



CITY OF POMONA PLANNING DIVISION

NOTICE OF DETERMINATION

TO:

[] County Clerk
County of Los Angeles
12400E Imperial Hwy., Rm. 2001
Norwalk, CA 90650

FROM:

City of Pomona
Development Services Department, Planning Division
505 S. Garey Ave.
Pomona, CA 91769

[X] Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

DATE: September 2, 2021

PROJECT NAME: Development Plan Review (DPR 15420-2021), Tentative Tract Map (TRACTMAP-15421-2021)

PROJECT APPLICANT: MLC Holdings, Inc.

PROJECT ADDRESS: 2769 N. Garey Avenue

PROJECT CITY: Pomona

PROJECT COUNTY: Los Angeles

PROJECT DESCRIPTION:

In 2014 the City of Pomona adopted a Final Environmental Impact Report (EIR), State Clearinghouse Number: 2012051025, which analyzed the environmental impacts of the City of Pomona's General Plan Update, Corridors Specific Plan, Active Transportation Plan, and Green Plan (hereafter collectively referred to as the GPU EIR). On March 3, 2014, the City Council adopted Resolution No. 2014-26 certifying the GPU EIR as meeting the requirements of CEQA. Additionally, on March 3, 2014, the City Council adopted Resolution No. 2014-27 approving General Plan Amendment (GPA) Number 13-007 to adopt the Pomona General Plan Update and approving the adoption of the Active Transportation Plan and the Green Plan as implementation tools of the General Plan Update.

According to State CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan), where a public agency has prepared an EIR on a specific plan after January 1, 1980, certain residential, commercial, and mixed-use projects undertaken pursuant to and in conformity to that specific plan are exempt from CEQA if the project meets the requirements of State CEQA Guidelines Section 15182(c). Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments. The Development Plan Review and Tentative Tract Map proposes the development of a 3.1-acre site with 73 three-story townhomes with attached garages (23.5 dwelling units per acre) as well as associated on-site improvements. The project site is designated as General Plan Place Type Transit-Oriented District: Core, and is located within the Transect Zone T6-B, which contemplates residential uses with densities of up to 100 dwelling units per acre.

Furthermore, if, after the adoption of the applicable specific plan, an event described in State CEQA Guidelines Section 15162 occurs, the exemption set forth in State CEQA Guidelines Section 15182(c) shall not apply until the city which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. These events, and their inapplicability to the proposed project, are outlined as follows:

1. "Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects"

The density, design, and infrastructure plan of the proposed development are consistent with the adopted Specific Plan in that the level and intensity of the proposed development are consistent with the PCSP as well as the General Plan. Therefore, this event is not applicable to the proposed project.

This Notice of Exemption has been filed in accordance with the provisions under paragraph 6 of Executive Order N-80-20 and paragraph 8 of Executive Order N-54-20.



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2. “Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”

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 Certified Final EIR. As the proposed project is under the maximum threshold of proposed density previously studied, and there are no nearby properties that have been developed since 2014 along the Garey Avenue corridor that have significantly deviated from the PCSP and General Plan, which could have necessitated a Staff study of new significant environmental impacts, nor any General Plan or Specific Plan Amendments adopted since 2014 in the project area that have increased the potential of new significant environmental impacts or previously identified significant effects, this event is not applicable to the proposed project.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

At the time of adoption of the Certified Final EIR, traffic impacts were analyzed using a Level of Service (LOS) model that studied roadway capacity on Garey Avenue for potential traffic and transportation impacts. Since that time, traffic impacts for CEQA purposes are now analyzed using a Vehicle Miles Traveled (VMT) model to measure transportation impacts. In May 2020, the City Council adopted thresholds for VMT. The City’s Transportation Study Guidelines for VMT provide screening for projects that are located within one-half mile of a Transit Priority Area (TPA). Projects located within a TPA may be presumed to have a less than significant impact on VMT unless one of the following criteria applies:

- a. Has a Floor Area Ratio (FAR) of less than 0.75;
- b. Includes more parking for use by residents, customers, or employees of the project than required by the City;
- c. Is inconsistent with the applicable Sustainable Communities Strategy; or
- d. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

The proposed project is located within one-half mile of the North Pomona Metrolink Station, a qualified TPA, and none of the four criteria above applies to the proposed project. Thus, the project will not have significant effects beyond what is discussed in the previous EIR. As such, no further analysis with respect to VMT is required for the proposed project.

Based on this analysis, a determination has been made that proposed project is exempt from CEQA pursuant to State CEQA Guidelines and no further environmental review is required of the proposed project’s adherence to State CEQA Guidelines Section 15182.

Pursuant California Code of Regulation 14, §753.5(e)(3), this Notice of Determination filing is not subject to the California Department of Fish and Wildlife (CDFW) environmental document fee. 14 CCR §753.5(e)(3) stipulates that only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife. This Notice of Determination for the project approval described herein does not required the CDFW fee because the approval relies upon the GPU EIR (State Clearinghouse No. 2012051025).



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This is to advise that the City of Pomona Planning Commission as the Lead Agency has approved the above described project on August 25, 2021 and made the following determinations regarding the project described above:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of project approval.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final Environmental Impact Report with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: City of Pomona, Development Services Department, Planning Division, 505 S. Garey Ave., Pomona, CA 91769.

LEAD AGENCY CONTACT:

Alina Barron, Assistant Planner
909-802-7729
alina_barron@ci.pomona.ca.us

CERTIFIED: