

DRAFT ZA RESOLUTION NO. 25-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING A DEVELOPMENT PLAN REVIEW (DPR-021912-2023) FOR THE FAÇADE REMODEL OF AN EXISTING EATING ESTABLISHMENT, INCLUDING THE DEMOLITION OF 154 SQFT, ADDITION OF 20 SQFT, AND REMOVAL OF DINING AREA, ON A PROPERTY LOCATED AT 100 E. HOLT AVENUE (APN: 8336-021-006, 8336-021-007, & 8336-021-008) WITHIN THE DOWNTOWN GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN AND DESIGNATED TRANSIT ORIENTED DISTRICT: CORE PLACE TYPE AND T6-B TRANSECT.

WHEREAS, the applicant, Gabriela Marks for Marks Architects, Inc., has submitted an application for a Development Plan Review (DPR-018543-2022) for THE major façade remodel of an existing eating establishment, currently operating as a “Jack-in-the-Box,” including the demolition of 154 square feet of the existing building, as well as a twenty (20) square foot addition and associated site improvements that will change the character of street facing facades, on a property located at 100 E. Holt Avenue (APN: 8336-021-006, 8336-021-007, 8336-021-008);

WHEREAS, the subject property is located within the Downtown Gateway Segment of the Pomona Corridors Specific Plan;

WHEREAS, the subject property is on a parcel designated as Transit Oriented District: Core Place Type by the Pomona General Plan;

WHEREAS, the approval of a Development Plant Review by the Zoning Administrator is required for any project within the Pomona Corridors Specific Plan area where the exterior façade renovations change the character of existing street facing facades or facades that are clearly visible from public right of ways, pursuant to Section 2.0.5.C.1.c of the Pomona Corridors Specific Plan;

WHEREAS, the Zoning Administrator of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 18, 2025 concerning Development Plan Review (DPR-021912-2023); and

WHEREAS, the Zoning Administrator 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 Zoning Administrator of the City of Pomona, California, as follows:

SECTION 1. The Zoning Administrator, exercising their independent judgment, has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorically Exempt under Section 15301, Class 1 exemption for existing facilities, from further environmental review in that the proposed project

involves the façade remodel of an existing eating and drinking establishment.

SECTION 2. In 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 2.0.5.A (4) of the Pomona Corridors Specific Plan, the Zoning Administrator must make the four findings listed below in order to approve a Development Plan Review (DPR-018543-2022). Based upon a 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:

- a. *The project is consistent with the City's General Plan and all applicable requirements of the Pomona City Code.*

The granting of the Development Plan Review to allow the project as conditioned is consistent with the Pomona General Plan and all applicable requirements of the Pomona City Code. The proposed request is within the "Transit Oriented District: Core" Place Type designation under the Pomona General Plan.

The proposed project specifically meets Pomona General Plan Goal 6B.G4 for "Transit Oriented Districts," which encourages new development to "*ensure that transit oriented districts are walkable, active, and well integrated into surrounding city districts and neighborhoods.*" Additionally, General Plan Policy 6B.P5 asks to "*install streetscape improvements to enhance walkability.*" General Plan Policy 6B.P3 requires developments to "*identify architectural treatments necessary to ensure that transit oriented districts to help promote a safe, family-oriented community environment.*" The proposed project, and its associated improvements, meets these policies and goals of the Pomona General Plan as it will create a safer site for both vehicle and pedestrian circulation, as well as improve access to the site by reducing the width of the driveways, providing bicycle parking, resurfacing driveways to be decorative.

- b. *The project will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood;*

The proposed project will not be detrimental to the general welfare of persons working or residing in the vicinity nor be detrimental to the value of the property and improvements in the neighborhood as the proposed project consists of the façade remodel of an existing structure and establishment. Among the modifications to the building is a 154 square foot demolition and the removal of any on-site dining and seating. Though this will change the use of the building, as defined by the Pomona Corridors Specific Plan, from an "eating and drinking establishment" to a "convenience use," this will not represent any intensification or expansion

of existing uses. The existing drive-through configuration, a use no longer permitted within the designated zone of Downtown Gateway Segment of the PCSP, will not be modified and will intensified. Several improvements either proposed or conditioned include: the reconstruction of the waste enclosure to better pedestrian safety and on-site vehicle circulation and to reduce visual prominence; the increase of landscaped area to provide additional parking lot shade and vehicle screening; and the reduction in size of the driveway access point on Garey Avenue to increase pedestrian safety and visibility. Because the use on site is existing and will not be intensified and the proposed site modifications will improve both pedestrian and vehicle usage on-site, the project will not be detrimental to the surrounding neighborhood.

