



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: June 27, 2018

TO: Chairperson and Members of the Planning Commission

FROM: Planning Division

SUBJECT: **DEVELOPMENT PLAN REVIEW (DPR 5713-2016), CONDITIONAL USE PERMIT (CUP 9978-2018), AND TENTATIVE TRACT MAP NO. 77197 (TRACTMAP 8416-2017):** Application for a Development Plan Review (DPR 5713-2016) to allow the construction of a three-story, multi-family residential development consisting of 20 condominium housing units on a vacant 0.45 acre parcel located within the Workplace Gateway Segment of the Pomona Corridor Specific Plan (PCSP); a Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) to allow for condominiums; and a Conditional Use Permit (CUP 9978-2018) to allow for an exposed parking garage for the property located at 2145 N. Garey Avenue (Council District 6).

STAFF RECOMMENDATION

The Planning Division recommends that the Planning Commission adopt the attached Resolutions (Attachments 1-3) approving Development Plan Review (DPR 5713-2016), Conditional Use Permit (CUP 9978-2018) and Tentative Tract Map No. 77197 (TRACTMAP 8416-2017), subject to conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 2145 N. Garey Avenue
APN Information: 837-101-8041 & 837-101-8042
Project Applicant: Creative Design Associates
Property Owner: TJ Investment, LLC
CC District: District # 6
Historic: Not Applicable
Specific Plan: Pomona Corridors Specific Plan

PROJECT DESCRIPTION & BACKGROUND

The subject project site is located at 2145 North Garey Avenue in the Pomona Corridors Specific Plan (PCSP) Workplace Gateway Segment. The subject site is approximately 0.45 acres in size and is currently developed with a single-family residence (Attachment 4). The applicant is proposing a development of 20 multi-family residential condominium units. The residential

units include six 615 square foot (SF) studios, two 896 SF 1-bedroom units, and twelve 2-bedroom units ranging in size from 933 SF to 1,200 SF.

The project is providing 38 parking spaces (Attachment 5, Sheet AS-101), including 34 standard, 2 accessible, and 2 guest parking spaces within an enclosed parking garage. The parking garage is exposed to the street, which requires a CUP per Section 2.7.2.E of the PCSP. Access to the subject site will be provided from a 16-foot driveway off of Garey Avenue that leads into the parking garage. A total of 2,893 SF of private open space (145 SF per unit) will be provided through private balconies and a second floor courtyard. The courtyard features seating areas, potted plants, and decorative tile flooring. A total of 4,565 SF of landscape area will be provided within all setback areas and common areas to include trees, shrubs, ground cover, potted plants, and other vegetation to the standards of the PCSP. The proposed landscape plan consists of drought tolerant landscaping, and all required setback surfaces will be comprised of permeable groundcover. Along the northern property line, tall Italian Cypress trees provide screening from the neighboring single-family residential to the north. Italian Cypress trees are also used to add interest and texture to wall surfaces.

The proposed project is being designed with Moroccan influences (Attachment 5), including smooth plaster finishes, arched windows, decorative doors, iron gates, woodwork, and ceramics. The building features finishes in neutral color tones with bold accent colors in the red fabric awnings and Moroccan blue tile trim around the main entry and window above. The smooth stucco siding and moulding are identified as “Swiss coffee” (off-white); the Moroccan style doors are “Schindler brown” (light brown); and the foam window, door trims, and aluminum trellis are in a complementary “aged whiskey” (light reddish brown) color. Moroccan style wall openings with wood railings are provided on upper levels of the front façade, with decorative wrought iron windows and doors on the first floor level in front. The main entry door features a decorative Milan-style wrought iron gate. Windows are dual- or multi-paned in clear glazing. Wrought iron accent pieces are also provided on the façade. Tall Cypress trees are used to add dimension and greenery to the building façade. Wall sconces provide lighting at the pedestrian level. Articulation is further provided through the use of varying wall planes and a tower element.

Applicable Code Sections

Pursuant to Section 2.0.5.A(1) of the PCSP, a Development Plan Review (DPR) is required for any new development projects located within the PCSP area. Pursuant to Section 2.7.2.E of the PCSP, a Conditional Use Permit (CUP) is required for exposed parking structures. Finally, a Tentative Tract Map is required pursuant to the State Subdivision Map Act and the City’s subdivision ordinance for the creation of condominiums. The Pomona Corridors Specific Plan (PCSP) Section 2.0.5 establishes the procedure for a Development Plan Review. The Development Services Director has the authority to approve, conditionally approve or deny a Development Plan, but when coupled with an entitlement that requires Planning Commission review (CUP), the Planning Commission becomes the decision-maker for the project as a whole. Section 2.2.1 allows conditional uses with a CUP if they are deemed by the approving body to meet the purpose and intent of the PCSP. The Planning Commission approves the Tentative

Tract Map and the City Council approves the Final Map as required under the State Subdivision Map Act. The PCSP provides the standards for the Workplace Gateway Segment (Section 2.1.8) and other applicable regulations, including building scale, frontage and building placement, street regulations, open space, parking, and architecture regulations.

