



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: October 27, 2021

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **Conditional Use Permit (CUP 14390-2020), Tentative Tract Map No. 083188 (TRACT MAP 14391-2020) & Major Oak Tree Permit (14388-2020):** A request to merge two vacant lots together totaling 0.9 acres to develop 12, two-story, attached condominiums with two-car garages as well as associated on-site improvements including, utilities, landscaping, common and private open space. The request will require approval of a Conditional Use Permit, Tentative Tract Map, and Major Oak Tree Permit. The property is located in the R-2 (Low Density Multiple-Family Zone).

STAFF RECOMMENDATION

The Planning Division recommends the Planning Commission adopt the attached draft approving Conditional Use Permit (CUP 14390-2020), Tentative Tract Map No. 083188 (TRACT MAP 14391-2020) & Major Oak Tree Permit (14388-2020), subject to conditions (Attachments 1).

RECOMMENDED MOTION

"Move that the Planning Commission close the public hearing and approve the Conditional Use Permit (CUP 14390-2020), Tentative Tract Map No. 083188 (TRACT MAP 14391-2020) & Major Oak Tree Permit (14388-2020) per Staff's recommendation, subject to the findings and conditions of approval included in the draft resolutions."

EXECUTIVE SUMMARY

The applicant is requesting to merge two lots totaling 0.9 acres to construct 12 condominium units in the form of six, attached, two-story, residential buildings, as well as on-site improvements including utilities, landscaping 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, 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. The request meets Pomona Zoning Ordinance standards, requires no relief, and conforms to the 2014 General Plan.

PROJECT/APPLICANT INFORMATION

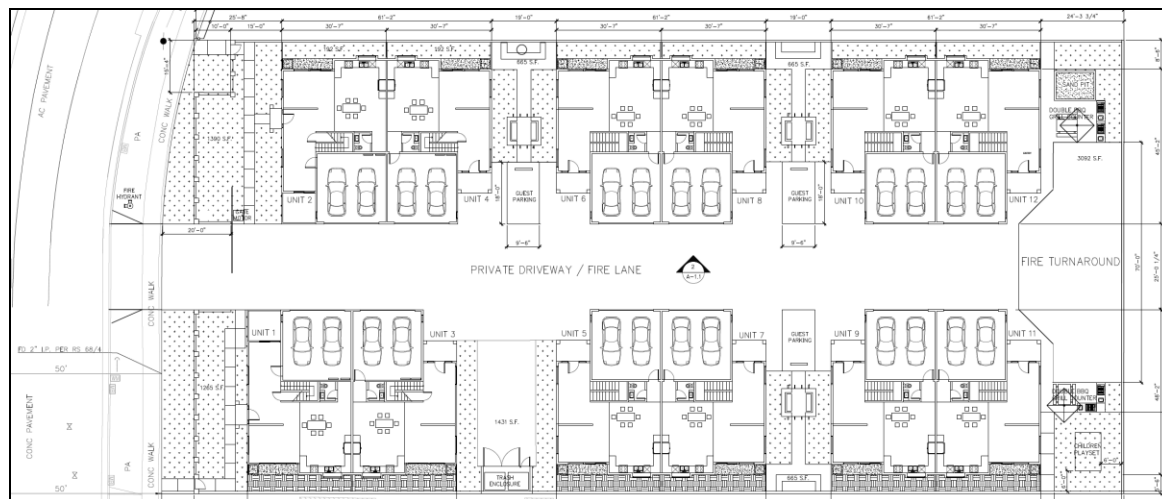
| | |
|---|--|
| Address | 1137-1149 W. Phillips Blvd. |
| Assessor's Parcel Number(APN) | 8343-012-015, 8343-012-016 |
| Lot Size | 0.9 acres |
| General Plan Land Use Designation & Transect | Residential Neighborhood, T- 3 & T4-B |
| Zoning District | R-2, S Overlay |
| Historic District | N/A |
| Specific Plan | N/A |
| City Council District | District 2 – Victor Preciado |
| Applicant | Jackson Huang |
| Property Owner | Khurshid Khan |