- c. *The project will not adversely affect the Circulation Plan of this Specific Plan;*

Though the project proposes to reduce the number of on-site parking spaces from the existing thirteen to ten spaces, the site will continue to have adequate parking per the PCSP as the number of required spaces is nine. Additionally, the project site is located within ½ mile from the Pomona Regional Transit Center, a major transit stop serviced by both Metrolink and Amtrak Trains as well as both Foothill Transit and OmniTrans buses. Bicycle racks will be provided; minimum of two (2) bicycle racks for a total capacity of four (4) bicycles is proposed. There are a total of three existing driveways to the site with the driveway on Gaery Avenue to reduce in size from 31' to 24' wide, increasing pedestrian safety and visibility. Driveways are also conditioned to be reconstructed to comply with ADA standards and will be resurfaced with decorative concrete. The parking lot improvements include new restriping and patching. Additionally, the new location of the trash enclosure will ensure that its access doors will not be obstructing any vehicular drive aisle. The site will be able to accommodate any increase in traffic that may result from the project.

- d. *The project complies with the applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations;*

The project has been thoroughly reviewed and meets all applicable provisions of the Pomona Corridors Specific Plan and other applicable regulations, including all applicable development standards of the Pomona Zoning Ordinance such as the Water Efficiency Landscape Ordinance.

SECTION 4. Based on the above findings, the Zoning Administrator hereby approves Development Plan Review (DPR-021912-2023) subject to the following conditions:

PLANNING DIVISION

General Conditions

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Zoning Administrator on June 18, 2025, and as illustrated in the stamped approved plans dated June 18, 2025 and as conditioned. Any major modifications to the approved project plans shall be reviewed

and approved by the Zoning Administrator 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. 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 the applicant in the defense of the Action.
3. 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 Conditional Use Permit.
4. 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 Zoning Administrator.
5. This approval shall lapse and become void if the privilege authorized is not utilized within 12 months from the date of this approval (June 18, 2025), in accordance with Pomona Zoning Ordinance (PZO) Section .580.I. The Planning Commission may extend this period for one year 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.

6. 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.
7. 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 and report any unauthorized trespassing onto the property to the property owner and Police Department. Failure to comply with this condition shall be grounds for revocation of this Development Plan Review.

Plan Check

8. The applicant shall include all conditions of approval from Development Plan Review (DPR-021912-2023) on the title sheet of construction plans prior to plan check submittal. Plans shall be consistent with all required development standards in the Zoning and Development Code and Pomona Corridors Specific Plan (PCSP) as applicable.
9. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and electric transformers. Utility meters shall be screened from view from public rights-of-way. Backflow prevention devices shall not be located in the front yard setback and shall be screened from public view. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, utilities and/or equipment must be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas, and comply with required setbacks.
10. The installation of fences will require the submittal of a "Fence and Wall Permit" application for review and approval by the Planning Division. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be avoided to the extent feasible. The applicant shall coordinate with the adjacent property owner(s) and make reasonable attempts to construct one common property line wall.
11. The installation of signage shall require the submittal of a "Sign Permit" application for review and approval by the Planning Division. Any proposed signs shall be consistent with the applicable standards of the Pomona Corridors Specific Plan and Zoning and Development Code.
12. Prior to the issuance of any building permits, a *Landscape Plan Check* in substantial conformance to the conceptual landscaping plan shall be submitted as part of the Plan Check process. The Landscape Plan should further conform to the City of Pomona Water Efficient Landscape Ordinance, and applicable portions of the Zoning and Development Code. A landscaping maintenance bond shall be required and held for a period of one year

to ensure the project's compliance with the approved landscaping, at an amount to be determined by the Development Services Director.

13. The drive-through queuing lane at the southern end of the property shall be reduced in size to the extent feasible to accommodate an additional landscape planter. If feasible, this landscape area shall meet the Moderate or Heavy Landscape Screening requirements of the Pomona Corridors Specific Plan.
14. Additional trees shall be installed at existing landscaped areas around the drive-through queue, subject to the approval of the City Planner.
15. The existing concrete/paved area at the northern property line adjacent to the exit driveway of the drive-through (directly between the building and street) shall be replaced with landscaping.
16. All parking spaces shall have either a concrete wheel stop or a three-foot landscaped planter with a six-inch-high concrete curb.
17. Taller vegetation shall be installed, to the extent feasible, in the landscaped area between the parking area and Garey Avenue to screen parking. Selected plants should be at least 42" tall.
18. A six-inch-high curb is required between all landscaped areas and vehicle and parking areas.
19. Access points to the site, including all three vehicular drive-ways and the pedestrian pathway, shall be composed of decorative paving.
20. At landscaped areas by parking areas adjacent to streets or adjoining a side or rear property line shall have trees at a rate of one for every twenty linear feet of landscaping. Parking areas shall include the drive-through lane.
21. Bicycle racks must be provided on-site per the approval of the City Planner.
22. The proposed trash facility shall meet all applicable requirements of the Zoning and Development Code. The trash facility shall be designed to have a matching architectural style as the primary building.
23. A minimum 6' tall decorative screen wall shall be required to screen the drive-through queue from adjoining property. Wall shall be at the southern property line and be beyond the maximum front yard setback.
24. To screen vehicles using the drive-through facility and minimize associated headlight impacts, a minimum, continuous, and 42-inch-high landscape screen shall be established along the outer edge of the drive-through aisles between the drive-through

lane and the public right of way. Screening materials may include a combination of plant materials, raised planters, and other screening as approved by the Director.