Surrounding Land Use Information

The subject site is generally located on the west side of N. Garey Avenue and north of La Verne Avenue (Attachment 4). A single-family residence currently occupies on the site. The properties that surround the site include single-family residential to the north, multi-family residential to the west, and commercial uses to the south and east. The following table provides zoning information for the surrounding properties:

Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site (Existing)	Single-Family Residential	PCSP Workplace Gateway Segment	Neighborhood Edge T4-B
North	Single Family Residential	R-7-7200 Single Family	Residential Neighborhood
South	Commercial/Office	PCSP Workplace Gateway Segment	Neighborhood Edge
East	Commercial and Self-Storage	PCSP Workplace Gateway Segment	Neighborhood Edge
West	Multiple Family Residential	R-2-Low Density Multiple Family	Residential Neighborhood

ZONING COMPLIANCE ANALYSIS

Site Development Standards

The applicant is proposing to construct 20 residential condominium units under the PCSP Workplace Gateway Segment development standards. The table below details the development standards of the PCSP's Workplace Gateway Segment and the project's compliance with the standards.

Project Summary Table

Section	Development Standard	PCSP Requirements	Proposed Project	Compliance Determination
2.2.1	Multifamily Residential	Permitted Use	Multifamily Residential	Yes

Section	Development Standard	PCSP Requirements	Proposed Project	Compliance Determination
2.2.3	Minimum Residential Unit Size	1 BR: 600 SF 2 BR: 800 SF 3 BR: 1,000 SF	Studio: 615 SF 1 BR: 896 SF 2 BR: 933 SF	Yes
2.3.1	Building Height	Min: 1 story and 20' Max: 3 stories	3 stories and 47.5'	Yes
2.3.3	Building Length	Max: 300'	139'4"	Yes
2.3.5	Building Massing	3L:2H to 5L:2H This standard applies to the longest volume on the building.	Longest volume = 23' high Required Length = 34.5'-57.5' long	Yes
2.4.1	Building Orientation to street	Required	Proposed	Yes
2.4.2	Front Vehicular Door	Limited – 2 single garage doors or 1 double-garage door permitted.	1 double garage door proposed	Yes
2.4.3	Front Yard Setback	12' min; 25' max	12'	Yes
2.4.4	Side Yard Setback	With living space windows: 10' w/out living space windows: 0'	10'	Yes
2.4.5	Rear Yard Setback	10' minimum	10'	Yes
2.4.7	Frontage Coverage	50% minimum	100% (excluding setbacks)	Yes
2.6.1	Provision of public open space	N/A (Not required for 20 units or less)	N/A	N/A
2.6.3	Private Open Space	60 SF/Unit	145 SF/Unit	Yes
2.6.6	Setback Area Landscaping Types	A. Perimeter - Boulevard Landscaping B. Interior Block— Groundcover, moderate or heavy screening	Perimeter landscaping, groundcover and screening.	Yes
2.6.7	Stormwater Management Types	Landscaped Setback Area/Open Space; Permeable/Pervious Paving and other options	Landscaped setback area, permeable paving.	Yes

Section	Development Standard	PCSP Requirements	Proposed Project	Compliance Determination
2.7.1	Parking	Studio: 1.0 = 6 1 BR: 1.5 = 3 2 BR: 2 = 24 Guest per 4 units: 1 min/1.2 max = 5/6 TOTAL = 38	33 Standard 5 guest spaces (including 2 ADA)	Yes
2.7.2	Parking Types	Structure: Exposed: conditional	Exposed parking structure	Yes, with approval of a CUP
2.3.1.B.2. b/d	Building Scale Regulations	Tower may exceed max height by 20'. Rooftop structures shall not exceed the max limit by more than 10'. Rooftop equipment shall be set back 10' from building walls and screened on all sides and integrated into overall building design	Tower extends 9' over 3 rd story parapet.	Yes – conditioned to require that rooftop structures are set back and screened as required.
	Improvements to Existing Streets (page 78)	Palm Gateway improvements needed	Nothing proposed at this stage.	Condition added to include required street improvements per Public Works requirements.

ISSUES ANALYSIS

Issue 1: General Plan

The proposed residential development conforms to the General Plan with the “Neighborhood Edge” land use designation in the T4-B Transect zone as shown on the General Plan Land Use Diagram. “Neighborhood Edge” is defined as edge properties that are adjacent to City neighborhoods that will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and provide buffering and compatibility with adjacent development.

The proposed three-story 20-unit condominium development on a .45-acre site is consistent with the General Plan's maximum allowable density of 40 dwelling units per acre and maximum height of three stories in the Neighborhood Edge designation. Furthermore, the project is consistent with the following goals and policies of the General Plan:

"Improve the physical character, economic vitality, and mobility function of the City's most visible and well-traveled corridors" (Goal 6D.G1)

"Maximize the value of all properties along the City's most visible and prominent Corridors" (Goal GD.G2)

"Ensure that new development helps establish an appropriate edge to protect and buffer adjacent stable residential neighborhoods" (Goal GD.D5)

"Encourage development with parking located to the side or rear of buildings, in shared parking facilities, and in parking structures" (Policy GD.P14)

"Provide a landscape buffer between public sidewalks and housing or existing perimeter sound walls." (Policy GD.P8)

The proposed project fulfills the intent of the General Plan in that the land use is consistent with the surrounding mix of single and multiple family housing and is designed to be visually appealing and pedestrian friendly. The project use maximizes the density potential, and therefore the property value, by building to three stories and providing 100% lot coverage with the exception of required setbacks. The project provides an appropriate "edge" to buffer and protect adjacent residential uses from commercial uses to the south and east. Finally, the project provides a parking structure that is visually screened from the street to the extent possible, with an aesthetic landscaped buffer between the public sidewalk and the building.