RELATED ACTIONS

| | |
|------------------------------|-----|
| Historic Preservation | N/A |
| Code Enforcement | N/A |
| Building & Safety | N/A |
| Planning | N/A |

REQUEST

The applicant is requesting approval to develop the subject site with a 12-unit, condominium housing development and associated on-site improvements. The development will consist of six, two-story buildings with two attached, three-bedroom units (Attachment 5). Each unit will have an individual two-car garage and private yard areas. The project also proposes three guest parking stalls, a centralized trash enclosure area, and common open space amenities.

Figure 1. Site Plan

APPLICABLE CODE SECTIONS

As established in PZO Section .440 (“S” Supplemental Use Overlay District), a Conditional Use Permit shall be required to approve the development of new structures on properties located within the Supplemental Use Overlay District.

As established in Municipal Code Chapter 29 (Subdivisions), and per the Subdivision Map Act of the State of California, a Tentative Tract Map shall be required to approve the creation of five (5) or more lots or for condominium purposes.

As established in PZO Section .5809-23 (Oak Tree Preservation), a Major Oak Tree Permit shall be required to approve the removal of one or more oak trees that have a diameter greater than eight (8) inches as measured four and one-half (4.5) feet above the mean natural grade.

LOCATION

The subject site is located at on Phillips Boulevard, across Palm Lake Golf Course (Permanently closed) and contains two parcels totaling 0.9 acres in area. The properties use to contain single residential units and have been demolished. The properties are now vacant and only vegetation and trees remain on the property (Attachment 4).

(continued on next page)

Figure 2. *Aerial of Location (Highlighted in Blue, 2019 Satellite Image, Courtesy Pomona GIS)*

