

DRAFT PC RESOLUTION NO. 21-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACTMAP 13750-2020) FOR CONDOMINIUM SUBDIVISION OF A 33 UNIT RESIDENTIAL DEVELOPMENT ON A SITE LOCATED AT 1300 W. MISSION BLVD. (APN 8349-011-047).

WHEREAS, the applicant, George Shweiri of Denn Engineers, has submitted an application for Tentative Tract Map (TRACTMAP 13750-2020) to subdivide a 33-unit residential development located at 1300 W. Mission Blvd., Assessor's Parcel Number: 8349-011-047;

WHEREAS, the subject property is located within the Midtown Segment of the Pomona Corridors Specific Plan;

WHEREAS, the subject property's Place Type is designated as "Neighborhood Edge" by the City's General Plan;

WHEREAS, the subject property's Transect Zone is designated as "T4-B, Neighborhood Edge" by the City's General Plan;

WHEREAS, a Development Plan Review (DPR 3991-2015) was previously approved for the subject property on June 15, 2016 for the development of 33 residential units, including 3 units to be set aside for very-low income households, as well as associated site improvements on the subject property;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on February 24, 2021, concerning the requested Tentative Tract Map (TRACTMAP 13750-2020); and

WHEREAS, the Planning Commission 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:

SECTION 1. Upon submittal of the project, staff reviewed the proposal in accordance with the California Environmental Quality Act (CEQA) guidelines. During staff's review it was found that per DPR Resolution No. 16-003 approved on June 15, 2016, the Development Services Director determined the previously approved project at the subject site consisting of the construction of a three-story, multi-family residential development, thirty-three residential housing units, with three designated very low income units, met the criteria for a Class 32 Categorical Exemption. As such, an environmental analysis associated with the development of the property has already been conducted. The current proposal to subdivide the property for condominium purposes will not have any significant environmental impacts. As such, staff has determined that the project meets the criteria for a General Rule Exemption pursuant to Article 5, 15061(b)(3)

which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Therefore, no further environmental review is required. The General Rule Exemption will be considered by the Planning Commission at the public hearing for this project.

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 (TRACTMAP 13750-2020). 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 project is consistent with the General Plan place type of Neighborhood Edge and transect zone of T4-B Neighborhood Edge. The Neighborhood Edge Place Type is intended to support the following uses along Mission Boulevard:

“Substantial portions of Mission Boulevard and Holt Avenue — the two major east-west corridors — have conditions ripe for conversion of obsolete commercial properties to uses such as multi-family residential and mixed use development, as market demand dictates.

Additionally, the project is consistent with the following General Plan goal for the Neighborhood Edge place type:

“Improve the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors.”

The T4-B Neighborhood Edge transect prescribes the typical development type as:

“Grand scale buildings. Development is compatible with medium scale multifamily housing and townhomes in areas envisioned to have a more residential character.”

The proposed project is appropriate at the subject site because it meets the intended scale and use as identified by the General Plan, is compliant with the applicable standards of the PCSP, Midtown Segment which is intended to implement the General Plan, and the subdivision of the property will provide economic vitality by offering home ownership opportunities.

2. *The design or improvement of the proposed subdivision is consistent with the general plan and applicable specific plan.*

The design of the subject property was previously approved and conditioned, on June 15, 2016, under DPR Resolution No. 16-003 and therefore consistent with the applicable specific plan. The design of the subject property meets the density standards established by the T4-B transect zone and therefore consistent with the General Plan. Additionally, adequate utilities, access, drainage, and other necessary facilities will be provided by the project.

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

The development of the property was previously approved and conditioned, on June 15, 2016, under DPR Resolution No. 16-003. The proposed subdivision does not include new development.

4. *The site is physically suitable for the proposed density of development.*

The development of the property was previously approved and conditioned, on June 15, 2016, under DPR Resolution No. 16-003 that included approval of the project density which is consistent with the permitted density of the T4-B transect zone. The proposed subdivision will not affect the density of project.

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 subdivision 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 subject property was previously approved and conditioned to comply with all applicable building code standards to ensure the improvements are not likely to cause serious public health problems. The design of the subdivision is consistent with the previously approved project and therefore not likely to cause serious public health problems.