Issue 2: Zoning Ordinance Compliance

Staff has evaluated the proposed site design and has determined that the proposed development is largely in conformance with the development standards of the PCSP Workplace Gateway Segment, with the exception of the partially exposed parking structure, which requires a CUP. As stated above, the parking structure is visually screened from the street to the extent possible, with an aesthetic landscaped buffer between the public sidewalk and the building.

Issue 3: Land Use Compatibility

The proposed multi-family residential use is compatible with the surrounding single- and multi-family residential uses to the north and west; and provides an appropriate transition to commercial uses to the south and east. The quality of architecture and proposed landscaping provides a significant improvement from the current condition of the property and will complement the surrounding neighborhood.

ENVIRONMENTAL ANALYSIS/DETERMINATION

Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, 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 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, based on the above findings, staff is recommending that the Director approve a Categorical Exemption for the proposed project.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on May 24, 2018 and was sent to the owners of properties within a 1,000-foot radius of the subject site on May 21, 2018 (Attachment 6). The applicant also posted a public hearing notice for the proposed project on the subject site. The applicant also held a community meeting on September 1, 2017 with residents within the neighborhood.

CONCLUSION

The project as proposed is consistent with the General Plan and Pomona Corridors Specific Plan Workplace Gateway Segment. The proposed project is compatible with the surrounding land uses and considerably improves the existing underutilized site with a quality residential project. Staff recommends that the Planning Commission approve the Tentative Tract Map No. 77197 (TRACTMAP 8416-2017), Conditional Use Permit (CUP 9978-2018) and Development Plan Review (DPR 5713-2016) (Attachment 1-3).

Respectfully Submitted By:

Prepared By:

Emily Stadnicki, AICP
Development Services Director

Vinny Tam, MURP, AICP
Senior Planner

ATTACHMENTS:

- 1) Draft PC Resolution for Development Plan Review (DPR 5713-2016)
- 2) Draft PC Resolution for Conditional Use Permit (CUP 9978-2018)
- 3) Draft PC Resolution for Tentative Tract Map No. 77197 (TRACTMAP 8416-2017)
- 4) Location Map and Aerial Photograph
- 5) Project Plans and additional exhibits (reductions)
- 6) Site Photographs
- 7) 1,000' Radius Map and Public Hearing Notice
- 8) Full Size Plans (Separate Cover)

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING DEVELOPMENT PLAN REVIEW (DPR 5713-2016) TO ALLOW THE CONSTRUCTION OF A THREE-STORY, MULTI-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 20 CONDOMINIUM HOUSING UNITS ON A 0.45 ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE IN THE WORKPLACE GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Creative Design Associates, has filed an application on behalf of the property owner, TJ Investment, LLC, for a Development Plan Review (DPR) for the development of a three-story, multi-family residential development consisting of 20 residential condominium units ranging from studio to two bedrooms, with private balconies and common open space areas, as well as decorative landscape and hardscape improvements on a 0.45 acre parcel that is currently occupied by a single-family residence, located at 2145 N. Garey Avenue (Assessor's Parcels 837-101-8041 & 837-101-8042);

WHEREAS, the subject site is currently zoned within the Workplace Gateway Segment of the Pomona Corridors Specific Plan (PCSP), and designated place type of Neighborhood Edge by the City's General Plan;

WHEREAS, the applicant has concurrently submitted Conditional Use Permit (CUP 9978-2018) to allow an exposed parking garage on the subject site; and Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) for condominium purposes;

WHEREAS, in accordance with Section 2.0.5.A(1) of the PCSP a Development Plan Review (DPR) is required for any new development projects located within the plan area;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 27, 2018, concerning Development Plan Review (DPR 5713-2016);

WHEREAS, the Planning Commission has carefully considered all pertinent testimony offered in the case as presented at the hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. The Planning Commission exercising 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 15332, Class 32 (In-fill Development). The Planning Commission finds that; 1) the proposed project is consistent with the General Plan and Zoning Ordinance; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services; and

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 2.0.5.A.(4) of the PCSP, the Planning Commission must make findings in order to approve Development Plan Review (DPR 5713-2016). Based on consideration of the whole record before it, including but not limited to, 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 project is consistent with the City's General Plan and all applicable requirements of the City Code.*

The City of Pomona General Plan designates the subject site as a "Neighborhood Edge" Place Type. "Neighborhood Edge" properties are adjacent to City neighborhoods will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and buffering and compatibility. The residential development project is consistent with the City's General Plan because it will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, as conditioned the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design.

- 2. 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 residential development 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 as 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 subject property's zoning.

3. *The project will not adversely affect the Circulation Plan of the Corridors Specific Plan.*

The subject parcel is located with frontage along N. Garey Avenue. The Traffic and Transportation Division of the City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and have not expressed concern with the project's overall proposed vehicular mobility.

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

The multi-family residential development project has been thoroughly reviewed and, with conditions, meets all applicable provisions of the PCSP and other applicable regulations.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Development Plan Review (DPR 5713-2016) 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:

DEVELOPMENT SERVICES DEPT. – 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 June 27, 2018, and as illustrated in the stamped approved plans dated June 27, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Division 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 Manager.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit, within two (2) years from the date of this approval (June 27, 2020), 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 PCSP Section 2.0.5(A)6.

3. The applicant shall include all conditions of approval from Development Plan Review (DPR 5713-2016) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
4. 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 PCSP Section 2.1.8 Workplace Gateway Segment outlined in Section 2.1.8.A Development Standards Chart.
5. 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. 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.
7. 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 (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.