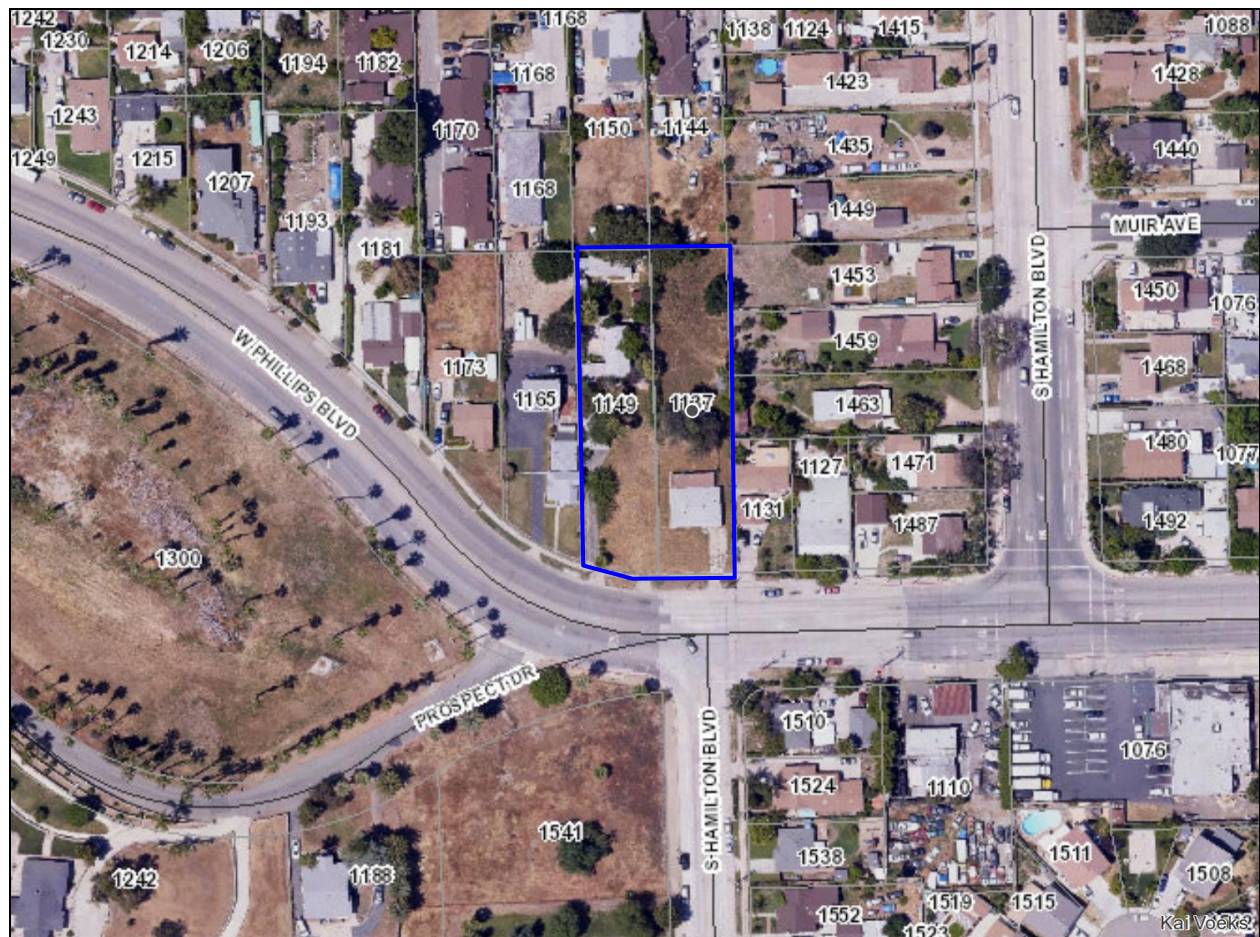


Table 1. *Surrounding Land Uses*

| | Existing Land Use | Zoning Designation | General Plan Place Type |
|---------------------|--------------------------------|--|---|
| Subject Site | Vacant | R-2, S & SB 330 Overlays | Residential Neighborhood |
| North | Low Density Family Residential | R-2, S & SB 330 Overlay | Residential Neighborhood |
| South | Low Density Family Residential | Open Space, R-1-6,000, S & SB 330 Overlays | Open Space, Neighborhood Edge, Residential Neighborhood |
| East | Low Density Family Residential | R-2, S & SB 330 Overlays | Residential Neighborhood |
| West | Low Density Family Residential | R-2, S & SB330 Overlays | Residential Neighborhood |

ANALYSIS

The project is subject to the R-2 (Low Density Multi-Family) Zone standards, which is intended to provide for new alternatives in house type for both owner and renter occupants, and provide for the amenities and characteristics of single-family development, at moderately higher densities. In order to provide the Planning Commission with a comparison of the required development standards and that of the proposed project, staff has prepared the following table for consideration.

