



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: July 8, 2020

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **CONDITIONAL USE PERMIT (CUP 013792-2020), TRACT MAP (013793-2020), AND REVOCATION OF CONDITIONAL USE PERMIT (REV 013883-2020)**: A request for a Conditional Use Permit and Tentative Tract Map for condominium purposes to allow the development of an eleven (11) unit townhome project on a 0.85 acre lot, and revocation of a previously-approved Conditional Use Permit in the R-2-S (Low Density Multiple Family, S Overlay) Zone.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution to approve Conditional Use Permit (CUP 013792-2020), Tentative Tract Map (TRACTMAP 013793-2020), and Revocation 013883-2020, subject to conditions (Attachment 1, 2 & 3).

PROJECT/APPLICANT INFORMATION

Address	952 E. Ninth Street
Assessor's Parcel Number (APN)	8333-004-010 & 8333-004-012
Lot Size	0.85 acre (36,954 SF)
General Plan Land Use Designation	Residential Neighborhood
Zoning District	R-2-S
Historic District	N/A
Specific Plan	N/A
City Council District	3
Applicant	Feng Xiao Architect, Inc.
Property Owner	Honghua Shang

RELATED ACTIONS

Historic Preservation	MAJCOA-003515-2015 – To permit for the demolition of a pre-1945 single-family residence. (Approved March 2, 2016)
Code Enforcement	No open code case.
Building & Safety	No relevant building code case.

Planning	CUP-003514-2015 – To permit the development of eleven (11) multifamily units. (Approved August 24, 2016) TRACTMAP-005349-2016 – To permit a tentative tract map for condominium purposes to accommodate 11 residential units. (Approved August 24, 2016)
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PROJECT BACKGROUND & DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP) and Tentative Tract Map (TTM) for condominium purposes to allow for the development of eleven (11) attached townhome units, built as four separate structures. The subject site is located on the south side of E. Ninth Street, between S. Towne Avenue and S. San Antonio Avenue (Attachment 4). The site is currently developed with two single-family residences and a detached two-car garages constructed in 1940 (Attachment 5).

The proposed units will be two stories in height and each have three bedrooms, two or three bathrooms, powder room, kitchen, living room, washer and dryer space, attached two-car garage, and private open space area. The size of the units will vary between 2,174 square feet and 2,478 square feet and have private open space that range between 265 to 295 square feet. 5,568 square feet of common open space will also be provided on site, while only 5,000 square feet is required. Access to the site is provided from East Ninth Street via a 26-foot wide driveway approach (Attachment 6).

On March 2, 2016, the Historic Preservation Commission (HPC) approved a request by a previous applicant for a Major Certificate of Appropriateness (MAJCOA) to demolish all on-site structures built before 1945. On August 24, 2016, the Planning Commission approved a request by the same applicant for a CUP and TTM for development of an eleven-unit townhome project, similar to the current request. . However, the previous applicant did not move forward with the project and the entitlements expired on August 24, 2018.

Pursuant to Section .580H of the Pomona Zoning Ordinance (PZO), revocation proceedings may be initiated by a majority vote of the granting body, a majority vote of City Council, or the Development Services Director. In this case, the Development Services Director is initiating the request to revoke the previously approved CUP given that it has expired and the applicant is requesting a new CUP.

Applicable Code Sections

Pursuant to Chapter 29 of the Pomona City Code (Subdivision) and the State Subdivision Map Act, a TTM is required to allow a subdivision for condominium purposes. Pursuant to Section .440 and .580 of the Pomona Zoning Ordinance (PZO), the approval of a CUP by the Planning Commission is required for residential projects in zones with an “S” – Supplemental Use Overlay and for new multifamily development with ten or more units. Section .580 of the PZO establishes criteria for approval of a CUP and Section .280 of the PZO establishes requirements for the R-2 Zone. Finally,

Section .580 of the PZO establishes proceedings and findings for revocation of a CUP. The zoning, General Plan land use designation and existing land uses for the surrounding properties are identified in Table 1 below.