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 was reviewed by staff to ensure it will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Tentative Tract Map (TRACTMAP 13750-2020) 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 parcel map or any portion thereof:

PLANNING DIVISION

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 February 24, 2021, and as illustrated in the stamped approved plans dated February 24, 2021. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Commission 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 Planning Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within two years from the date of this approval (February 24, 2023), in accordance with Pomona Subdivision Ordinance section 29-49, et seq. The Planning Commission may extend this period not to exceed an aggregate of three years upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The project is subject to a fifteen day appeal period. Written appeals may be filed with the City Clerk within fifteen days by one or more City Council members, the applicant, or any person owning property within four hundred feet of the exterior boundary of the applicant's property. The appeal shall be filed with the City Clerk within fifteen days from the date of

action by the Planning Commission.

4. 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.
5. In case of a violation of any of the conditions of approval and/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 Parcel Map.
6. Pursuant to City Code Section 70-66 et seq., prior to issuance of any grading or building permits, the applicant or developer shall pay the following Development Impact "Miscellaneous Fees"; Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.
7. Conditions, Covenants, and Restrictions (CC&Rs) shall be recorded for this project prior to the issuance of "Certificate of Occupancies" for the dwellings and prior to the sale of any lot or dwelling. At a minimum, the CC&R's shall include provisions that 1) establish a Homeowner's Association (HOA), 2) incorporate conditions 1,4,5, of this Tentative Tract Map and 3) provide reciprocal access easements and facilitate the use and maintenance of

the common areas. The CC&Rs shall be submitted to the Planning Division for review prior to the issuance of building permits.

8. Within 30 days of approval of this Tentative Tract Map, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
9. Prior to, during, and until construction is completed, the subject property shall be maintained clean and free of debris, trash and clutter at all times, and monitored on a regular basis to ensure compliance with this condition and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this Conditional Use Permit.
10. The property shall be maintained free of weeds and debris prior, during and after the construction period.
11. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Development Services Manager. Original surface materials installed and designed to not accept paint material such as stone, metal, brick, faux stone, veneers, etc. shall be restored to original finish with methods accepted and agreed to by the Planning Manager.
12. The applicant shall make a reduction of the approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to Plan Check submittal, if applicable.

PUBLIC WORKS DEPARTMENT

13. The development's tentative tract map shall be recorded as one final map and developed as one tract.
14. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
15. All existing and proposed easements for water/storm drain/sewer lines, ingress/egress, footings and traveled ways must be clearly shown on the final map. Prior to recordation, the Applicant/Developer 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 final map to be resubmitted for further consideration.

- Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
16. Prior to the final map approval the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
 17. 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 final map recordation; adequate monumentation bond is required prior to the final map approval.
 18. Prior to the issuance of the first Certificate of Occupancy, the final map shall be recorded to reflect the lot lines, easements and Fire Department access. Mylar copies of the final map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
 19. 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 issuance of the first Certificate of Occupancy.

Public Works Improvements Permit

20. Prior to the issuance of the first Certificate of Occupancy, all public improvements shall be completed and accepted by the Public Works Inspector and all associated as-built plans shall be submitted and approved by the Public Works and Water Resources Departments. The public improvements include but shall not be limited to: sewer, water, storm drains, driveway approach, sidewalk and street paving.
21. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a. Commercial General Liability;
 - b. Automobile Liability;
 - c. 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.
22. Permittee shall pay fees associated with and possess the City of Pomona Business License.
23. 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/Developer.

WATER RESOURCES DEPARTMENT

Water

24. There are currently existing multiple water mains within the proposed project area:
 - a. Eight-inch (8") ACP within Mission Boulevard.
 - b. Twenty-four inch (24") MLCSP within Buena Vista Avenue. This main shall not be connected to for any purpose.
 - c. Eight-inch (8") DIP within Buena Vista Avenue.
25. The existing localized approximate static pressure for the proposed project area is 60 - 65 psi. The existing water infrastructure shall be shown on the plans.
26. If verification of static pressure is desired, it may be obtained by requesting a fire hydrant flow test from the Public Works Department.
27. Any private on-site water improvements shall be the owner's responsibility and not the City's.

Domestic and Fire Service Line

28. There are currently no meters serving the proposed project area at 1300 W. Mission Boulevard. WWOD will provide additional comments regarding any proposed or existing service/meter to be used for the project. A compound master meter is required to serve this development. There shall be a compound master meter assigned for each building.
29. The edge of all new meter vaults, if necessary, shall be located in public right-of-way or the sidewalk two-inches (2") from the back of the curb per City Standard Numbers 11 and 12. Meter(s) shall not be placed in driveways, parking spaces or within the property line, to allow City personnel access to these meters for future maintenance.
30. The City may install meters less than or equal to two-inches (2") in size. Contact the Public Works Department for information regarding meter installation fees. The Contractor for the project is responsible for installing meters greater than 2 inches in the public right-of-way.
31. Any public water infrastructure located on private property shall be installed within a City of Pomona easement, and will be maintained by the City.

32. Contact the Los Angeles County Fire Department to determine if additional public fire hydrants are required for this site. If new fire hydrants are required, they shall be placed at least five (5) feet from proposed driveways and parking spaces.
33. All newly installed water lines shall be disinfected per the City of Pomona Water Division Standard Specifications for Water Facility Construction before connection to the existing water main.
34. Approved low lead (0.25%) backflow devices (list the manufacturer and model) are required for the following service lines to the site:
 - a. Reduced pressure principle assembly (RPPA) devices are required for dedicated irrigation service lines to the proposed site, and
 - b. Reduced pressure principle assembly (RPPA) devices are required for all domestic services; and
 - c. Double check detector assembly (DCDA) devices for all fire sprinkler service lines.

Sewer

35. There are currently existing multiple sewer mains within the proposed project area:
 - a. Eight-inch (8") VCP within Buena Vista Avenue.
 - b. Sanitation Districts of Los Angeles County (SDLAC) owned twenty-two inch (22") VCP main within Mission Boulevard. This main shall not be connected to for any purpose.
 - c. Eight-inch (8") VCP main directly south of proposed project area, within existing parcels. This main shall not be connected to for any purpose.
36. All proposed sewer main onsite shall be privately maintained. The sewer lateral from the public main to the site is considered private and shall be maintained by site owners.
37. Due to the additional discharge volume anticipated by this development, the applicant developer shall conduct a flow meter study for the existing sewer main. Please submit a flow test report for the existing manhole closest to the proposed point(s) of connection. This flow test report and an applicable hydraulic analysis shall be submitted to the WRD for review and acceptance.
38. New sewer laterals must be constructed per Standard Drawing Numbers S5 and S6. Construction shall also comply with pavement repair Standard Drawing No. A-26-02 per the Public Works Standards.
39. The physical sewer separation distances, relative to water mains, shall comply with California Code of Regulations, Title 22.

40. The applicant/developer shall submit and include the following items in the sewer development plan:
 - a. The proposed sewer lateral(s) with a profile and connection to the existing sewer laterals and sewer main.
 - b. Construction Notes: The Contractor shall provide all temporary seals enclosures, forced ventilation or other devices as maybe necessary to prevent odor nuisance and solid objects from entering the existing sewer line during construction.

LOS ANGELES COUNTY FIRE DEPARTMENT

Final Map Requirements

41. Access as noted on the Tentative and the Exhibit Maps shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires an all-weather access surface to be clear to sky.
42. The Final Map shall be submitted to the Land Development Unit for review and approval prior recordation.
43. Fire hydrant improvement plans for the new required public fire hydrants (if required) shall be submitted to the Land Development unit for review and approval prior to the Final Map clearance.

Water System Requirements

44. Install one new public fire hydrant on Mission Blvd. Location: See attached map.
45. The required fire flow for the new required fire hydrant is 3000 gpm for 2 hours at 20 psi.
46. The new required public fire hydrant shall be installed, tested and accepted or bonded prior to the Final Map clearance.

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

APPROVED AND ADOPTED THIS 24TH DAY OF FEBRUARY, 2021.

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Tentative Tract Map (TRACTMAP 13750-2020)
1300 W. Mission Blvd.
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ALFREDO CAMACHO-GONZALEZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

“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.”