Development Plan Review Conditions

8. Landscaping to include trees, shrubs, ground covers and potted plants, shall be installed and permanently maintained in all areas depicted for planting as illustrated in the stamped approved plans of the project site, and shall be in substantial conformance to the conceptual landscaping plan submitted as part of the Development Plan Review process. 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 the issuance of construction permits which meets the most current State of California Drought Executive Order Model Water Efficiency Landscape Ordinance (MWELo) and any modification as adopted by the City of Pomona.
9. The project shall set back and screen all rooftop structures in compliance with the Pomona Corridors Specific Plan.
10. The project shall improve the public right-of-way along Garey Avenue as required by the Department of Public Works.
11. Prior to issuance of a certificate of occupancy, in order to ensure future owner(s) are made aware of conditions of approval, the applicant shall record this resolution with the Los Angeles County Recorder's office and forward copies to the City of Pomona Planning Division.
12. The applicant shall conform to Section .5809-24 of the PZO pertaining to public art requirements for private development.
13. Pursuant to City of Pomona Ordinance No. 3506, prior to issuance of any grading or building permits, the applicant or developer shall pay Development Impact Fees including: Traffic Signal & Control Device Program; Road & Highway Improvement Program; Parks & Recreation improvement program; and Public Safety Improvement Program.
14. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from public view.
15. 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, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
16. All residential units shall be provided with laundry and dryer hookups.

17. Prior to the issuance of a Certificate of Occupancy, a commercial grade bike rack shall be installed within the parking structure at a location to be approved by the Development Services Manager during the Plan Check process.
18. The installation of fences and walls that were not contemplated as part of this permit will require the submittal of a "Fence and Wall Permit" for review and approval by the Planning Division.
19. 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, grading, be limited to Monday through Saturday, between 7:00 AM and 8:00 PM, 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.
20. 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.
21. The construction area shall be kept clean at all times prior to, during, and after construction.
22. The property owner shall remove any graffiti on the project site within 24 hours of discovery. The paint utilized to cover the graffiti must 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 Development Services Manager.
23. 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.
24. The private balconies areas shall be kept free and clear of any unnecessary debris and maintained in an orderly fashion at all times.
25. All landscaping shall be maintained in a neat and clean manner, and in conformance with the approval of Development Plan Review (DPR 5713-2016). Substantial changes to the landscaped area may require approval by the Development Services Manager.
26. One set of project plans, revised pursuant to approved conditions of approval, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.

27. Prior to issuance of a building final, exterior site video surveillance equipment shall be provided with signage advising residents and visitors that video recording devices are in use. Recordings shall be digital and recorded in high definition, kept a minimum of ninety (90) days, and shall record all activity on surrounding public rights-of-ways as well the subject site. Prior to installation of the video surveillance equipment, a video surveillance plan shall be submitted for review and the privileges afforded under this resolution shall not be enjoyed prior to approval of such video surveillance plan by the Pomona Police Department.

BUILDING AND SAFETY DIVISION

28. 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)
29. A building permit shall be obtained for the proposed construction and site development. The design of the building shall comply with the 2016 California Building Codes.
30. All grading shall conform to the 2016 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.
31. Geotechnical and/or soils reports required in order to obtain a grading permit shall be submitted to the Building Official for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Pomona.
32. All proposed work shall comply with the 2016 California Energy Code and all other relevant laws, ordinances and resolutions governing Energy conservation as adopted by the City of Pomona.
33. Proposed project shall comply with the 2016 California Green Building Standards Code and all other relevant laws, ordinances and resolutions governing sustainable design as adopted by the City of Pomona.
34. Proposed project shall be sprinklered and comply with all other relevant laws, ordinances and resolutions governing residential sprinklers as adopted by the City of Pomona.
35. Park and Recreation Improvement Fee shall be \$675 per dwelling unit for new construction. (Ordinance 3506)
36. Building Department comments and conditions are subject to plan check. Comments are based on information provided.

PUBLIC WORKS DEPARTMENT

Improvement plans requirements

37. Applicant/Developer shall submit grading, drainage and erosion control plans for review and approval by the Public Works, Planning and Building and Safety Departments.
 - a. The scale used for the plans shall be large enough (1" = 10') to clearly show all the details; the plans shall be submitted on 24" x 36" sheet size with a standard City title block and City grading notes.
 - b. One-foot topographic contours of the site must extend a minimum of 15 feet beyond the boundary lines.
 - c. The plans shall include sufficient cross sections to show all block wall locations, parkway width and all permanent facilities that might require maintenance and access easements.
 - d. Drainage configurations on the existing adjacent properties shall not be altered, redirected or modified in any way.

38. Prior to issuance of the grading permit the Applicant/Developer shall submit written notifications of adjacent property owners regarding the direct and indirect impact associated with the proposed construction. The notification shall include a statement confirming that the existing public services (sewer, water, storm drain) to adjacent property owners will not be affected by the proposed development. The proposed development shall accept the conveyance of the existing offsite drainage.

39. Prior to the issuance of the grading permit the applicant/developer shall provide non-interference letters from all applicable utility agencies for all utility easements located within the areas subject to grading activities. All such documents shall be subject to review and approval by the City Engineer.

40. Prior to issuance of the grading permit the Applicant/Developer shall submit a soils and geologic report to address the soil's stability and geological conditions of the site.

41. Applicant/Developer shall submit public street improvement plans to include the following and are responsible for the construction thereof:
 - a) A new driveway approach in conformity with the City standards and ADA requirements; additional real property dedication, up to 4-foot wide strip of land, shall be included in the proposed subdivision map to accommodate the ADA path of travel around the driveway apron.
 - b) New sidewalk, curb and gutter to replace (i) all existing damaged, cracked and uplifted sections and (ii) the existing driveway approach proposed for removal.
 - c) Show parkway drains.
 - d) Garey Avenue repaving and restriping in conformity with the City's paving moratorium standard A-26-02, case III:

- i. Along the property frontage and extending southerly to La Verne Ave. crosswalk; and
 - ii. From gutter to street median and/or over the entire street width, in the event that wet and/or dry utility cuts occur.
 - e) Show existing sewer, water and storm drain infrastructure.
 - f) Unobstructed visibility shall be ensured at all intersections and driveways along the project boundaries.
 - g) Undergrounding of all existing and proposed overhead utility lines to conform with the City of Pomona Municipal Code Section 62-31(b) and a note to this effect shall be added to the public street improvement plans.
 - h) The parkway landscaped area shall be maintained by the property owner, as required by the City's Municipal Code Section 46-496 and a note to this effect shall be added to the public street improvement plans.
 - i) It is the owner's and the contractor's responsibility to repair all damage to the existing public improvements due to the proposed construction activities and to address all repairs requested by the Public Works Inspector based on the inspector's review of the current condition of the said public improvements and a note to this effect shall be added to the public street improvement plans.
42. Applicant/Developer shall identify the existence of all City utilities that may conflict with the development and submit protection measures to the City Engineer for those City utilities. No permanent structures are allowed to encroach in any/all existing and/or proposed public utility easements.
43. The demolition or relocation of any 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.
44. If future placement of permanent structures conflicts with location of existing public utilities (water, sewer and storm drain), then improvement plans proposing the relocation or abandonment of identified utilities must be submitted, reviewed and accepted by the Public Works Department. No public utility infrastructure shall be removed or modified as part of the onsite demolition plan approved by the Building and Safety Department.
45. Applicant/Developer shall implement stormwater Good Housekeeping Best Management Practices (BMPs) for the site to ensure that pollutants are not discharged to the municipal storm drain system during construction and throughout occupancy.
46. Property Owner shall be responsible for the compliance with any 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 District and is subject to annual special taxes.

47. Prior to issuance of the building permits Applicant/Developer shall be responsible for paying the project's impact fees for traffic signals and control devices, road and highway improvements, public safety improvements and parks.
48. Prior to the issuance of the building permits Applicant/Developer shall be responsible for the payment of all City water and sewer connection fees and shall make proof of payment of the Los Angeles County Sanitation District fees associated with the proposed development.
49. Prior to issuance of the building permits Applicant/Developer shall be responsible for paying the development tax associated with the proposed project.
50. In recognition of the need to address traffic conditions generated by cumulative development along the Corridors Specific Plan (CSP) areas, Applicant/Developer shall be responsible for the project's compliance with the CSP requirements and shall participate in a CSP assessment district, or similar fair and appropriate mechanism, to provide funds for maintaining and augmenting public improvements, should such a mechanism be established by the City. Applicant/Developer shall pay the applicable CSP in-lieu fees for public improvements required as part of this project, presently estimated at \$97,715; said fees are subject to the City Council review and approval in a forthcoming mitigation fee resolution.
51. The final improvement plans, as shown on the Mylar, shall be provided to the City in both hard copy and electronic in AutoCAD v. 2010. Following construction and prior to acceptance of the improvements by the City, the project engineer shall provide hand drafted "AS BUILT" corrections on the original approved Mylars of the final constructed improvements to the satisfaction of the City Engineer. A corrected "AS BUILT" plan shall also be provided to the City on disk in AutoCAD v. 2010 and .pdf formats.
52. The 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 the public right-of-way areas with dimensions.

Public Works Improvements Permit

53. All work in the public right-of-way and City easements is subject to review, approval, and permitting requirements of Public Works Department.

54. Prior to map recordation, Applicant/Developer shall post surety bonds for all public improvements, including but not limited to: sewer, water, storm drains, curb, gutter, sidewalk, driveway approaches, street paving and striping, as needed.
55. 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.
56. Permittee shall pay fees associated with and possess the City of Pomona Business License. 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

Water and Sewer

57. There currently exists an onsite eight-inch (8") ACP water main within the proposed project site. A dedicated fifteen-foot (15') water maintenance easement shall be dedicated to the City for the existing onsite water main. There currently exists a twelve-inch (12") DIP water main within Garey Avenue. The localized approximate static pressure for the proposed project area is 65-75 psi. Per City records there is one existing 5/8" meter currently serving 2145 N. Garey Avenue. These statements are provided as a guide for your ultimate water design for the proposed project.
58. This site shall be master metered through an above ground compound meter. Please verify the aesthetics requirements with the Planning Department.
59. The applicant/developer shall calculate the new water demand (based on fixture units) to verify that the existing water infrastructure can accommodate the water demand. These calculations shall be submitted to the WRD.
60. There currently exists a fifteen-inch (15") VCP sewer main within Garey Avenue maintained by the Sanitation Districts of Los Angeles County. A proposed City owned manhole shall be the connection point for development.

