

PC RESOLUTION NO. 19-044

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP (PARCEL MAP 11797-2019) TO SUBDIVIDE ONE PROPERTY INTO TWO LOTS LOCATED AT 1349 – 1351 S. SAN ANTONIO AVENUE (APN 8333-030-005).

WHEREAS, the applicant, Linda Cheng, has submitted an application for Tentative Parcel Map (PARCEL MAP 11797-2019) to subdivide one property into two lots located at 1341-1351 S. San Antonio Avenue, Assessor's Parcel Number 8333-030-005;

WHEREAS, the applicant has concurrently submitted an application for Conditional Use Permit (CUP 11796-2019) to allow for the construction of a new 2,383 square foot single family structure and two-car garage, a 1,200 square-foot ADU with two-car garage on a property located at 1349-1351 S. San Antonio Avenue, Assessor's Parcel Number 8333-030-005;

WHEREAS, the subject property has a General Plan Place Type designation of Residential Neighborhood within the T-3 Transect Zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on October 23 2019, concerning the requested Conditional Use Permit (CUP 11796-2019); 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. Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt, under Section 15315, Class 15 exemption for minor land divisions as the project involves the subdivision of one property into two lots. Therefore, no further environmental review is required.

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 Zoning Ordinance, the Planning Commission must make seven findings in order to approve Tentative Parcel Map (PARCEL MAP 11797-2019). 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:

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1. *The proposed map is consistent with the general plan and applicable specific plan.*

The project is consistent with the General Plan place type of Residential Neighborhood in the T-3 Transect Zone, which allows for a variety of small scale, primarily single-family housing types and limited attached housing types that are sensitively designed and compatible with adjacent homes. The proposed single family home meets the maximum allowable height of 2.5 stories allowed in the T-3 Transect Zone. The subdivision will further promote Goal 7B.G5 of the General Plan, which is to maximize property values throughout the City.

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 as the project is subject to public improvements such as the installation of a new driveway approach, sidewalk, curb and gutter, street paving, streetlights, water, sewer, and storm drain improvements and parkway landscaping.

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

The proposed subdivision will accommodate a new single family dwelling and ADU that will enhance the site and the general area. Further, the site is relatively flat and is surrounded multi family and single family housing; therefore, the site is physically suitable for the type of development.

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

The site is physically suitable to accommodate the proposed density allowed by the T-3 Transect Zone, which allows up to 20 dwelling units per acre.

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, General Plan and all local or regional plans, policies, regulations, including requirements by the California Department of Fish and Game. Based on these factors, the proposed subdivision will not cause substantial environmental damage or injure wildlife or their habitat.

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6. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

The proposed project consist of a single family lot subdivision to allow for the construction of a single family home and is 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 or type of improvements will not conflict with easements acquired by the public at large.

SECTION 4. Based upon the above findings, the Planning Commission hereby recommends the City Council approve Tentative Parcel Map (11797-2019) 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:

Planning

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 October 23, 2019, and as illustrated in the stamped approved plans dated October 23, 2019. 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 (October 23, 2021), 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.

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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. 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.

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Water Resources Department

1. There currently exists a six-inch (6") ACP water main within Packard Drive. The existing localized static pressure of the project area is 60-70 psi. There is an existing eight-inch (8") VCP main within Packard Drive. The existing water and sewer infrastructure shall be shown on the site plan.
2. There is currently an existing 5/8" meter serving 1349 S. San Antonio Avenue. Due to the proposed subdivision boundary, this existing meter shall not be used for the proposed development. Identify if a master meter or individual meters for each home will be installed. If individual 1" meters are to be installed, then 1" dual check backflow devices shall be installed for each meter. WRD will provide additional comments regarding any proposed or existing service/meter to be used for the project.
3. Identify the size and location of the new VCP sewer lateral. A plan revision or new proposed sewer development is required by a registered civil engineer. Please submit the plan to the Public Works Department and have it approved by WRD.
4. The applicant/developer shall calculate the proposed wastewater discharge and water demand (based on fixture units) to verify that the existing wastewater and water infrastructure can accommodate the water demand, given the size, pressure, and age of the existing system. These calculations shall include fire and domestic water demands. These calculations shall be submitted to the WRD.

Public Works Department- Land Development

The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws¹.

All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer.

Parcel Map Requirements:

5. Tentative **Parcel Map** shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
6. The tentative parcel map shall be recorded and developed as one parcel map, but may be developed in phases.

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7. All existing and proposed water, sewer, drainage, ingress/egress easements, roadway dedications, traveled ways and drainage courses must be clearly shown on the map; the completion of any/all proposed easement vacations needs to be performed as part of the final parcel 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 parcel map to be resubmitted for further consideration.
8. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
9. Additionally, the owner shall include the dedication of an eleven-foot wide strip of land along Packard Drive frontage to ensure the compliance with the public ultimate right-of-way requirements.
10. Prior to the parcel map approval, the Title Company must submit a **Final Subdivision Guarantee** to the Engineering Department.
11. 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 parcel map recordation; adequate **monumentation bond** is required prior to the final parcel map approval.
12. Prior to the parcel map approval or the issuance of the building permits, whichever occurs first, Applicant/Developer shall post **surety bonds** for the proposed public improvements, including but not limited to: driveway approach, sidewalk, curb and gutter, street paving, streetlights, parkway landscaping, water, sewer, storm drain improvements, existing and proposed overhead lines undergrounding.
13. Prior to the issuance of the Certificate of Occupancy Applicant/Developer shall provide proof of the parcel map recordation. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.

Los Angeles County Fire Department


14. The Final Map shall be submitted to our office for review and approval prior recordation.

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15. A fire flow availability form, FORM 195, is required prior to building permit issuance. The form shall be submitted concurrently with the architectural plan to the jurisdictional Building and Safety office for review and acceptance.
16. An approved automatic fire sprinkler system is required for the proposed buildings within this development in compliance with the County of Los Angeles Building and Fire Codes.

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

APPROVED AND ADOPTED THIS 23RD DAY OF OCTOBER 2019.




DR. KYLE BROWN
PLANNING COMMISSION CHAIRPERSON

ATTEST:



GUSTAVO N. GONZALEZ, AICP
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

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

AYES: Brown, Grajeda, Camacho, Urey and Kercheval.

NOES: None.

ABSTAIN: None.

ABSENT: Bunce and VanderMolen.

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.

I:\Development Services\Planning_Case Files_Case Files\Current\San Antonio Ave\South\1349\CUP & TPM\Staff
Report and Resolution