

PC RESOLUTION NO. 08-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING CONDITIONAL USE PERMIT (CUP 07-018) TO ALLOW A PROPOSED 7,009 SQUARE-FOOT BUILDING FOR A CHURCH AND CHILDCARE CENTER USE ON A 41,752 SQUARE-FOOT SITE IN THE R-1-7,200 (SINGLE FAMILY RESIDENTIAL) ZONE ON PROPERTY LOCATED AT 874 EAST ARROW HIGHWAY

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, the applicant, Tracy Vann, has submitted an application for Conditional Use Permit (CUP 07-018) request to allow a proposed 7,009 square-foot building for a church and childcare center use on a 41,752 square-foot site in the R-1-7,200 (Single Family Residential) zone on property located at 874 East Arrow Highway;

WHEREAS, the subject property is located within the R-1-7200 zone (Single Family Residential);

WHEREAS, the subject property is on parcels designated as "Single Family Residential" on the General Plan Land Use Map;

WHEREAS, a Conditional Use Permit is required for a church and childcare use in the R-1-7200 zone;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on February 13, 2008 concerning Conditional Use Permit (CUP 07-018); 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. The Planning Commission exercising their independent judgment has determined that pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), that the project is Categorically Exempt under Section 15303, Class 3 (New Construction of Small Structures) of CEQA, in that the use and proposed building will not result in more than 10,000 square feet of floor area, the proposed project is in an area where all public services and facilities are available, and in which is not environmentally sensitive.

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. Pursuant to Section .580.B of the Zoning Ordinance, the Planning Commission must make the five findings listed below in order to grant Conditional Use Permit (CUP 07-018). 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:

1. *The proposed use at the particular location will contribute to the general well-being of the neighborhood or community.*

The proposed use of a church will contribute to the general well-being of the neighborhood or community in that the project, as conditioned, will not create adverse impacts on the surrounding area. The proposed development of the site will complement the character of the existing neighborhood, will provide additional landscaping throughout the site and improve the aesthetic appeal of the building and overall site.

2. *Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.*

The proposed project will be developed in compliance with the latest adopted editions of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code and the National Electrical Code. The proposed project will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the vicinity; instead, it will have a positive effect on the existing uses by increasing the aesthetics and the improvements in the vicinity.

3. *That the site for the use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, parking, landscaping, and any other features necessary to allow said use with the land uses in the neighborhood and make it compatible thereto.*

The site is adequate in size to accommodate the project consistent with the development standards required for the proposed church and childcare use. As proposed and conditioned, the project will meet all development standards required for churches in the R-1-7200 zone and comply with applicable standards in the Zoning Ordinance, with the exception of the requested six-foot (6') high perimeter wrought iron fence, which is herein made part of the Conditional Use Permit request.

4. *That the site abuts streets and highways adequate in width and improvements to carry traffic generated by the expansion of the existing use.*

The subject site is located on the southeast corner of East Arrow Highway and Merrywood Street. The traffic generated by the proposed floor area for the church and childcare use will not exceed the capacity of the existing streets from which the subject site will take ingress/egress. Arrow Highway, Merrywood Street, and Digby Avenue are of appropriate width and have improvements to handle any additional traffic generated by the proposed use.

5. *That the granting of such Conditional Use Permit will not adversely affect the General Plan of the City, or any other adopted plan of the City and conforms to the provisions of the Zoning Ordinance.*

The proposed project is consistent with the following policy contained in the General Plan Community Design Element:

“It is the policy of the City to ensure that new development shall be a positive addition to the City’s environment and will not detract from the nature of the character of appropriate nearby established development because of architectural style, scale and location.”

The proposed use meets or exceeds the development standards for churches in the R-1-7200 zone with the exception of the request to vary from construction of the required four-foot (4’) high solid masonry wall on the outside perimeter of all off-street parking areas visible from a public street and, as conditioned, will not impact the surrounding area. The occupancy and addition of the vacant building will provide improved site conditions and enhanced architectural features to the building.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (07-018) 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 Planning Commission on February 13, 2008, and as illustrated in the stamped approved plans dated February 13, 2008. 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. The applicant shall make reductions of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
3. 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.
4. 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 a subsequent violations of the conditions of approval and/or City law occurs within ninety 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.
5. The approved Conditional Use Permit shall lapse and become void if the use authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced by February 13, 2010. The Planning Commission may extend this period for one (1) year upon receipt of a written request by the applicant at least thirty (30) days before the expiration date of this approval.
6. Written appeals may be filed with the City Clerk within 20 days of approval of Conditional Use Permit (CUP 07-018) by the applicant or any person owning

property within four hundred (400) feet of the exterior boundary of the applicant's property.