FIRE DEPARTMENT

61. The proposed building shall be equipped with automatic sprinkler protection installed in accordance with NFPA 13 per Section 903.3.1.1. Class I standpipe hose connection complying with LACBC Section 905 at the rear of the property with directional signage.
62. The building shall be constructed as two stories of a Type V residential construction above one-story of a Type IB parking garage. The parking garage shall be separated from the residential floors above by a 2-hour horizontal assembly per LACBC, Section 510.4.
63. Both interior exit stairways for the proposed building shall be enclosed in 2-hour fire barriers and provided with Class I standpipe hose connections.
64. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
65. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
66. Fire Apparatus Access Roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Fire Code 505.2

Water System Requirements

67. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
68. The required fire flow for the public fire hydrants for this project is 4000 gpm at 20 psi residual pressure for 4 hours. Two public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
69. Fire flow may be recalculated after the required Fire Flow Availability form, Form 196 is received and reviewed.
70. Install one new public fire hydrant on Garey Avenue by the north property line. The required fire hydrant location may be revised upon review of the required Form 196.

71. Submit the completed original copy of the Fire Flow Availability Form (Form 196) for the new required public fire hydrant. The fire flow data shall be submitted to the County of Los Angeles Fire Prevention Engineering prior to the issuance for building Permits.
72. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
73. The required public fire hydrant shall be installed prior building permit issuance. Upon completion verification of fire flow and installation shall be submitted to the County of Los Angeles Fire Department, Fire Prevention Engineering for review and approval.

APPROVED AND ADOPTED THIS 27th DAY OF JUNE, 2018.

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

PC Resolution No.
Development Plan Review (DPR 5713-2016)
2145 N. Garey Avenue
Page 14 of 14

AYES:
NOES:
ABSTAIN:
ABSENT:

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.

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (CUP 9978-2018) 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 0.45 ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE IN THE WORKPLACE GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Creative Design Associates, has filed an application on behalf of the property owner, TJ Investment, LLC, for Conditional Use Permit (CUP 9978-2018) 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 0.45 acre lot located at 2145 N. Garey Avenue (Assessor's Parcels 837-101-8041 & 837-101-8042);

WHEREAS, the subject site is currently zoned within the Workplace Gateway Segment of the Pomona Corridors Specific Plan (PCSP), and designated Neighborhood Edge in the City's General Plan;

WHEREAS, the applicant has concurrently submitted Development Plan Review (DPR 5713-2016) to construct 20 multiple-family residential condominium units on the subject site; and Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) for condominium purposes;

WHEREAS, in accordance with Section 2.7.2.E of the PCSP 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 27, 2018, concerning Conditional Use Permit (CUP 9978-2018);

WHEREAS, the Planning Commission has carefully considered all pertinent testimony offered in the case as presented at the hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. The Planning Commission exercising independent judgment has determined that, pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), this action as defined is Categorical Exempt under Section 15332, Class 32 (In-fill Development). The Planning Commission finds that; 1) the proposed project is consistent with the

General Plan and Zoning Ordinance; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services; and

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 .580.B of the Pomona Zoning Ordinance (PZO), the Planning Commission must make findings in order to approve Conditional Use Permit (CUP 9978-2018). 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. *That the proposed use at the particular location will contribute to the general well being of the neighborhood or community.*

The residential development project will contribute to the general well being of the neighborhood as the project will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design.

2. *That such use will, under the circumstances of the particular case, not 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 residential development project will not be detrimental to the health, safety, peace or general welfare of persons working or residing in the vicinity nor detrimental to the use, valuation or enjoyment of the property and improvements in the vicinity as 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 subject property's zoning.

3. *That the site for the proposed use is of adequate topography, size, and shape to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to allow said use in the neighborhood.*

The subject site (approximately 0.45 gross acres) is relatively flat and sufficient enough in size and shape to accommodate all of the development standards of the PZO and PCSP, as conditioned, including unit size; building height, length, massing, orientation, setbacks, parking, loading, open space, landscaping, and trash facilities; and architectural design guidelines.

4. *The site abuts streets and highways adequate in width and improvements to carry traffic generations by the proposed use.*

The subject site takes access from N. Garey Avenue. N. Garey Avenue is primarily an auto-oriented corridor with a mix of commercial, office, residential, institutional, and industrial uses. N. Garey Avenue is a five-lane arterial with a continuous center left turn lane. The Traffic and Transportation Division of the City of Pomona Public Works Department has reviewed both off-site and on-site circulation patterns and have not expressed concern with the project's overall proposed vehicular mobility. Therefore, staff has determined that Garey Avenue is capable of handling any additional vehicle trips generated by the proposed use.

5. *That granting of such conditional use permit will not adversely affect the General Plan of the City and conforms to the provisions of the zoning ordinance.*

The City of Pomona General Plan designates the subject site as a "Neighborhood Edge" Place Type. "Neighborhood Edge" properties are adjacent to City neighborhoods will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and buffering and compatibility. The residential development project is consistent with the City's General Plan because it will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, as conditioned the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design. Therefore, the proposed project is consistent with the General Plan and provisions of the zoning ordinance.

SECTION 4. Based upon the above findings, the Planning Commission hereby approves Conditional Use Permit (CUP 9978-2018) 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 Conditional Use Permit or any portion thereof:

DEVELOPMENT SERVICES DEPT. – 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 June 27, 2018, and as illustrated in the stamped approved plans dated June 27, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Division 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 Manager.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit, within two (2) years from the date of this approval (June 27, 2019), in accordance with PCSP Section 2.0.5.A(6). The Planning Division may extend this period for a maximum of one (1) year 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 PCSP Section 2.0.5(A)6.
3. The applicant shall include all conditions of approval from Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
4. 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 PCSP Section 2.1.8 Workplace Gateway Segment outlined in Section 2.1.8.A Development Standards Chart.
5. The project is subject to a fifteen (15) calendar day appeal period. Written appeals may be filed with the City Clerk within fifteen (15) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within fifteen (15) calendar days from the date of action by the Planning Commission.
6. 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.