Site Development & Maintenance

25. During demolition, grading, site development, and/or construction, all requirements of the PZO and Municipal Code, including the noise provisions, shall be adhered to. All activities including truck deliveries associated with construction and grading will be limited to Monday through Saturday, between 7:00 a.m. and 8:00 p.m., and provided the noise level created by such activities do not exceed the noise standard of 65 dB(A) plus the limits specified in section 18-311(b) as measured on residential property and any vibration created does not endanger the public health, welfare, and safety.
26. There shall be no activity conducted on the subject site that exceeds the noise and vibration parameters of Pomona City Code Section 18-301, *et seq.*, and City Council Ordinance No. 3939 at any time, or such other ordinance enacted related to noise and vibration.
27. The construction area shall be kept clean at all times prior to, during, and after construction.
28. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti shall substantially match the existing structure. In the event that the paint finish of the abated area is noticeably distinguishable from the rest of the structure, the property owner shall paint additional portions of the building to minimize the disparity, subject to the approval of the Planning Manager.
29. The property owner shall provide regular maintenance and cleaning of all exterior walkways, patios, canopies, sidewalks, and landscaped parkways in compliance with Pomona City Code 62-351.
30. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review (DPR-021912-2023).
31. Trash enclosure shall have a person door installed with numbered keypad to prevent illegal dumping on the premises.
32. The applicant shall conform to Section .5809-24 of the PZO pertaining to public art requirements for private development by complying with one of the following two options:
 - I. Placement of an approved Public Art on the Project site.
 - a) The Applicant may decide to place an approved Public Art on a private development site. The Public Art, and all eligible expenditures associated with installation of the Public Art (as described in the Manual), shall be in an amount equal to or in excess of the Public Art Allocation.

- b) A Final Design Plan of the Public Art to be installed on Project site shall be approved by the Commission before issuance of a building or grading permit for the Project.
- c) The Public Art shall be installed on the Project site before issuance of a Certificate of Occupancy, including any temporary Certificate of Occupancy, for the Project. In cases where the Public Art cannot be installed on the Project site before issuance of a Certificate of Occupancy, the Applicant may post a cash bond to assure installation of the Public Art. The cash bond shall be in an amount equal to the Public Art Allocation or an amount based on any remaining, unexpended artwork budget as determined by the Community Development Director. The bond shall not be released until the Public Art has been completed and installed on the Project site in accordance with the approved Final Design Plan.

II. Payment of an In-lieu Contribution.

- a) Rather than place an approved Public Art on the Project site, the Applicant may choose to pay an In-lieu Contribution. The In-lieu Contribution shall be submitted to the City and deposited into the Public Art Fund before issuance of any building or grading permit for the Project.
33. A photometric lighting plan will be submitted to Public Works for review of the proposed area of lighting that meets the minimum 1 FC requirement, including information of the light source type (ie LED) and Kelvin temperature. The plan shall be stamped and signed by a registered Professional Civil/Electrical Engineer in the State of California.
34. Before issuance of a zoning clearance and business license, the applicant and any successor in interest shall sign a certificate of compliance stating that:
- a. They have read and understand all the conditions of approval applicable to their project;
 - b. That they are familiar with the daily operations of the use; and
 - c. That the use will operate in compliance with the conditions of approval.
35. The property shall be maintained free of weeds and debris prior, during and after the construction period.

BUILDING AND SAFETY DIVISION

36. This project must comply with 2022 California Building Codes.
37. The undergrounding of utility facilities is required. (PMC 62-31)
38. The design must be reviewed and stamped by an architect or engineer licensed in the State of California – (Business and Professions code Sections 5537, 5538 and 6737.1)
39. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2022 California Building Codes.

40. All grading shall conform to the 2022 California Building Code, and all other relevant laws, ordinances and resolutions governing grading as adopted by the City of Pomona. The applicant shall obtain a grading permit from the Building & Safety Division prior to commencing any grading or site excavation.
41. All proposed work shall comply with the 2022 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
42. Proposed project shall comply with the 2022 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
43. Development Impact Fees shall be according to Ordinance #4309 and Resolution #'s 2021-57 & 2021-89. For more information contact the Planning Division (909) 620-2191
44. Building Department comments and conditions are subject to plan check. Comments are based on information provided.
45. Fence and wall plan required.

