

**PC RESOLUTION NO. 25-009**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 21812-2023) TO ALLOW AN EXPOSED PARKING GARAGE AS PART OF A PROPOSED THREE STORY, MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 20 CONDOMINIUM HOUSING UNITS ON A NET 0.45-ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE IN THE WORKPLACE GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN (APN: 8371-018-041, 8371-018-042).**

**WHEREAS**, the applicant, Daphne Shen from CDA+PDG, has submitted an application for Conditional Use Permit (CUP 21812-2023) to allow for an exposed parking garage as part of a proposed three story, multiple-family residential development consisting of 20 condominium housing units on a net 0.45 acre lot located at 2145 N. Garey Avenue (APN: 8371-018-041, 8371-018-042);

**WHEREAS**, the applicant has concurrently submitted an application for Development Plan Review (DPR 21813-2023) to develop a net 0.45-acre site, with 20 attached multi-family residential condominium units and Tentative Tract Map (TRACTMAP 21814-2023) for condominium purpose;

**WHEREAS**, the subject property is currently located within the Workplace Gateway Segment of the Pomona Corridors Specific Plan (PCSP);

**WHEREAS**, in accordance with Section 2.7.2.E of the Pomona Corridors Specific Plan a Conditional Use Permit (CUP) is required for exposed parking structures;

**WHEREAS**, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 11, 2025, concerning the requested Development Plan Review (CUP 21812-2023);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.** In compliance with the California Environmental Quality Act (CEQA) guidelines, staff has determined that the proposed project meets the criteria for a Class 32 Categorical Exemption pursuant to Section 15332, (In-Fill Development Projects) of CEQA. 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. Therefore, no further action is required and a Notice of Exemption will be filed indicating that the project is eligible for a Class 32 Categorical Exemption pursuant to Section 15332.

**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 1160.D.4. of the Zoning and Development Code, the approving body shall make the findings below in order to approve Conditional Use Permit (CUP 21812-2023). 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 scale and intensity of the proposed use would be consistent with the scale and intensity of land uses intended for the particular zoning district or use module as indicated in the General Plan.*

The scale and intensity of the proposed use is consistent with the scale and intensity of land uses intended for the Workplace Gateway Segment of the Pomona Corridors Specific Plan. The scale and intensity of the proposed use is also consistent with the General Plan Place Type designation of Neighborhood Edge Type, which includes “grand scale buildings, compatible with medium scale multi-family housing and townhomes in areas envisioned to have a more residential character.”

2. *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the goals, policies, plans and exhibits of the General Plan.*

The proposed use at the proposed location is consistent with the goals policies and exhibits of the General Plan. The property is designated Neighborhood Edge Place Type, and is intended to accommodate larger scale development, more suitable for wider, heavily trafficked roadways which function as buffers for the residential neighborhoods behind them.

3. *The proposed use at the proposed location, and the manner in which it will be operated and maintained, is consistent with the objectives and requirements of this Zoning and Development Code and any applicable specific plan.*

The proposed use at the proposed location is consistent with the requirements and guidelines of the Workplace District Segment of the Pomona Corridors Specific Plan.

4. *The establishment, maintenance, and operation of the proposed use at the proposed location would not be detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*

The establishment, maintenance, and operation of the proposed use at the proposed location will not be detrimental or injurious to property and improvements within the vicinity, nor will it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood. The project will comply with all development and design standards of the Workplace Gateway Segment of the PCSP, as conditioned. The project is not anticipated to generate noise, traffic, and lighting impacts detrimental to residents, occupants, and properties within the surrounding area and is consistent with the General Plan Place Type Designation.

5. *The establishment, maintenance, and operation of the proposed use at the proposed location would not create cumulative impacts that are detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health, safety, or general welfare of persons residing or working in the surrounding neighborhood.*

The establishment, maintenance, and operation of the proposed use at the proposed location will not create cumulative impacts that are detrimental or injurious to property and improvements within the vicinity, nor would it be detrimental to the health safety, or general welfare of persons residing or working in the surrounding neighborhood.

**SECTION 4.** Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 21812-2023) 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 Development Plan Review or any portion thereof:

## **PLANNING DIVISION**

### *General Conditions*

1. **Approved Plans and Modifications.** 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 June 11, 2025, and as illustrated in the stamped approved plans dated June 11, 2025. Any major modifications to the approved project plans shall be reviewed and approved by the Development Services Director 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 Development Services Director designee.
2. **Approval Period and Time Extension.** This approval shall lapse and become void if construction has not commenced under a valid building permit, within twelve (12)

months from the date of this approval (June 11, 2025), in accordance with PCSP Section 2.0.5(A)(6). The Planning Division may extend this period for a maximum of two, one (1) year extensions upon receipt of an application for a Time Extension request submitted by the applicant at least thirty (30) days before the expiration date of this approval, consistent with Pomona Corridors Specific Plan Section 2.0.5(A)(6).


3. **Indemnification.** 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 the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The City shall promptly notify the applicant of any Action brought and the City shall cooperate with applicant in the defense of the Action.
4. **Violation of Conditions.** In case of violation of any of the conditions of approval 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 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 Development Plan Review.
5. **Appeals.** The project is subject to a twenty (20) calendar day appeal period. Written appeals may be filed with the City Clerk within twenty (20) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within twenty (20) calendar days from the date of action by the Planning Commission.

6. Conditions of Approvals on Plans. Prior to plan check submittal, the applicant shall include all conditions of approval from Conditional Use Permit (CUP 21812-2023) Resolution No. 25-009 on the title sheet of the construction plans.
7. Trespass Authorization. Within thirty (30) days of approval of this Development Plan Review, the property owner shall execute a trespass authorization letter with the City to allow the Police Department to enforce trespassing on the subject property.
8. Monitoring. 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. Any unauthorized trespassing onto the property shall be reported to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation.
9. Workplace Gateway Segment. The applicant shall submit construction drawings for plan check to all required City of Pomona departments. Plans shall be consistent with all required development standards outlined in the Pomona Corridors Specific Plan Section 2.1.8 Workplace Gateway Segment outlined in Section 2.1.8.A Development Standards Chart.
10. Parking Garage Security. The proposed parking garage shall include the following requirements into the building plan check submittal:
  - i) Parking garage lighting shall illuminate directly between parking stalls as well as in the center of parking aisles.
  - ii) The interior of parking structures shall be painted light colors such as white to reflect light to interior the of the structure.
11. Parking Garage Video Surveillance Plan. Prior to issuance of a certificate of occupancy, a video surveillance plan shall be submitted for review and approval by the Pomona Police Department before the installation of video surveillance equipment. Surveillance cameras shall be installed and placed at entrances and exits of the parking garage, as well as interior areas and at elevator waiting areas and stairwells. Signage shall be provided, advising residents and visitors that video recording devices are in use. Cameras should record 24 hours a day and 7 days a week with clear signs indicating their operation. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days.

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

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Conditional Use Permit (CUP 21812-2023)  
2145 N. Garey Avenue  
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**APPROVED AND ADOPTED THIS 11TH DAY OF JUNE, 2025**

  
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MARCOS MOLINA  
PLANNING COMMISSION CHAIRPERSON

**ATTEST:**

  
\_\_\_\_\_  
GEOFFREY STARNs  
PLANNING COMMISSION SECRETARY

**APPROVED AS TO FORM:**

  
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MARCO MARTINEZ  
ASSISTANT CITY ATTORNEY

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

AYES: Molina, VanderMolen, Martin-Marshall, Camacho, Ontiveros, Beans, Rodriguez.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

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.