7. 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 (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 Tract Map.

PUBLIC WORKS DEPARTMENT

Land Development requirements

8. Prior to the issuance of the building permits Applicant/Developer shall provide proof of:
 - a. The condominium subdivision approval by the California Department of Real Estate.
 - b. The Assessor Parcel Numbers issuance by the Los Angeles County Assessor's Office.

APPROVED AND ADOPTED THIS 27TH DAY OF JUNE, 2018.

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

PC Resolution No.
Conditional Use Permit (CUP 9978-2018)
2145 N. Garey Avenue
Page 6 of 6

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

AYES:
NOES:
ABSTAIN:
ABSENT:

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.

PC RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 77197 (TRACTMAP 8416-2017) FOR CONDOMINIUM PURPOSES FOR THE DEVELOPMENT OF A THREE STORY, MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 20 CONDOMINIUM HOUSING UNITS ON A 0.45 ACRE PARCEL LOCATED AT 2145 N. GAREY AVENUE ON A PROPERTY LOCATED AT 2145 N. GAREY AVENUE IN THE WORKPLACE GATEWAY SEGMENT OF THE POMONA CORRIDORS SPECIFIC PLAN.

WHEREAS, the applicant, Creative Design Associates, has filed an application on behalf of the property owner, TJ Investment, LLC, for a Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) for condominium purposes for the property located at 2145 N. Garey Avenue (Assessor's Parcels 837-101-8041 & 837-101-8042);

WHEREAS, the subject site is currently zoned within the Workplace Gateway Segment of the Pomona Corridors Specific Plan (PCSP), and designated Neighborhood Edge in the City's General Plan;

WHEREAS, the applicant has concurrently submitted Development Plan Review (DPR 5713-2016) to construct 20 multiple-family residential condominium units on the subject site; and Conditional Use Permit (CUP 9978-2018) to allow for an exposed parking garage;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 27, 2018, concerning Tentative Tract Map No. 77197 (TRACTMAP 8416-2017);

WHEREAS, the Planning Commission has carefully considered all pertinent testimony offered in the case as presented at the hearing;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Pomona, California:

SECTION 1. The Planning Commission exercising 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 15332, Class 32 (In-fill Development). The Planning Commission finds that; 1) the proposed project is consistent with the General Plan and Zoning Ordinance; 2) the parcel is smaller than five acres; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) this project will not have significant effects upon the environment and; 5) the site can adequately be served by utilities and public services; and

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 Tentative Tract Map No. 77197 (TRACTMAP 8416-2017). 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 City of Pomona General Plan designates the subject site as a "Neighborhood Edge" Place Type. "Neighborhood Edge" properties adjacent to City neighborhoods will accommodate larger scale development that is more suitable for wider, more heavily trafficked roadways and will function as buffers for residential neighborhoods behind them. These areas anticipate a reasonable amount of infill development emphasizing streetscape improvements to add visual appeal and value, develop continuity along the street edge, and buffering and compatibility. The residential development project is consistent with the City's General Plan because it will stabilize and strengthen the neighborhood character of the surrounding area with an infill project that is compatible with existing surrounding residential uses and provides an appropriate transition from nearby single-family residences to commercial uses south of the subject site. Furthermore, as conditioned the project is consistent with the standards and design guidelines of the PCSP in terms of setbacks, building height, onsite parking, use types, and overall architectural design.

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

The design and improvements of the proposed subdivision are consistent with the General Plan in that on-site improvements, such as driveways, sidewalks and drainage facilities will be designed and constructed in accordance with City standards. In addition, the project design, which is intended for multiple-family residential development, provides for satisfactory pedestrian and vehicular circulation.

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

The site is physically suitable for the development in that the proposed subdivision is planned for multiple-family residential development. Given the shape and topography of the site, at approximately .45 acres in size, the subdivision design accommodates adequate land for 20 dwelling units, accompanying driveway, parking, landscaping and open space areas to service the

development. Further, the site is relatively flat which will allow for minimal grading and compatible building pad heights with adjacent properties surrounding the project site.

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

The site is physically suitable to accommodate the proposed density resulting from the subdivision. The subdivision proposes 20 dwelling units on property approximately .45 acres in size, which results in a density of approximately 40 units per acre. This density is consistent with the City's General Plan and Zoning Ordinance.

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 project will comply with the policies and regulations of the Pomona City Code and General Plan and with all local or regional plans, policies, regulations, and any requirements by the California Department of Fish and Wildlife 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.*

The design of the improvements is not likely to cause serious problems to public health because the building and infrastructure improvements shall be constructed to conform to all City standards. The adopted City standards relating to the Uniform Building Code and Grading Code are designed to protect the public health and welfare and have been approved by the City.

