



# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** October 13, 2021

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** **TENTATIVE TRACT MAP NO. 83313 (TRACTMAP 15269-2021):** A request to subdivide a 3.58 acre site under a Tentative Tract Map for condominium purposes in association with the development of 38 detached, two-story, residential units, as well as on-site and off-site improvements including, utilities, private streets, and open space for a property located at 528 E. Grove St.

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission move to close the public hearing and approve Tentative Tract Map No. 83313 (TRACTMAP 15269-2021) per staff's recommendation, subject to the findings and conditions of approval included in the draft resolution (Attachment 1).

### EXECUTIVE SUMMARY

The applicant is requesting to subdivide a 3.58 acre site located at 528 E. Grove St. under a Tentative Tract Map for condominium purposes in association with the development of 38 detached, two-story, residential units, as well as on-site and off-site improvements including utilities, private streets, and open space. The proposed project is consistent with the place type and transect zone designations 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.

**PROJECT/APPLICANT INFORMATION**

<b>Address</b>	528 E. Grove St.
<b>Assessor's Parcel Number (APN)</b>	8367-011-007
<b>Lot Size</b>	3.58 acres
<b>General Plan Place Type</b>	Residential Neighborhood
<b>General Plan Transect Zone</b>	T3
<b>Zoning District</b>	R-1-7,500
<b>Historic District</b>	N/A
<b>Specific Plan</b>	N/A
<b>City Council District</b>	No. 6
<b>Applicant</b>	Crestwood Communities
<b>Property Owner</b>	Farhad Zomorodi

**RELATED ACTIONS**

<b>Historic Preservation</b>	N/A
<b>Code Enforcement</b>	CE-017800-2021; Closed 7/2/2021 – Unsecure Property CE-17005-2020; Closed 1/14/2021 – Junk, Trash, & Debris
<b>Building &amp; Safety</b>	N/A
<b>Planning</b>	N/A

**PROJECT BACKGROUND & DESCRIPTION**

The applicant is requesting to subdivide a 3.58 acre site located at 528 E. Grove St. (Attachment 2 and 3) under a Tentative Tract Map for condominium purposes in association with the development of 38 detached, two-story, residential units, as well as on-site and off-site improvements including, utilities, private streets, and open space (Attachment 4). The subject site is currently developed with a vacant public assembly structure and parking lot in poor condition. The majority of the site is undeveloped and covered in dry vegetation. The vacant assembly structure and associated improvements will be demolished as part of the development. Access to the site will be provided by two (2) new entries along East Grove St. The two entries lead to a single private street that will loop around the neighborhood. A four (4) foot sidewalk is provided along the entirety of the private street providing pedestrian access. A common open space area will be provided and include a meandering walking path, tot lot, and barbecue area with trellis. Private open space in the form of backyard areas that are provided for each unit. Each unit also includes a two-car garage and driveway area to accommodate up to one or two additional parking spaces, depending on vehicle size. The table below provides a summary of the proposed unit mix:

**Table 1. Unit Mix Summary**

	<b>Plan 1</b>	<b>Plan 2</b>	<b>Plan 3</b>
<b>First Story</b>	747 sf	747 sf	803 sf

<b>Second Story</b>	1,161 sf	1,254 sf	1,267 sf
<b>Living Space</b>	1,908 sf	2,001 sf	2,070 sf
<b>Two-Car Garage</b>	422 sf	420 sf	475 sf
<b>Total Area</b>	2,330 sf	2,421 sf	2,545 sf
<b>Bedrooms</b>	3	4	4
<b>Bathrooms</b>	2.5	2.5	2.5
<b>Building Height</b>	27'-0"	27'-0 <sup>3/4</sup> "	25-10 <sup>1/2</sup> "
<b>Stories</b>	2	2	2
<b>Quantity</b>	8	12	18

### **Senate Bill 330**

On October 9, 2019, Governor Newsom signed into law the Housing Crisis Act of 2019 also known as Senate Bill 330 ("SB 330"). SB 330 creates new state laws regarding the production, preservation and planning for housing. It amends the State Housing Accountability Act, Permit Streamlining Act and Planning and Zoning Law all under Title 7 of the California Government Code. The bill establishes a statewide housing emergency for five (5) years from January 1, 2020 to January 1, 2025.

On August 2, 2021, the City adopted an SB 330 Overlay District, to establish a discretionary basis to enable development at General Plan densities. The proposed project was submitted and deemed complete prior to the effective date of this Overlay, and is therefore not subject to a Development Plan Review.