Table 2. *Compliance Analysis*

| Standard | R-2 Zone Requirement | Proposed Project | Compliance Determination |
|---------------------------|---|---|---------------------------------|
| Site Area | 3,000 square foot (sf) min. | 37,164 sf (.85 acres) | Yes |
| Density | 7-15 units per acre | 14 units per acre | Yes |
| | Densities 11-15 Units per acre must include internal recreation space & have access to a collector. | Phillips is Minor Arterial | Yes |
| Lot Area | Attached units: 3,000 sf/unit; 12 units=36,000 sf | 37,164 sf | Yes |
| Units Sizes | Three-bedroom units; Minimum 1,300 sf Per unit | 2,090 sf | Yes |
| Front Yard | 25 ft. min. | 25 ft. | Yes |
| Side Yard | Minimum 5 ft. based on equal to one-half the adjacent building wall height (10') | 5 f.t. | Yes |
| Rear Yard | Minimum 20' based on the height of wall (top of plate) | 24' | Yes |
| Building Height | Maximum 35 ft./ 2 stories | 25'10"/ 2 stories | Yes |
| Private Open Space | Minimum 150 sf/unit for ground floor units & 90 sf/unit for above ground units | 192 sf in enclosed patio areas. 140 sf in balconies/unit | Yes |
| Common Open Space | Larger units: 100 sf/bedroom/unit for units over two bedrooms (400 sf) 3 bedroom units= 500 sf/unit; Total required: 6,000 sf | 6,518 sf | Yes |
| Landscaping | 20% of entire parcel shall be fully landscaped | 8,124 sf (22%) | Yes |
| Off-Street Parking | Minimum two-car garage/unit | Two-car garage per unit | Yes |
| Guest Parking | One guest parking space for every four units (three total) | 3 | Yes |
| Roof Pitch | 3:12 minimum | 4:12 | Yes |
| Roof Overhang | 16" minimum | 16" | Yes |

1. Parcel Access

The proposed project driveway would take access from West Phillips Boulevard. The site plan depicts a proposed access-controlled gate system at the center driveway. As the General Plan discourages gated communities, Staff has conditioned the project to disallow this gate, and to further condition that the two Phillips-facing residential units have clear, unobstructed paths of travel from the front door to the public rights-of-way. This would necessitate the removal of any fence or wall that would obstruct this path. Pedestrians would have direct access to the site along pathways at the southwest and southeast corners of the project frontage. The 25-foot-wide private driveway would include a hammerhead turnaround at the back of the property.

1. Architecture & Materials

The buildings will have varied massing and different use of materials between the different buildings types and stories. The materials selected consist of stucco, wood siding, wood shutters and the color scheme for each building will vary from brown, grey and beige. The lattice shade structure accent the elevation and provide massing relief and addition to the use of horizontal versus vertical material on the walls.

2. Open Space

The common open space areas will be provided in the form of covered seating areas located within courtyard areas in between the units, and a larger common space area located in the north part of the development. This larger common open space area consist of two double barbecue grill counter areas with benches, seating and shade structures, a sandpit and children's play' set. A six-foot high decorative masonry wall along the side and rear property lines will also enclose the development.

3. Landscaping

The proposed project would include approximately 8,000 sf of landscaping including two Coast Live Oaks, eight Forest Pansy Eastern Redbuds, and 15 Fern Pines, and a variety of shrubs and groundcover. The project would comply with the City's water efficient landscape ordinance. The landscape area would include common space amenities such as barbecue stations, a sand pit with benches, and sod. In addition, each unit would include a private backyard.

4. Oak Tree Replacement

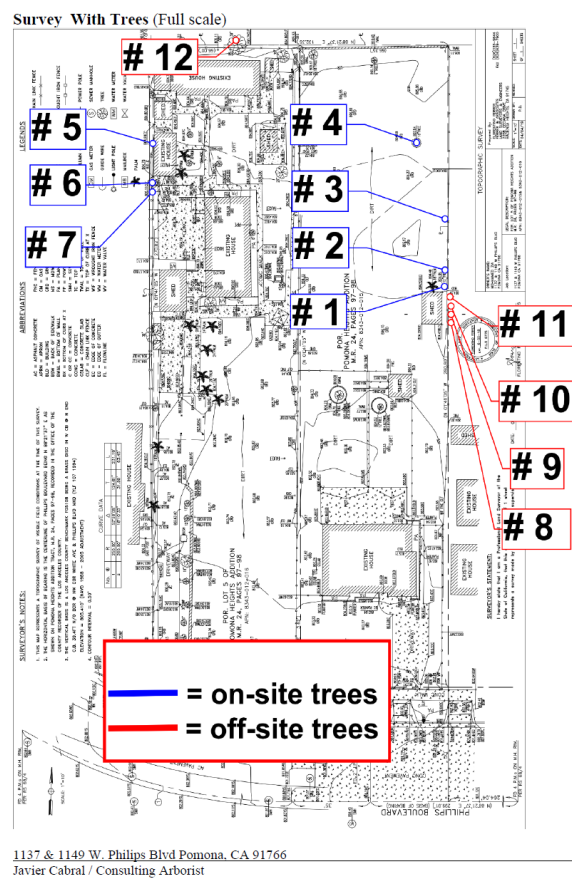
An arborist report was conducted to identify any protected trees on the subject site (Attachment 6). According to the arborist report and subsequent memorandum dated October 19, 2020, four Coast Live Oak trees were identified on site. Eight additional trees were identified (including off-site trees in the public rights-of-way), though these species are not protected. Of the four oak trees, two trees are not protected because their trunk diameter is not greater than eight inches. Table 3 and Figure 3 below outlines the tree inventory list and locations on site.

