Categorical 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 Tract Map No. 77197 (TRACTMAP 8416-2017). 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 City of Pomona General Plan designates the subject site as a "Neighborhood Edge" Place Type. "Neighborhood Edge" properties 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.

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 subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the site, at approximately .45 acres in size, the subdivision design accommodates adequate land for 20 dwelling units, accompanying driveway, parking, landscaping 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 the proposed density resulting from the subdivision. The subdivision proposes 20 dwelling units on property approximately .45 acres in size, which results in a density of approximately 40 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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 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 Wildlife 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 improvements is not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed 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 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. 77197 (TRACTMAP 8416-2017) 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 Tract Map 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.
8. Prior to issuance of a certificate of occupancy, in order to ensure future owner(s) are made aware of conditions of approval, the applicant shall record this resolution with the Los Angeles County Recorder's office and forward copies to the City of Pomona Planning Division.

PUBLIC WORKS DEPARTMENT

9. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779. Financial security for all public improvements shall be posted prior to the map approval.
10. The tentative tract map shall be recorded and developed as one tract map, but may be developed in phases.
11. All existing and proposed easements for water/sewer lines (including the dedication of a water easement corresponding to the 1988-installed public water main located south of the northerly property line), ingress/egress, footings and traveled ways (including up to 4-foot wide strip of land to accommodate the ADA path of travel around the proposed driveway approach) must be clearly shown on the map; all easements proposed to be vacated need to be included 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 unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the tract map to be resubmitted for further consideration.

12. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
13. Prior to the tract 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 Land Surveyor or a qualified Professional Civil Engineer as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the tract map recordation; adequate monumentation bond is required prior to the final map approval.
15. Prior to the issuance of the building permits, the tract map shall be recorded to reflect the new lot lines, easements and Fire Department access. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
16. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, parkway landscaping, existing and proposed overhead lines undergrounding, water, sewer, and storm drain improvements.
17. The aerial subdivision shall be approved by the Department of Real Estate and new parcel numbers shall be issued by the Los Angeles County Assessor's Office preferably prior to the issuance of the building permits but no later than prior to the Certificate of Occupancy approval.
18. Applicant/Developer shall ensure that a condominium 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 all individual condominium units. 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 Certificate of Occupancy.

FIRE DEPARTMENT

19. The proposed building shall be equipped with automatic sprinkler protection installed in accordance with NFPA 13 per Section 903.3.1.1. Class I standpipe hose connection complying with LACBC Section 905 at the rear of the property with directional signage.

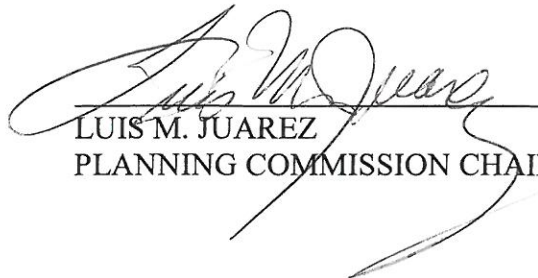
20. The building shall be constructed as two stories of a Type V residential construction above one-story of a Type IB parking garage. The parking garage shall be separated from the residential floors above by a 2-hour horizontal assembly per LACBC, Section 510.4.
21. Both interior exit stairways for the proposed building shall be enclosed in 2-hour fire barriers and provided with Class I standpipe hose connections.
22. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
23. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
24. Fire Apparatus Access Roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Fire Code 505.2

Water System Requirements

25. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
26. The required fire flow for the public fire hydrants for this project is 4000 gpm at 20 psi residual pressure for 4 hours. Two public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
27. Fire flow may be recalculated after the required Fire Flow Availability form, Form 196 is received and reviewed.
28. Install one new public fire hydrant on Garey Avenue by the north property line. The required fire hydrant location may be revised upon review of the required Form 196.

29. Submit the completed original copy of the Fire Flow Availability Form (Form 196) for the new required public fire hydrant. The fire flow data shall be submitted to the County of Los Angeles Fire Prevention Engineering prior to the issuance for building Permits.
30. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
31. The required public fire hydrant shall be installed prior building permit issuance. Upon completion verification of fire flow and installation shall be submitted to the County of Los Angeles Fire Department, Fire Prevention Engineering for review and approval.

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



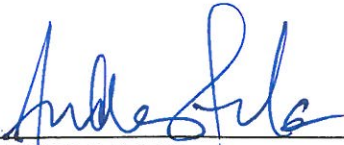
LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

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.