Table 1. Land Use Summary

	Existing Land Use	Zoning	General Plan Designation
Subject Site	Residential, Multi-family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
North	Washington Elementary School	O, Publically Owned Land	Residential Neighborhood
South	Washington Park	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Open Space
East	Residential, Single- and Multi-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood
West	Residential, Single- and Multi-Family	R-2-S, Low Density Multiple-Family with Supplemental Overlay	Residential Neighborhood

COMPLIANCE

Pomona Zoning Ordinance

Based on staff's analysis, the project meets and/or exceeds the minimum development standards of the R-2-S Zone. Table 2 provides a summary of the required development standards for the proposed project.

Table 2. Project Summary

Standard	R-2 Zone Requirement	Proposed Project	Compliance Determination
Lot Area	3,000 sf min.	36,954 sq. ft.	Yes
Population Density	7-15 unit per net acre	13 units	Yes
Living Area	1,300 sq. feet min for 3 bedrooms	2,174 sq. feet, and 2,478 sq. feet	Yes
Lot Width	70 ft min.	100 ft.	Yes (No new lots are created)
Lot Depth	100 ft min.	294 ft.	Yes (No new lots are created)

Front Yard	25 ft min.	30 ft. min	Yes
Side Yard	10 ft, min, based on equal to one-half the adjacent building wall height (22' approximately)	10 feet	Yes
Rear Yard	20 ft. based on the height of the wall facing the rear yard	36.1 feet	Yes
Lot Coverage	N/A	N/A	N/A
Building Separation	15 feet between units	15.1 ft.	Yes
Building Height	35 ft./2 stories	29.5 ft./2 story	Yes
Landscaping	20% of the lot	23%	Yes
Private Open Space	150 sq. ft. min	At least 265 sq ft./unit	Yes
Common Open Space	500 sq. ft./unit min.	5,568 sq. ft.	Yes
Off-Street Parking	Two spaces in private garage per unit, 1 guest parking for every 4 units	Two spaces in private garage per unit, 3 guest parking	Yes
Roof Pitch	3:12 min.	3.5:12	Yes
Roof Overhang	16 inches min.	18 inches	Yes

In order to approve a CUP, section .580 of the PZO requires that the Planning Commission make five specific findings. The required findings have been incorporated to the attached Resolution. In general, the proposed project is consistent with the General Plan and will enhance the surrounding neighborhood and not be detrimental to the area because the site is of adequate topography, size, and shape, and provides adequate access to accommodate the anticipated traffic generated by the project. Pursuant to section .580H of the PZO, the body which granted the CUP shall conduct a noticed public hearing to determine whether such CUP should be revoked. The required findings have been incorporated in the attached Resolution (Attachment 3).

Land Use Compatibility

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed 11 units on the subject site, equate to a density of approximately 13 units per acre, which is consistent with the densities allowed on surrounding properties located within the R-2 zone. Based on these factors, staff finds that the residential project is compatible in the context of the surrounding neighborhood and will be an attractive development to the area.

Architecture

The architecture of the proposed dwelling unit is consistent with the Architectural Style required per PZO Section .229.7.L. The exterior of the new development will consist of stucco siding, various olive toned plank sidings, vinyl windows and French doors, and shingle roof. The architecture of the proposed development mimics the style of “Craftsman” architectural design theme with its horizontal sidings, rafters underneath the roof eaves, and wooden column and covering over front entrance. The proposed elevations will be an enhancement to the surrounding neighborhood.

Open Space and Landscaping

The R-2 Zone development standards require usable open space provided in two forms: private and common. The proposed project will provide at least 265 square feet of direct private open space for each unit in the form of patios and a total of 5,500 square feet of common open space across three areas for use by the future residents of the project. The common open space areas will include amenities such as benches, trellises and shade trees. In addition, conditions have been added for additional amenities such as playground equipment, barbeque grills, community garden, and bike rack. Adequate landscaping will be provided for the front yard setback area, and for the entire lot. All landscaped areas will be separated from the driveway and parking area by continuous six-inch curb.