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 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 No. 77197 (TRACTMAP 8416-2017) 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 Tract Map or any portion thereof:

DEVELOPMENT SERVICES DEPT. – 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 June 27, 2018, and as illustrated in the stamped approved plans dated June 27, 2018. Any major modifications to the approved project plans shall be reviewed and approved by the Planning Division 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 Manager.
2. This approval shall lapse and become void if construction has not commenced under a valid building permit, within two (2) years from the date of this approval (June 13, 2019), in accordance with PCSP Section 2.0.5.A(6). The Planning Division may extend this period for a maximum of one (1) year 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 PCSP Section 2.0.5(A)6.
3. The applicant shall include all conditions of approval from Tentative Tract Map No. 77197 (TRACTMAP 8416-2017) related to the project which shall be placed on the title sheet of construction plans prior to plan check submittal.
4. 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 PCSP Section 2.1.8 Workplace Gateway Segment outlined in Section 2.1.8.A Development Standards Chart.
5. The project is subject to a fifteen (15) calendar day appeal period. Written appeals may be filed with the City Clerk within fifteen (15) calendar days by one or more City Council members or the applicant. The appeal shall be filed with the City Clerk within fifteen (15) calendar days from the date of action by the Planning Commission.
6. 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.

7. 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 (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 Tract Map.
8. Prior to issuance of a certificate of occupancy, in order to ensure future owner(s) are made aware of conditions of approval, the applicant shall record this resolution with the Los Angeles County Recorder's office and forward copies to the City of Pomona Planning Division.

PUBLIC WORKS DEPARTMENT

9. Tentative Tract Map shall conform to the requirements of the Subdivision Map Act and to City Ordinance No. 2779. Financial security for all public improvements shall be posted prior to the map approval.
10. The tentative tract map shall be recorded and developed as one tract map, but may be developed in phases.
11. All existing and proposed easements for water/sewer lines (including the dedication of a water easement corresponding to the 1988-installed public water main located south of the northerly property line), ingress/egress, footings and traveled ways (including up to 4-foot wide strip of land to accommodate the ADA path of travel around the proposed driveway approach) must be clearly shown on the map; all easements proposed to be vacated need to be included as part of the final map. Prior to recordation, the applicant shall demonstrate to the satisfaction of the City Engineer that the proposed subdivision will not unreasonable interfere with the use of any easement holder of property. Any omission or misrepresentation of these documents may require the tract map to be resubmitted for further consideration.

12. Provide copies of all recorded instruments referenced in the easements section pertaining to the project's legal description.
13. Prior to the tract map approval, the Title Company must submit a Final Subdivision Guarantee to the Engineering Department.
14. All subdivisions must have centerline ties and survey property monuments set by a licensed Land Surveyor or a qualified Professional Civil Engineer as shown on the recorded subdivision. All final monuments shall be set by the Engineer of record within one year of the tract map recordation; adequate monumentation bond is required prior to the final map approval.
15. Prior to the issuance of the building permits, the tract map shall be recorded to reflect the new lot lines, easements and Fire Department access. Mylar copies of the map with the Los Angeles County Recorder's Office official stamp must be submitted to the Engineering Department.
16. Prior to the map recordation, developer shall post security guaranteeing the construction of all public improvements for the proposed subdivision, including but not limited to: driveway approaches, sidewalk, curb and gutter, street paving, parkway landscaping, existing and proposed overhead lines undergrounding, water, sewer, and storm drain improvements.
17. The aerial subdivision shall be approved by the Department of Real Estate and new parcel numbers shall be issued by the Los Angeles County Assessor's Office preferably prior to the issuance of the building permits but no later than prior to the Certificate of Occupancy approval.
18. Applicant/Developer shall ensure that a condominium association is established for the purpose of maintaining all driveways, common areas, private utilities and joint use of parking and access for the benefit of all individual condominium units. The association documents, including any necessary Covenants, Conditions and Restrictions (CC&Rs) shall be approved by the City Attorney and recorded on the grant deed prior to approval of the Certificate of Occupancy.

FIRE DEPARTMENT

19. The proposed building shall be equipped with automatic sprinkler protection installed in accordance with NFPA 13 per Section 903.3.1.1. Class I standpipe hose connection complying with LACBC Section 905 at the rear of the property with directional signage.

20. The building shall be constructed as two stories of a Type V residential construction above one-story of a Type IB parking garage. The parking garage shall be separated from the residential floors above by a 2-hour horizontal assembly per LACBC, Section 510.4.
21. Both interior exit stairways for the proposed building shall be enclosed in 2-hour fire barriers and provided with Class I standpipe hose connections.
22. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
23. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
24. Fire Apparatus Access Roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Fire Code 505.2

Water System Requirements

25. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
26. The required fire flow for the public fire hydrants for this project is 4000 gpm at 20 psi residual pressure for 4 hours. Two public fire hydrant(s) flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
27. Fire flow may be recalculated after the required Fire Flow Availability form, Form 196 is received and reviewed.
28. Install one new public fire hydrant on Garey Avenue by the north property line. The required fire hydrant location may be revised upon review of the required Form 196.

29. Submit the completed original copy of the Fire Flow Availability Form (Form 196) for the new required public fire hydrant. The fire flow data shall be submitted to the County of Los Angeles Fire Prevention Engineering prior to the issuance for building Permits.
30. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
31. The required public fire hydrant shall be installed prior building permit issuance. Upon completion verification of fire flow and installation shall be submitted to the County of Los Angeles Fire Department, Fire Prevention Engineering for review and approval.

APPROVED AND ADOPTED THIS 27TH DAY OF JUNE, 2018.

LUIS M. JUAREZ
PLANNING COMMISSION CHAIRPERSON

ATTEST:

EMILY STADNICKI
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

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

PC Resolution No.
Tentative Tract Map No. 77197 (TRACTMAP 8416-2017)
2145 N. Garey Avenue
Page 9 of 9

AYES:
NOES:
ABSTAIN:
ABSENT:

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.