SB 330 aims to increase certainty in the development process, speeding the review of new Housing Development Projects, preserving existing affordable housing and preventing certain zoning actions that reduce the availability of housing. Specifically, SB 330 does the following (emphasis added):

- Vesting. Creates a new vesting process for fees, zoning and land use ordinances, policies, and standards in place at the time that a preliminary application is submitted, with limitations;
- Historic Properties. Requires that the historic status or designation of any site be determined at the time an application for a discretionary action is deemed complete;
- Design Standards. Prohibits imposing or enforcing non-objective design review standards established after January 1, 2020;
- Time Limits. Shortens required permit review timeframes and limits the number of public hearings for housing projects that meet all applicable objective zoning standards;
- Downzoning Restrictions. Prohibits legislative actions that reduce total zoned capacity for housing (i.e. "downzoning") in the City and clarifies the circumstances under which Housing Development Projects may have their density reduced under the Housing Accountability Act;
- Housing Loss. Prohibits approval of a Housing Development Project that results in a net loss of housing units; and

- Protected Units and Tenant Protections. Creates new housing replacements, eviction protections, relocation assistance, and right-of-return requirements.
- **Rezoning Prohibition. Local agencies are prohibited from requiring an applicant to rezone a site if the housing development project is consistent with objective general plan standards and criteria.**

As noted above, SB 330 does not require a housing development to be rezoned if the property is consistent with the objective general plan standards and criteria. Government Code Section 65589.5(j)(4) states, *“a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.”*

In this case, the project site is zoned R-17,500 and would not permit the proposed density of 10.61 dwelling units per acre. However, the project site is designated as General Plan Place Type of Residential Neighborhood, which contemplates residential uses, as well as Transect Zone T3, which allow residential densities of up to 20 dwelling units per acre. Therefore, a Change of Zone is not be required because the proposed project demonstrates consistency with the project site’s General Plan Place Type and Transect Zone designations.

Government Code Section 65589.5(j)(4) also states, *“If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.”* According to State regulations, the City may only apply applicable development standards to the extent that they accommodate the allowed density for the subject site. If the application of an objective development standard would not accommodate the allowed density for the subject site, the City would be limited from applying that standard.

### **Applicable Code Sections**

Based on the proposed density of 10.61 dwelling units per acre, the applicable standards for the project are the Small Lot Residential Zone standards, to the extent that the standards accommodate the allowed density for the subject site. Further, pursuant to the Subdivision Map Act of the State of California and the City’s Subdivision Ordinance (Pomona City Code Chapter 29), the project requires the filing of a Tentative Tract Map for the proposed subdivision of the existing parcels for condominium purposes.

### **Surrounding Land Use Information**

The zoning, General Plan land use designation and existing uses for the surrounding properties are identified Table 2 below.

**Table 2. Land Use Summary**

	Existing Land Use	Zoning Designation	General Plan Designation
<b>Subject Site</b>	Public Assembly	R-1-7,500	Residential Neighborhood
<b>North</b>	Detached Residential	R-1-7,500	Residential Neighborhood
<b>South</b>	Detached Residential	R-1-7,500	Residential Neighborhood
<b>East</b>	Detached Residential	R-1-7,500	Residential Neighborhood
<b>West</b>	Detached Residential	R-1-7,500	Residential Neighborhood

## COMPLIANCE ANALYSIS

### Site Development Standards

Based on staff's analysis, the project meets and/or exceeds the minimum development standards of the Small Lot Residential Zone. Table 3 provides a summary of the required development standards of the Pomona Zoning Ordinance (PZO) for the proposed project.

**Table 3. Project Summary Table**

Standard	Small Lot Residential Requirement	Proposed Project	Compliance Determination
<b>Development Size</b>	10 acres min.	3.58 acres	No / Superseded by SB 330
<b>Density</b>	7-10 units per acre	10.61 units per acre	No / Superseded by SB 330
<b>Lot Size</b>	2,200 sf to 4,600 sf	2,683 sf to 4,166 sf	Yes
<b>Lot Dimension</b>	Min. Width 38 ft	40.4 ft to 57 ft	Yes
<b>Lot Dimension</b>	Min. Depth 46 ft	66.4 ft to 93 ft	Yes
<b>Unit Size</b>	3-bedroom: 1,900 sf	2,330 sf	Yes
<b>Unit Size</b>	4-bedroom: 2,070 sf	2,421 sf to 2,545 sf	Yes
<b>Building Coverage</b>	70%	31-48%	Yes
<b>Building Height</b>	35 ft or 3-stories	25 ft to 27 ft	Yes
<b>Front Yard</b>	5 ft (facing private street)	15 ft to 18 ft	Yes
<b>Side Yard</b>	None	10 ft to 16 ft	Yes
<b>Rear Yard</b>	5 ft	40 ft	Yes

