

PC RESOLUTION NO. 24-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP (TRACTMAP-19793-2022) TO SUBDIVIDE TWO VACANT PARCELS, TOTALING +/- .58 ACRES INTO 8 DETACHED, THREE-STORY DWELLINGS FOR A PROPERTY WITHIN THE PHILLIPS RANCH SPECIFIC PLAN, URBAN RESIDENTIAL/NEIGHBORHOOD ACTIVITY CENTER LOCATED AT 12 VILLAGE LOOP ROAD (APN: 8711022087, 8711022088)

WHEREAS, the applicant, Matt Waken, has submitted an application for Tentative Tract Map (TRACTMAP-019793-2022) to subdivide two parcels into 12 parcels, with eight residential lots, two dedicated to open space, and two dedicated to private roadways;

WHEREAS, the applicant has concurrently submitted a Modification of a Conditional Use Permit (CUP-019791-2022) to develop two vacant parcels, totaling +/- .58 acres into 8 detached, three-story dwellings as well as associated on-site and off-site improvements;

WHEREAS, the subject property is currently located within the "Urban Residential Neighborhood Activity Center District (UR-NAC) within the Phillips Ranch Specific Plan (PRSP);

WHEREAS, the subject site is designated as an "Urban Neighborhood" and "Activity Center" place type in the T4-A transect zone by the City's General Plan;

WHEREAS, on September 9, 2015, a Conditional Use Permit (CUP-14-056) was approved for the development of a 124 detached two- and three-story single-family residential units and two 3,000-square foot neighborhood-serving commercial structures;

WHEREAS, on October 19, 2015, the City of Pomona City Council approved and adopted Ordinance No. 4210, for to amend the Phillips Ranch Specific Plan (PRSP) by replacing the Neighborhood Commercial (N- C) designation with a new designation identified as Urban Residential Neighborhood Activity Center (URNAC) for a property located at 2- 16 Village Loop Road;

WHEREAS, the applicant is proposing the expansion of the existing residential development, which requires the subdivision of two parcels into 12 parcels to develop eight detached three-story dwelling units, two private streets, and two parcels dedicated to open space.;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on February 14, 2024 concerning Tentative Tract Map (TRACTMAP-19793-2022); 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, as follows:

SECTION 1. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Development Services Director finds that the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, Section 15332 (In-Fill Development) based on the following findings of fact:

- A. In 2014, the City of Pomona adopted a Final Environmental Impact Report (EIR) associated with the discretionary project, which analyzed the environmental impacts of the City of Pomona's General Plan Update (GPU), Corridors Specific Plan, Active Transportation Plan, and Green Plan. In conjunction with the certification of the GPU and PCSP EIR, a Mitigation Monitoring and Reporting Program (MMRP) was adopted. The proposed project site was previously studied under this Certified Final EIR.
- B. Pursuant to the provisions of CEQA (Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Section 15332 (In-Fill Development Projects) exempts projects characterized as in-fill development meeting conditions described in this section. These conditions and their applicability to the proposed project are outlined as follows:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The density, design, and infrastructure plan of the proposed development are consistent with the General Plan place type of Urban Neighborhood, adopted Specific Plan, and all applicable regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed project site is within the City of Pomona boundary, is approximately .58 acres, and is surrounded by residential and open space.

(c) The project site has no value as habitat for endangered, rare or threatened species.

The proposed project site is not identified in the adopted 2014 GPU Final EIR as a biological resource for threatened or endangered species nor is located within a Significant Ecological Area as designated by the County of Los Angeles. Thus, the project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Based on the adopted 2014 GPU Final EIR, the proposed project does not exceed the thresholds of significance outlined in Chapter 4, Environmental Impact Analysis related to traffic, noise, air quality, or water quality. Furthermore, a preliminary soils report concluded that the site is suitable for residential development.

(e) The site can be adequately served by all required utilities and public services.

As conditioned by the City of Pomona Public Works & Water Resources Department the site will be adequately served by all required utilities and public services.