Circulation & Access

The subject site currently has access from E. Ninth Street, a minor arterial street and is of adequate width to accommodate the traffic generated by the proposed use. A new 26-foot wide driveway approach will provide access for the new development. Vehicular access and circulation to the project site will be adequately served with these improvements.

Site Maintenance

Tenants currently occupy the two existing residences and are leasing the residences on a month-to-month basis. The applicant anticipates that the tenants would remain until such time that a demolition permit is obtained. To ensure that the property is maintained and secured at all times prior to and during construction of the project, conditions of approval have been included to ensure that the site is kept clean and free of trash and debris, and for the owner to submit a Trespass Arrest Authorization form to the Police Department once the tenants vacate the property.

GENERAL PLAN CONFORMITY

The proposed entitlements will allow the applicant to develop an 11-unit, two-story, multi-family residential development project. The project under Conditional Use Permit (CUP 013792-2020) and Tentative Tract Map (TRACTMAP 013793-2020/TTM 83094) is consistent with the City’s existing General Plan land use designation of “Residential Neighborhood.” Furthermore, the proposed project is consistent with the following goals from the General Plan:

“Improve neighborhoods exhibiting substandard conditions and declining private investment.” (Goals 6G.G3)

“Promote attractive community character as viewed from the public streets, while providing adequate buffer areas between homes and heavily-travel roads.” (Goals 6G.G7)

“Ensure continuity in development scale and character with careful transitions between areas of differing use composition and density.” (Goals 6G.G9)

The project also meets the follow goals and policies of the Housing Element:

“Assist in the development of adequate housing to meet the needs of low- and moderate-income households.” (Goal 2)

“Support the construction of multi-family housing in close proximity to transit, employment centers, shopping, schools, community facilities and public services.” (10-P-12)

“Encourage single-family and multi-family infill development integrated into and compatible with the surrounding neighborhood.” (10-P-13)

The project is an appropriate improvement within the established single- and multi-family residential properties to the east and west, including Washington Elementary School to the north, and Washington Park to the south of the subject site. With the conditions of approval, the proposed residential development will positively affect the general welfare of the community, improve the overall aesthetics of the immediate neighborhood, and reinforce the aforementioned General Plan goals with a high quality design project.

ENVIRONMENTAL REVIEW

Staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption for the CUP pursuant to Section 15332, (In-Fill Development Projects) of CEQA. The proposed project is consistent with the City’s General Plan and PZO; the proposed project site is less than five (5) acres; the project site has no value as habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment; and the site can adequately be served by all required utilities and public services. In addition, staff has determined that the revocation of the CUP has no possibility of having a significant effect on the environment, and is therefore not a project as defined under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines and not subject to environmental review. Therefore, no further environmental review is required.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on June 26, 2020 in the Inland Valley Daily Bulletin and was sent to the owners of properties within a 400-foot radius of the subject site on June 26, 2020 (Attachment 6). As of the date of this report, staff has not received any comments in support or in opposition to the proposed project.

CONCLUSION

The proposed project is consistent with the place type designation contained in the City's General Plan and meets or exceeds the minimum development standards of the Pomona Zoning Ordinance. Based on staff's analysis of the issues and the recommended conditions of approval, the proposed development will be compatible with existing and adjacent land uses and will not result in any negative impacts to the surrounding neighborhoods. Furthermore, the project has been designed to enhance the aesthetics of the site and 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 the Conditional Use Permit (CUP-013792-2020), Tentative Tract Map (TRACTMAP 013793-2020), and Revocation of Conditional Use Permit (REV-013883-2020) per staff's recommendation, subject to the findings and conditions included in the draft resolution.

Respectfully Submitted:

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Prepared By:

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ATTACHMENTS

- 1) Draft PC Resolution for CUP 013582-2020
- 2) Draft PC Resolution for Tentative Tract Map 013793-2020
- 3) Draft PC Resolution for Revocation 013883-2020
- 4) Location Map and Aerial Photograph
- 5) Site Photographs
- 6) Project Plan Reductions
- 7) 400' Radius Map and Public Hearing Notice