PUBLIC WORKS DEPARTMENT

46. The following conditions and public improvements, as well as all applicable plan check fees, permit fees and bond deposits shall be complied with, completed and paid for by the Developer in accordance with the City standards, fee schedules and applicable laws. Applicable Codes to include but not be limited to: California Subdivision Map Act, all applicable City of Pomona ordinances and resolutions, city of Pomona Water Code, City of Pomona Standard Drawings and Fee Schedule, Construction Standard Specifications for Public Works construction, Los Angeles County Department of Public Health requirements, California Code of Regulations, Title 22, California Department of transportation Highway Design Manual.
47. All the required plans, studies and calculations shall be performed by a registered civil engineer or other registered/licensed professional as required, and submitted for review and approval of the City Engineer

Land Development

48. Property Owner shall submit a Lot Merger application for the consolidation of four (4) legal lots (APNs 8336-021-006, -007 & -008) into one parcel; the application shall be submitted to the Public Works Department for review and approval and shall be recorded prior to the issuance of building permits.

Improvement Plans Requirements

49. Prior to issuance of the building permit the Applicant/Developer shall submit written

notifications to the (non-City) property owners as indicated on the Development Plan Review [DPR] meeting notification list regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public serves (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development and outline the City approval process (City review, public notification, DPR approval, plans on record, etc.).

50. Stormwater: Applicant/Developer shall implement Good Housekeeping BMPs for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
51. The demolition or relocation of all existing public improvements (street lights, signs, trees, vaults, catch basins, hydrants, etc.) due to the proposed project construction must be coordinated and agreed upon by the appropriate City departments, shall be designed per City Standards and applicable ADA requirements, and must be reviewed and approved by Public Works Engineering Department.
52. Applicant/Developer shall identify the existence of all City utilities that may be in conflict with the development and submit protection measures to the City Engineer for those City utilities.
53. Owner is responsible for the compliance with the special annual levy assessment derived from the current inclusion of the project site into the City's Street Lighting and Landscaping Maintenance District. The Developer shall disclose to any future buyers that the property is within the City of Pomona Lighting and Landscaping Maintenance District and is subject to annual special taxes.
54. Plans shall be submitted on 24" x 36" sheet size with a standard City title block, and must correctly identify the property owner, address, legal description, property lines, street centerline, curb-lines, existing and proposed utilities (water, sewer, and storm drain), utility easements, and public right-of-way areas with dimensions.

Public Works Improvements Permit

55. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.
56. **Prior to the issuance of the building permits or the approval of the offsite improvements plans, whichever occurs first, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: driveway approaches, curb, gutter, sidewalk, corner ramp and street paving.**
57. Permittee shall procure and maintain throughout the period of the Permit the following policies of insurance:
 - a. Commercial General Liability;

- b. Automobile Liability;
- c. Worker's Compensation as required by the State of California;

Note: The Commercial General Liability and the Automobile Liability policies shall include the City of Pomona as additional insured.

- 58. Permittee shall pay fees associated with and possess the City of Pomona Business License.
- 59. Changes and additions to the proposed work, including but not limited to detail plans for street improvement work, water plans and/or other work associated with this project and due to developer's or City's request shall require additional conditions to be completed by the applicant.

WATER RESOURCES DEPARTMENT

- 60. The City of Pomona Water Resources Department (WRD) has completed its review of the proposed restaurant remodel at 100 E. Holt Avenue. Based on the information provided with submittal documents, dedicated water, sewer, and stormwater plans are not anticipated for this project.

Water

- 61. There is an existing 1-inch water meter (Meter No. 1352380) serving the property with an existing reduced pressure principle assembly (RP) for backflow protection, which is presently in compliance.
- 62. Static water pressure at the site is approximately 45 psi at an elevation of 875 feet.

Sewer

- 63. There is an existing sewer lateral serving the property.

SOLID WASTE DIVISION, PUBLIC WORKS DEPARTMENT

- 64. Trash enclosure shall be of adequate size to accommodate at least one 4-yard container for trash, one 4-yard container for recycle, and one 95-gallon cart for organics.

LACFD, FIRE PREVENTION DIVISION

- 65. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required for this project prior to building permit issuance. Please contact the Fire Prevention Engineering Section at 909 569-0758 for additional information and EPICLA submittals.

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

APPROVED AND PASSED THIS 18th DAY OF JUNE, 2025

ATA KHAN
ZONING ADMINISTRATOR

ATTEST:

GEOFFERY STARNES, AICP, AIA, LEED AP
ZONING ADMINISTRATOR SECRETARY

APPROVED AS TO FORM:

MARCO A. MARTINEZ
DEPUTY CITY ATTORNEY

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.