Table 3. *Tree Inventory List*

| Tree # | Scientific Name | Common Name | Number of Stems | Total DBH (Inches) |
|--------|-------------------------------------|--------------------------|-----------------|--------------------|
| 1 | Evergreen Ash | Fraxinus Uhdei | 3 | 1+2+3 |
| 2 | Tree of Heaven | Ailanthus Altissima | 4 | 1+2+2+2 |
| 3 | Coastal Live Oak | Quervus Agrifolia | 3 | 1+1+4 |
| 4 | <i>Coastal Live Oak¹</i> | <i>Quervus Agrifolia</i> | <i>4</i> | <i>3+7+10+11</i> |
| 5 | Coastal Live Oak | Quervus Agrifolia | 1 | 6 |
| 6 | <i>Coastal Live Oak¹</i> | <i>Quervus Agrifolia</i> | <i>1</i> | <i>10</i> |
| 7 | Tree of Heaven | Ailanthus Altissima | 2 | 3+4 |

Notes:

1. Qualifies for Oak Tree Protection Status because its trunk diameter size is greater than eight inches.

Figure 3. *Location of Trees per Arborist Report dated March 20, 2020*

First Protected Oak Tree (Tree # 4)

Based on tree health, the first oak tree (Tree # 4) is considered a potential candidate for relocation; however, due to its size and multiple tree trunks, relocation presents an increased potential for tree failure, and decreased chance of successful reestablishment according to the arborist report. The arborist report recommends a new tree to be planted in a size and location on the site where it can grow and thrive for many years instead of risking disease on a tree that will be challenged to survive all of the risks and challenges of transplanting. The City Arborist reviewed the report and examined the oak trees on site and concluded that there are no inherent tree conditions that call for removal. The applicant explored alternatives of relocating Tree #4, but the amount of area needed for a significant mature tree to be replanted was limiting. The rear yard is unavailable for tree planting as it is needed to accommodate the hammerhead turnaround for Los Angeles County Fire, which must remain unobstructed, and the front yard is not large enough to accommodate the canopy size and tree trunk circumference. Further, if the Oak Tree were to remain in place, the proposed development would reduce the total number units by one or two units. Based on the evidence available, Staff concluded that the proposed removal of the Oak and replacement planting is necessary as keeping it in place would impede the planned improvement or proposed use of the subject property as alternative development plans could not achieve the same permitted density without violating the Pomona Zoning Ordinance and General Plan (See Finding 2 in Draft MAJOTP Resolution in Attachment 3).

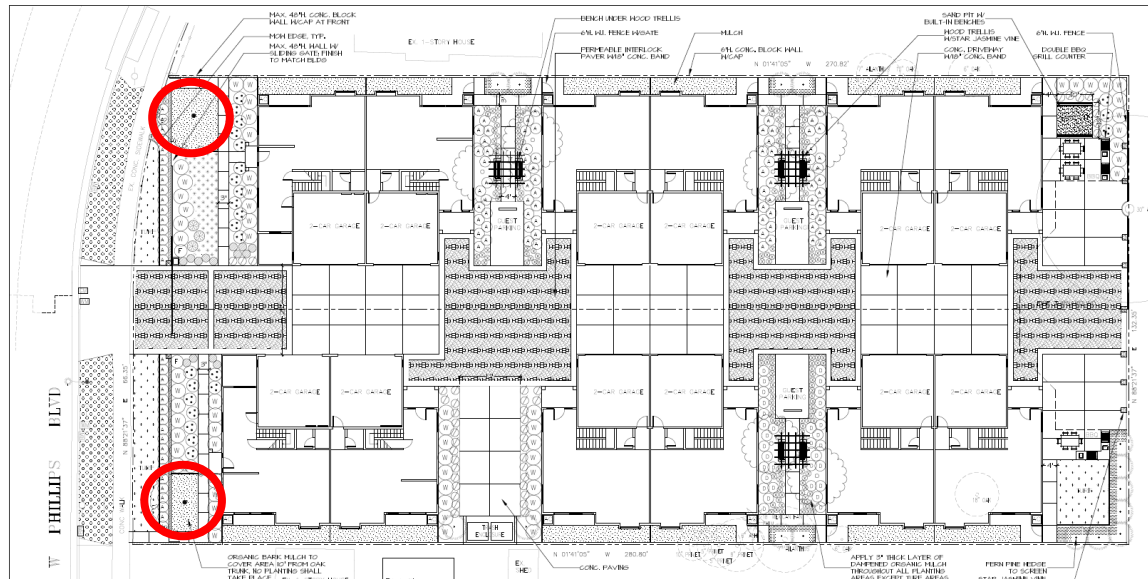
Second Protected Oak Tree (Tree # 6)

The second oak tree (Tree # 6) is recommended for removal due to it overgrowing against the perimeter fencing. The City Arborist also recommended removal due to its location on the property line, poor structure, and the likelihood of becoming hazardous as it continues to grow. Based on the evidence available, Staff concluded that the proposed removal of the Oak and replacement planting is necessary as it poses a danger as it continues to grow (See Finding 5 in Draft MAJOTP Resolution in Attachment 3).

Proposed Replacement of Both Oaks

The applicant is proposing to replace the two oak trees with two new, 36-inch box Coast Live Oak Trees in the front yard area. This dimension is 12 inches larger than what is required for replacement by the Pomona Zoning Ordinance, which requires a minimum of 24 inches.

Figure 4. *Proposed Location of Replacement Oak Trees (highlighted in red)*



5. Traffic

Staff has reviewed the project for potential traffic impacts generated by the proposed use. Public Works Staff determined that the project would generate fewer than 50 peak hour trips; therefore, a Traffic Impact Study (TIS) was not required for the project. A Traffic Sight Distance Analysis (TSDA) was required for the project to analyze potential turning movement conflicts generated by the project driveway (Attachment 8).

Figure 5. *Left/Right Clear Sight Triangles*



The study concluded that there are potential safety conflicts and that adequate sight distance is not provided for left-turn movements out of the project driveway due to the horizontal curvature of West Phillips Boulevard and numerous potential obstructions within the clear distance triangle, including on-street parked vehicles, utility poles, overgrown shrubs and trees and fencing on adjacent private properties. The TSDA concluded with the following recommendations that consist of the installation of appropriate signage and striping modifications for southbound traffic from the project driveway to accommodate the following traffic roadway improvements:

1. *A “no left turn” sign to restrict vehicle egress to right turning movements only. Location to be determined by Public Works.*
2. *A two-way left turn lane on Phillips Blvd.*
3. *A “stop” sign to encourage drivers to take caution exiting the project driveway.*
 - a. *A “cross traffic ahead” sign below the stop sign*
 - b. *A limit line*
 - c. *A “stop” pavement marking*

6. Tentative Tract Map

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 Parcel Map. The required findings have been 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.

7. Site Maintenance Prior to Use

The subject site is currently vacant and does not have any open code cases or violations. However, 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 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 CONFORMANCE

The project falls within two Transect Zones, T-3 and T4-B, which allow residential densities ranging from 20 to 40 dwelling units per acre and between 2.5 to 3 stories maximum, respectively. In instances where a single parcel contains multiple transects, Staff has the ability to interpret applicable transects. Per Chapter 7-A of the General Plan (page 86), transect classifications “represent adopted City policy” and “are meant to be broad enough to give the City flexibility in implementing City policy, but clear enough to provide sufficient direction to

carry out the vision of Pomona Tomorrow outlined in the General Plan.” Therefore, the transect boundaries contained in the General Plan serve only as graphical representations, and not true boundary lines, which enables Staff to make administrative interpretations in instances where a proposed building footprint does not entirely fit within the graphical boundary depicted. In the proposed project, the parcel majorly falls within the T-3 Transect, which permits 2.5 stories and 20 dwelling units per acre.

To that end, the project is consistent with the City’s existing General Plan land use designation of “Residential Neighborhood” in that the project proposed a density of 14 units per acre and 2 stories. As such, the project promotes the following goals from the General Plan:

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

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

“Provide a landscape buffer between public sidewalks and housing or existing perimeter sound walls.

- *Plant shrubs, turf, ground cover and clinging vines within the landscaped area.*
- *Where possible, terrace walls to provide pockets for landscaping*
- *Provide openings in long, continuous stretches of existing sound and perimeter walls for pedestrian circulation.”(Policy 6G. P8)*

“To enhance the pedestrian environment, look for ways to provide multiple access points, through-streets and interconnectivity for all neighborhoods.” (Policy 6G. P2)

“Establish a prioritized public space network improvement program that includes measures to strengthen stable neighborhoods with new open space and street improvements.” (Policy 6G. P2)

The project is an appropriate improvement within the established single- and multi-family 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 increase housing opportunities for the community.

ENVIRONMENTAL REVIEW

Pursuant to the Guidelines for Implementation of the Environmental Quality Act (CEQA), the proposed project meets the criteria for a Class 32 (In-fill Development) Categorical Exemption pursuant to Section 15332 of the CEQA guidelines in that the project involves the development of twelve residential units. An environmental review to support this exemption finding was conducted by an on-call environmental consultant from the City’s approved on-call planning and environmental services list. As the study concluded (Attachment 9), the proposed project is

consistent with the City's General Plan and Zoning Ordinance; 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. A condition of approval has been added to require noise blanketing during construction of the proposed development to reduce noise impacts.

Staff also analyzed the project in accordance with CEQA Guidelines for evaluating traffic impacts using the VMT methodology. The City's Transportation Study Guidelines for VMT & LOS provide the methodology for analyzing VMT. Multi-family residential projects that include fewer than 200 units are screened out for further analysis of VMV impact. Therefore, the proposed project would not constitute a VMT CEQA impact.

Based on the conclusions of the environmental review conducted to date, Staff recommends that the Planning Commission adopt the Class 32 (In-Fill Development) Categorical Exemption for the proposed project.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published on October 15, 2021 in the Inland Valley Daily Bulletin and was mailed to the owners and occupants of properties within a 400-foot radius of the subject site (Attachment 8). As of the date of this report, Staff has not received any correspondence either supporting or opposing the proposed project.

CONCLUSION

Respectfully Submitted:



Ata Khan
Planning Manager

Prepared By:



Lynda Ramos
Assistant Planner

ATTACHMENTS:

1. Draft CUP Resolution 21-028
2. Draft TTM Resolution 21-029
3. Draft MAJOTP Resolution 21-030
4. Site Photographs
5. Project Plans
6. Protected Tree Report
7. Sight Distance Analysis
8. Public Hearing Notice
9. Environmental Review
10. Staff Presentation