7. Landscaping to include trees, shrubs, vines and ground covers, shall be installed and permanently maintained in all common areas of the project site, and shall be in substantial conformance to the conceptual landscaping plan submitted as part of the Conditional Use Permit review process. The plans shall conform to Section .503-J of the Pomona Zoning Ordinance, including provisions regarding water conservation. All landscape areas shall be provided with an automated underground irrigation system. Landscape and irrigation plans shall be prepared by a licensed landscape architect and presented to the Planning Division for review and approval prior to issuance of a building permit.
8. Parking lot lighting shall be shielded to ensure that no spillover of lighting affects adjacent properties. A photometric plan shall be submitted to the Planning and Building Divisions for review and approval.
9. The trash enclosure(s) shall meet the provisions of Zoning Ordinance Section .503-C and shall be locked to prevent unauthorized use.
10. Bicycle racks shall be provided at an appropriate location on the project site.
11. Graffiti shall be removed from the site within 24 hours of discovery or upon notification by the City.
12. The construction area shall be kept clean at all times prior to, during, and after construction.
13. The applicant or property owner shall retain a copy of this resolution on the premises at all times and be prepared to produce it immediately upon the request of any City representative.
14. Prior to occupancy, all site improvements shall be completed as required under this Resolution.
15. Trees shall be added to all full diamonds in the parking lot area.
16. A denser type of shrub shall be required at a height of three (3) feet to be planted along the perimeter of the property and shall block visibility to the off-street parking areas adjacent to public streets at said height. The shrub type shall be left to the discretion of the licensed Landscape Architect.
17. All windows shall have a minimum recess of four (4) inches, as stated on the elevation plans.

**PUBLIC WORKS DEPARTMENT – TRANSPORTATION AND DEVELOPMENT
DIVISION:**

18. The applicant shall submit an application and processing fee for a “Lot Merger” to consolidate the existing six lots into one contiguous parcel. The applicant shall submit an application and processing fee for a “Quitclaim” of an existing 10-foot wide public utility easement.
19. Prior to issuance of permits, the applicant shall submit a site plan and grading/drainage plan with hydrology calculations showing the on-site storm run-off. Plans shall be submitted to the Building Division for distribution and review. The Transportation and Development Division shall approve the cited plans before obtaining a building permit.
20. The property owner shall join the “Street Lighting and Landscaping District”.
21. The triangular corner intersection area of Arrow Highway and Merrywood Street, Merrywood Street and Digby Avenue, and Digby Avenue and Lovejoy Street shall conform to Pomona City Code Section 46-12 for sight distance clearance.
22. The applicant shall contact the Community Services Department, Parks and Parks Facilities Division for their requirements regarding street trees.

Arrow Highway:

23. The applicant shall landscape the existing parkway with turf and irrigation systems.

Merrywood Street:

24. The applicant shall construct a new driveway approach (W=25 feet) per City Standards.
25. The applicant shall install a streetlight (100 watts) per City Standards.
26. The applicant shall landscape the existing parkway with turf and irrigation systems.

Lovejoy Street:

27. The applicant shall landscape the existing parkway with turf and irrigation systems.

Digby Avenue:

28. The applicant shall construct a new driveway approach (W=25 feet) per City Standards.

29. The applicant shall landscape the existing parkway with turf and irrigation systems.

PUBLIC WORKS DEPARTMENT - WATER ENGINEERING:

30. All improvements to the City's water system shall be installed at the developer's expense in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Department of Health Services requirements.
31. The Developer shall provide a hydraulic evaluation of existing water facilities and projected impact to facilities serving the proposed project site and adjacent sites. This study shall be performed by a Registered Civil Engineer and submitted for review and approval of the City Engineer.
32. All requirements of the Los Angeles County Fire Department (LACFD) must be met. Proof of LACFD approval is required at time of final water improvement plan submittal to the Public Works Department. Contact the LACFD for information at (909) 620-2402.
33. Reduced Pressure Backflow Preventers will be required for all water services. Reduced Pressure Principal Back-flow Prevention Device shall be installed above grade in the customers' service line by his contractor as close as practical to the water meter and shall be between the water meter and the first point of connection to the service. A record of approved testing is required before acceptance by the City. Contact Water Quality Control at (909) 620-3670 for information.
34. Developer shall pay to the City, all 2-inch and smaller water meter-setting fees and all additional water facility advance payments. Water meters and water services larger than 2" shall be installed by the Developer's contractor.
35. All water meters 2" and smaller shall be installed by the City of Pomona.
36. Developer shall have a Registered Civil Engineer submit plans for review and approval of the Public Works Department for all additional water facilities that are required and/or are to be installed by the developer's contractor, and may elect to pay City for installation of water services 2-inch or smaller. Submittal of the water improvement plans will require:
- a) An initial plan check deposit in the amount of \$1,000 at the time of the water plan submittal.
 - b) Submittal on 24" x 36" sheet size with a standard City title block prepared under the direction of and signed by a Registered Civil Engineer showing all existing and new utilities, including existing and proposed water facilities and water services. Plans must correctly show property address, legal description, property lines, street centerline, curb-line, existing and proposed utility easements, and right-of-way with dimensions.