<b>Building Separation</b>	6 ft	10 ft	Yes
<b>Private Open Space</b>	100 sf/unit min.	500 sf to 940 sf	Yes
<b>Common Open Space</b>	5% min.	6.4% or 10,000 sf	Yes
<b>Off-Street Parking</b>	Two-car garage/unit;	Two-car garage/unit	Yes
	One guest space/unit	One guest space	Yes

### **Land Use Compatibility**

The subject site is located in an area with properties used, zoned, and planned for residential uses. The proposed 38 units equate to a density of approximately 10.61 dwelling units per acre, which is consistent with the densities allowed by the Small Lot Residential 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.

### **Open Space, Landscaping, Fences and Walls**

The Small Lot Residential Zone development standards require usable open space provided in two forms: private and common. The proposed project will provide at least 500 square feet of direct private open space for each unit in the form of enclosed private yard areas and a total of 10,000 square feet of common open space which includes a tot lot, covered barbecue area, and meandering sidewalk. The proposed planting plan shows that the common open space area and front yard for each lot will be landscaped with a variety of trees, turf, shrubs and ground cover. Perimeter and interior walls will consist of 6 foot tall CMU split face block with cap.

### **Circulation & Access**

Vehicular access to the project site would be located at two driveways, both along E. Grove St. Both project driveways would contain two lanes (for ingress and egress), and provide full access to the project site. The project includes an on-site street for vehicular circulation and designated pedestrian sidewalks which would provide access to the proposed residences, outdoor common area, and visitor parking spaces. The two driveways are designed to ensure roadway visibility, pedestrian safety, and access between the project site and E. Grove St.

### **Tentative Tract Map for Condominium Purposes**

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 a Tentative Tract Map. The required findings are incorporated into the attached Resolution. In general, the proposed subdivision is consistent with the General Plan, is

physically suitable for type of development proposed, and is not likely to cause negative impacts to the surrounding neighborhood.

### **Site Maintenance Prior to Use**

The subject site currently consist of vacant public assembly structure and is not the subject of any open Code violations. Previously, a code violation for an unsecured property was closed on July 2, 2021 and a code violation for junk, trash, debris and overgrown vegetation was closed on January 14, 2021. However, to ensure that the property continues to be 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 to require that the owner submit a Trespass Arrest Authorization form to the Police Department within 30 days of receiving approval of the requested entitlements.

### **GENERAL PLAN CONFORMITY**

The project site is designated as General Plan Place Type Residential Neighborhood, which contemplates residential uses as well as Transect Zones T3, which allow residential densities of up to 20 dwelling units per acre. The proposed use and density are consistent with the sites' designated General Plan Place Types and Transect Zones. The project is consistent with the following General Plan goals:

- Goals 6G.G3: Improve neighborhoods exhibiting substandard conditions and declining private investment.
- Goals 6G.G7: Promote attractive community character as viewed from the public streets, while providing adequate buffer areas between homes and heavily-travel roads.
- Goals 6G.G9: Ensure continuity in development scale and character with careful transitions between areas of differing use composition and density.

The project is an appropriate improvement within the established residential properties within the surrounding neighborhood. 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**

Pursuant to the Guidelines for Implementation of the Environmental Quality Act (CEQA), the proposed project meets the criteria for an exemption under Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning) of CEQA. The proposed project is consistent with the City's General Plan; the proposed project will not result in any peculiar impacts that were not identified as a significant impact under the 2014 General Plan Update EIR (GPU EIR);

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 that were not identified as significant in the GPU EIR; the proposed project will not result in a potentially significant offsite impact or cumulative impact not discussed in the GPU EIR; the proposed project will not result in a more severe impact due to substantial new information that was not known at the time the GPU EIR; and the site can adequately be served by all required utilities and public services. Therefore, no further action is required and a Notice of Determination (Section 15094) will be filed indicating that the project is eligible for an exemption under CEQA Guidelines Section 15183. The environmental analysis and checklist is included as Attachment 5.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on October 1, 2021 and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on September 29, 2021 (Attachment 6). As of the date of this report, staff has not received any comments in opposition to the proposed project. Staff did receive a letter in support of the proposed project which is included as Attachment 7.

Respectfully Submitted:

Prepared By:

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## **ATTACHMENTS:**

- 1) Draft PC Resolution
- 2) Vicinity Map & Aerial Photograph
- 3) Site Photographs
- 4) Project Plans
- 5) CEQA Exemption Report
- 6) Radius Map & Public Hearing Notice
- 7) Letter of Support
- 8) Staff Presentation