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 a Tentative Tract Map. 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 Urban Neighborhood in that the proposed subdivision is designed appropriately to add value to its surrounding context by increasing opportunities for homeownership per General Plan Goals & Policies:

6G. G4: Establish active, pedestrian-oriented neighborhoods with a mix of housing and workplace development, including clean light industry, manufacturing, flex and incubator spaces, and live/work units.

6E.P1. Permit a range of multi-family residential and residentially compatible development types in clusters at major crossroads throughout the City as identified in Fig.6.3 Pomona Tomorrow and Fig.7-A.8 Transect Tomorrow.

7F.P8:

- Ensure that garages do not dominate streetscapes.*
- Locate parking to the side of or behind buildings and along alleyways to*
- Maintain an active street edge, especially where pedestrian activity is desired.*
- Allow for reductions of front yard setbacks*
- Incorporate design elements on the second level above garages (such as bay windows or balconies) to reduce the scale and visual dominance of the garage.*

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

The design of the proposed subdivision is consistent with the General Plan and the Phillips Ranch Specific Plan as demonstrated in the proposed projects plans. In addition, the development is compatible with the neighboring area.

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

The project site is physically suitable for housing and is currently undeveloped.

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

Adequate utilities, access roads, drainage, and other necessary facilities will be provided with the construction of the development. In addition, the proposed project density) is under the maximum threshold of density allowable of 70 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 Phillips Ranch Specific Plan 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.

Staff has no evidence of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, for all environmental impact categories identified in the 2014 certified Final Environmental Impact Report associated with the discretionary project and proposed subdivision.

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 approves Tentative Tract Map (TRACTMAP-19793-2022) 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 14, 2024, and as illustrated in the stamped approved plans dated February 14, 2024. 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 (2) years from the date of this approval (February 14, 2026), 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 the properties entering the existing 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.

8. 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.

PUBLIC WORKS DEPARTMENT

9. The development's tentative tract map shall be recorded as one final map and developed as one tract. Financial security for all public improvements shall be posted prior to the approval of the final map or the issuance of the building permits, whichever occurs first, to guarantee the construction of all public improvements for the proposed subdivision.
10. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779.
11. All existing and proposed easements for water/storm drain/sewer lines, ingress/egress, footings and ADA 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 unreasonably 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.

12. Prior to the tract map approval the Title Company must submit a Final Subdivision Guarantee to the Public Works Engineering Department.
13. 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.
14. The final map shall be recorded prior to the issuance of the Certificate of Occupancy to reflect the lot lines and easements. An e-copy of the final map with the Los Angeles County Recorder's Office official stamp must be submitted to the Public Works Engineering Department.

LOS ANGELES COUNTY FIRE DEPARTMENT

15. 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.

16. The Private Driveway proposed as private access throughout the development shall be labeled as "Private Driveway" on the Final Map. The portion of the private driveway intended for fire apparatus access shall be identified as "Fire Lane" on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement is required for all private driveways. Compliance required prior to Final Map clearance.
17. Fire hydrant improvement plans shall be submitted for review and approval prior to Final Map clearance.
18. The Final Map shall be submitted to our office for review and approval prior recordation.

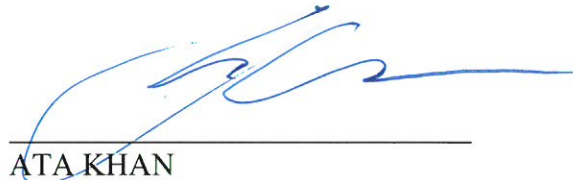
SECTION 5. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 2024.



ALFREDO CAMACHO
PLANNING COMMISSION CHAIRPERSON

ATTEST:



ATA KHAN
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



MARCO A. MARTINEZ
ASSISTANT CITY ATTORNEY

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

AYES: Camacho, Brown, Urey, Ontiveros, Kercheval.

NOES: None.

ABSTAIN: None.

ABSENT: Miranda Meza, 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.”