- c) All project related trench repairs in City maintained streets to be per City Std. A-26-02.
 - d) Double Check Detector Assemblies are to be installed for all fire services.
 - e) All new water main lines shall be DIP with a minimum of 8-inches diameter, placed underground and 6' offset from curb lines, or as approved by the City Engineer.
 - f) The mylar water development plan shall also be provided to the City on disk in Auto CAD V. 2000 format.
 - g) Water Development plans shall be for public water improvements only, and private water improvements shall be addressed on separate plans.
37. Public water facilities that are EXISTING and/or proposed to be installed on private property shall require the following:
- a) Approval of the City Engineer.
 - b) Dedicated easements that will be 15-foot wide minimum and shown on the water plans. The Developer/Owner, prior to the water plan approval, shall pay all easement-processing fees.
 - c) Access to City water facilities for water operation crews shall be made available at all times for servicing and maintaining the water system and for reading water meters.
38. If required, Developer/Owner shall:
- a) Submit final water improvement plans (AS APPLICABLE) for approval of the City Engineer.
 - b) Submit a performance bond in the amount of 100% of the estimated construction cost of the proposed water facilities shall be posted with the City prior to water plan approval.
 - c) Pay to the City of Pomona all estimated costs to be incurred by the City, plus 30% overhead, for plan check, inspection, water operation cost, etc. associated with the proposed water facilities for the development.
39. Following construction, Developer/Owner shall provide "AS BUILT" drawings of the final constructed improvements to the satisfaction of the City Engineer prior to acceptance of the improvements by the City.
40. All improvements to the City's water system shall be installed in accordance with the provisions of the City of Pomona Water Code, Construction Standards and the Department of Health Services requirements.
41. Reduced Pressure Backflow Preventers (RPBP) are required for all water services.
42. All requirements of the Los Angeles County Fire Department (LACFD) must be met. Proof of LACFD approval is required at time of Site Plan sign-off or final water

improvement plan submittal to the Public Works Department. Contact the LACFD for information (909) 620-2402.

43. Double Check Detector Assemblies shall be installed for all fire services.

UTILITY SERVICE DEPARTMENT- WATER/WASTEWATER OPERATIONS:

WATER MAIN:

44. The 8" water main in Arrow Highway has a static pressure of approximately 44 psi.
45. Verify that the existing water service can accommodate the new water demand given the size, pressure, and distance from the meter's new location.
46. Contact the Public Works Department for information on new meters and all applicable meter fees. The City will install meters less than or equal to 2 inches in size.
47. The edge of all new water meter vaults, if necessary, shall be located in the public right-of-way. Meters shall not be placed in driveways, parking spaces or within the property.
48. Water service shall not cross over individual lot lines.
49. Any on-site water improvements are the owner's responsibility.
50. An approved backflow device (showing the brand name and model) is required for:
- Any landscaping service lines
 - Fire services, and
 - Domestic services greater than 1 ½-inches
51. The owner shall submit a water improvement plan with the following items:
- a. The size, location and lateral line including connection to the existing and or new water meter.
 - b. The existing water main and lateral connection to the water meter.
 - c. Construction Notes as provided by the Utility Services Department.

FIRE SERVICE LINE, IRRIGATION LINE

52. Effective April 1, 2007 the City has adopted a New Connection Charge for water service. For further information on how it is assessed, contact the City's Business Services Division.

53. All water meters greater than 3-inches shall be constructed per City's Water Division Standards.
54. The owner shall be responsible for the maintenance of onsite fire and/or irrigation lines.
55. Submit water development plans to the City for review and building approval showing water meters, service lines, approved backflow devices, and existing water mains. USD requests that a copy of the final plans be sent in both hard copy and electronic (AutoCAD) format.

SEWER

56. The applicant/developer shall include the following items in the sewer development plans:
 - a. The proposed sewer laterals with a profile and connection to the existing sewer laterals and sewer main.
 - b. Construction Notes to protect the existing sewer line from accumulating solid object or construction debris during construction.
57. Submit sewer development plans to the City for review and approval prior to the building permit approval showing all existing and proposed sewer mains, laterals, and manholes. USD requests that a copy of the final plans be sent in both hard copy and electronic (AutoCAD) format.
58. Upon completion of the final approved plans, please forward a hard copy and electronic copy of the project (AutoCAD) format for our files.

L.A. COUNTY FIRE DEPARTMENT/FIRE PREVENTION DIVISION:

59. Provide one (1) public fire hydrant at the northeast corner of Merrywood Street and Digby Avenue.

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

APPROVED AND PASSED THIS 13TH DAY OF FEBRUARY 2008



FRANK DELGADO
PLANNING COMMISSION CHAIRPERSON

ATTEST:



BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES: Vander Molen, Jimenez, Saunders and Delgado.
NOES: None.
ABSTAIN: None.
ABSENT: Urey and Santa Cruz.

"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 Sec. 1094.6 C.C.P."